



**MAYOR & COUNCIL
THE BOROUGH OF PEAPACK & GLADSTONE
BOROUGH COUNCIL MEETING MINUTES
NOVEMBER 20, 2018**



The regular meeting of the Mayor and Council of the Borough of Peapack & Gladstone was held on Tuesday, November 20, 2018 at the Municipal Complex, 1 School Street, Peapack, New Jersey and began at 7:01 p.m.

Mayor Muller called the meeting to order. Borough Clerk Nancy A. Bretzger read the Sunshine Notice "Pursuant to the Open Public Meetings Act, Adequate notice of 2018 Meeting Dates was published in the Courier News and Bernardsville News on September 20, 2018, and posted at the Municipal Complex and the Borough Library. Action may be taken."

Mayor Muller led the Pledge of Allegiance.

Roll Call indicated the following present: Mayor Muller, Councilman Caminiti, Council President Corigliano, Councilwoman Dietrich, Councilman Lemma, Councilman Smith

Not present:

Also present were: Christopher Tietjen, Assistant Administrator, Mr. John Bruder, Esq., Borough Attorney and Nancy A. Bretzger, Borough Clerk

EXECUTIVE SESSION

Resolution No. 196-18 – Authorization for Executive Session for Certified Specified Purposes – Personnel – Borough Administrator and Borough Clerk was read. Motion was made by Councilman Smith, seconded by Councilwoman Dietrich. Said motion was carried unanimously.

Councilman Simpson arrived at 7:29 p.m.

Public Meeting reconvened at 7:32 p.m.

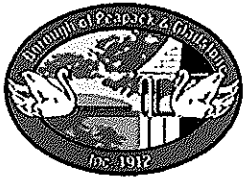
PUBLIC COMMENTS – 5 MINUTES PER PERSON – NON-AGENDA ITEMS

Mayor Muller asked if any member of the public wish to speak about non-agenda items.

MINUTES

Mayor Muller asked if there was a motion and second to accept the Regular Meeting minutes of October 9, 2018. Councilman Smith motioned to accept the minutes, seconded by Councilman Caminiti. Said motion was passed unanimously.

Mayor Muller asked if there was a motion and second to accept the Regular Meeting minutes of October 23, 2018. Councilwoman Dietrich motioned to accept the minutes, seconded by Councilman Lemma. Said motion was passed with Councilman Smith abstaining.



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ORDINANCES

Mayor Muller stated that **Ordinance 1063-2018** – An Ordinance Appropriating Certain Monies Held by the Borough of Peapack & Gladstone for the Paving on Willow Avenue has been TABLED.

Mayor Muller introduced **Ordinance 1067-2018** – An Ordinance Appropriating Certain Monies Held by the Borough of Peapack & Gladstone for the Paving on Willow Avenue. Councilman Smith moved to pass the Ordinance at first reading, seconded by Councilman Caminiti. Said motion was carried unanimously. Mayor Muller stated that Ordinance 1067-2018 is introduced and shall be published in summary in the Bernardsville News and the Public Hearing for said Ordinance shall be held on December 18, 2018 at 7:30 p.m. or shortly thereafter.

Mayor Muller asked for a motion and second to open the Public Hearing for **Ordinance 1064-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IX, Titled “Affordable Housing”.

Council President Corigliano spoke regarding the three ordinances that are on the agenda tonight for adoption, and stated that the LUB has reviewed and approved the ordinances. He then introduced John Szabo, the Borough Planner who was to make a summary presentation on Affordable Housing and its implications,

Councilman Caminiti moved to open the hearing for Public Comment for **Ordinance 1064-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IX, Titled “Affordable Housing”, seconded by Councilwoman Dietrich. Said motion was carried unanimously.

Christopher Downing – 99 Main Street – Mr. Downing stated that he believes that the amount of housing this plan calls for is inappropriate at the site at the end of Apgar. He feels that the site across from the Peapack Train Station is more appropriate. He wants his comments put on the record again.

Councilman Caminiti moved to close public comment for **Ordinance 1064-2018** An Ordinance to Amend and Supplement Chapter XXIII, Article IX, Titled “Affordable Housing”, seconded by Council President Corigliano. Said motion was carried unanimously.

Councilman Caminiti moved to Adopt **Ordinance 1064-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IX, Titled “Affordable Housing”, seconded by Councilwoman Dietrich. Said motion was carried unanimously.

Mayor Muller asked for a motion and second to open the Public Hearing for **Ordinance 1065-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IV, Titled “Land Development Ordinance” of the Revised General Ordinances of the Borough of Peapack and Gladstone Creating an Affordable Housing Zone within the Borough.

Council President Corigliano explained that this ordinance establishes an affordable housing district that consists of two lots, the Elks and the American Legion properties on Rt. 206.

Councilman Caminiti moved to open public comment for **Ordinance 1065-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IV, Titled “Land Development Ordinance” of the Revised



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General Ordinances of the Borough of Peapack and Gladstone Creating an Affordable House Zone within the Borough, seconded by Council President Corigliano. Said motion was carried unanimously.

No one came forward.

Councilman Caminiti moved to close public comment for **Ordinance 1065-2018** An Ordinance to Amend and Supplement Chapter XXIII, Article IV, Titled "Land Development Ordinance" of the Revised General Ordinances of the Borough of Peapack and Gladstone Creating an Affordable House Zone within the Borough, seconded by Councilman Lemma. Said motion was carried unanimously.

Councilman Smith moved to Adopt **Ordinance 1065-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IV, Titled "Land Development Ordinance" of the Revised General Ordinances of the Borough of Peapack and Gladstone Creating an Affordable House Zone within the Borough, seconded by Councilwoman Dietrich. Said motion was carried unanimously

Mayor Muller asked for a motion and second to open the Public Hearing for **Ordinance 1066-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IV, Titled "Land Development Ordinance" of the Revised General Ordinances of the Borough of Peapack and Gladstone to Permit Group Homes within a Permitted Residential Health Care Facility in the RE, Rural Estate Zone.

Council President Corigliano explained that this allows Matheny to build two group homes for ten individuals on their site. These are part of the settlement earlier this year with Matheny.

Councilman Caminiti moved to open public comment for **Ordinance 1066-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IV, Titled "Land Development Ordinance" of the Revised General Ordinances of the Borough of Peapack and Gladstone to Permit Group Homes within a Permitted Residential Health Care Facility in the RE, Rural Estate Zone, seconded by Councilwoman Dietrich. Said motion was carried unanimously.

No one came forward.

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John Szabo then presented a slide show pertaining to the ordinances that were just adopted. He stated that nothing has changed within the settlement agreement. He stated that the Borough is working on the compliance of the settlement agreement. He explained the Mount Laurel process and the fact that we're in the third round. Mr. Szabo continued to go through the settlement agreement and what the



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Borough is still responsible for. He explained the mechanisms to address the obligation of the Borough. By using the Smith Property you are getting 100% affordable housing. He explained that the Borough is legislating to all the construction of up to 78 units, or 104 Affordable Housing credits. This is calculated by receipt of 26 credits for the rentals. He stated that what the plan tries to do is take advantage of where things were going to happen anyway.

Councilman Simpson asked why the plan doesn't put more units at the Elks property. Mr. Szabo responded that the property has steep slopes and can only handle a certain density. Councilman Simpson also asked if people can buy affordable housing. Mr. Szabo answered no, the affordable housing units will be deed restricted for 30 years as rentals. Mayor Muller asked if the Borough is able to send money to Perth Amboy as done in the past under a Regional Contribution Agreement. Mr. Szabo said that regional contribution agreements are not allowed at this point, but he hopes that these are considered in the future.

The Mayor asked if anyone in the audience had any questions for John Szabo.

Ron Hill – Gladstone – Mr. Hill asked if there will be any reconstruction of the Apgar Ave to have an extra 28 units at the end. He noted that there are currently 13 homes and it's a narrow street. Council President Corigliano noted that this plan was filed 15 years ago and was set aside then for Affordable Housing. He noted that it's 20 plus two 4 bedroom group homes. Mr. Szabo stated that Fair Share would not allow the property to not be part of the plan. The Borough has to make a reasonable effort to develop that property.

Councilman Simpson departed at 8:30 p.m.

Christopher Downing – Main St. – Mr. Downing asked if we have a number why should it matter where we put the units if we fulfill all of the obligation. Mr. Szabo explained more regarding the legal process of the Fair Share Housing. He noted that the Borough needed to put a plan together to fulfill their obligation to avoid a builder's remedy lawsuit and not get hit with a greater obligation.

The Mayor thanked the professionals that worked on this settlement to come up with the best scenario for the Borough. Council President Corigliano noted that when the Council in 2005 agreed to 28 units at the end of Apgar, their backs were probably against the wall and at that time, it was the most optimal solution.

OLD BUSINESS

Mayor Muller reminded everyone that the next Council meeting will be on Tuesday, November 27, 2018 at 7:00 p.m. for discussion on Improvements to Liberty Park with Carter van Dyke Landscape Associates, LLC. The Mayor stated that he will be using information from the September meeting and will present some possible ideas. John Bruder stated that the DEP has listed the Borough's case for mediation on the Letter of Interpretation (LOI) appeal and they want to have a phone conference on Wednesday, 11/28. He will determine what needs to be prepared for the conference and will advise.

Property Maintenance Ordinance – The Mayor explained that the ordinance was passed in October 2017. It was stated that Council would revisit this ordinance a year later to see where the Borough stood



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with this ordinance. Ms. Noll stated that she has received suggestions and needs additional time to come back to the Mayor and Council with recommendations.

NEW BUSINESS

Roads Committee Fall Report – Councilman Smith stated that the Roads Committee members are Scott Hanna, DPW Director; Councilwoman Dietrich; Chris Tietjen, Borough Administrator; and Steve Ferrante, Officer in Charge (OIC). The year was tough because of contracting and weather issues. There were ten projects planned and there have been five roads completed. He noted that two of the roads have grant money, Willow Ave. and the middle section of Mosle Road. Willow Ave. has been deferred to April 2019 and Mosle Road will go out to bid early in the year and be paved early Spring. Highland Ave. was deferred and the Borough is attempting to get grant money for this project. Trimmer Lane has a sub-base that is not good enough to repave so that will be looked at again in the future. The Holland Ave. sidewalks are more expensive than the \$40,000 appropriated so funding has to be reconsidered in 2019. Future plans for local streets include paving Tiger Hill Drive and Louise Lane.

Councilwoman Dietrich stated we've been working on adding or replacing signage at pedestrian crossings throughout town. She said they discussed with the County reducing the speed limit on Old Chester Road and that the County indicated that a report could come back in support of a higher speed limit.

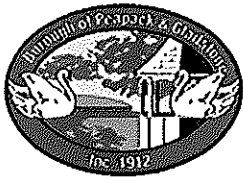
Councilman Smith added that the number one recommendation from the County is enforcement. Councilwoman Dietrich said that the County also confirmed that the "your speed is" signs are very effective.

MISCELLANEOUS DISCUSSION/APPROVALS

Best Practices for 2017 – Chris spoke regarding the Best Practices. He said that he met with Nancy Bretzger, Borough Clerk; Mary Robinson, CFO; and Randy Bahr, consultant to Borough to fill out the questionnaire and expects to receive full state funding.

Rockabye Meadow Park Pedestrian Footbridge Project -- The Mayor stated that this park is part of the trail system and there has been an effort to potentially add footbridges at two locations at the north in Rockabye Meadow and south end by Railroad Avenue. The DEP has approved the north end bridge. The Environmental Committee will get price estimates and plans and will look for grants. Mr. Kappler stated that there needs to be a cost analysis first in order to apply for grants. There are big grants available for this kind of project. He suggests that if we connect paths with two bridges it could result in more grant money. He asked if the Environmental Commission should pursue the second bridge as well and get a DEP permit in order to get a grant that ties the two together. He wants them to use their own budget to get a bid specification and cost analysis done on the first bridge.

The Council discussed if Beth Davisson will be used to obtain a grant. It was asked if a copy of the DEP permit is on file and to check the fine print in order to avoid any unforeseen costs, specifically tied to erosion concerns. It was asked if the Trails committee has been involved. Council President Corigliano stated that the trails are not completed, easements are not available, and why are we not putting money into the trails before we are considering pursuing the Rockabye Meadow bridge, a bridge that



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said that the attachment needs to be amended. On page five of the attachment the accessory apartment invoice shows an allocation of \$25,000 per accessory and it should be \$10,000 as that's what has been discussed all along. A super-ceding motion was made to approve the resolution subject to the amendment to the attachment. Motioned by Council President Corigliano, seconded by Councilman Lemma. Council President stated that if someone should choose to take an accessory apartment and make it an affordable housing unit, they would get a \$10,000 contribution from the affordable housing trust fund to help with the conversion cost in exchange for it being deed restricted as affordable for 30 years. Said motion was passed unanimously.

Resolution No. 202-18 Resolution of Intent to Bond in the Event of a Funding Shortfall was read. Motioned by Councilman Lemma, seconded by Councilman Caminiti. Council President Corigliano explained that this gives the Borough the option to issue a bond if it falls short of affordable housing funds to accomplish the goals to which the Borough has committed. Said motion was passed unanimously.

Resolution No. 203-18 Resolution for Year End Budget Transfers was read. Motioned by Councilman Lemma, seconded by Council President Corigliano. Said motion was passed unanimously.

Resolution No. 205-18 Authorizing Borough Police Department to Participate in Somerset County Thanksgiving Weekend DWI Safe Passage Grant was read. Motioned by Councilman Lemma, seconded by Councilwoman Dietrich. Councilman Caminiti noted that this yearly grant allows for patrols that start tomorrow at \$60/hour for the officers. Said motion was passed unanimously.

Resolution No. 206-18 Resolution Providing for the Insertion of a Special Item of Revenue in the 2018 Budget for the Driving While Intoxicated Enforcement Grant Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) was read. Motioned by Councilman Lemma, seconded by Councilman Caminiti. Said motion was passed unanimously.

BILLS LIST

Resolution No. 204-18 Approval of Bills as signed and listed on the Bill Payment List in the amount of \$1,188,661.35. Motion to approve was made by Councilman Caminiti, seconded by Councilwoman Dietrich. Council discussed several items. A payment to Anderson & Denzler referencing Nicholas Villa is on the list. It is paid out of an escrow account. The payment for medical first aid kits was discussed. The Happy Rockers Christmas lunch payment was questioned. Council President stated that the trust fund account has been used as a clearing house and that the group is going to be asked to make their own disbursements. The range membership for police officers was discussed. Said motion was passed unanimously.

COUNCIL REPORTS

Finance – Council President Corigliano stated that he along with several other Borough employees and Council Members attended the League conference in Atlantic City. He finds the event to be valuable for its sessions and in making connections



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Sanitation & Sewer – Councilwoman Dietrich stated that they're working on agreement with the STAB and there is a meeting next week. It's been decided to simplify the agreement.

Borough Property – Councilman Caminiti reminded everyone of the meeting on Nov. 27 on Liberty Park. He noted that the roof repair to the building and the solar option for the roof should both be moving forward. He attended the League conference and while there met with the BPU to discuss improving the municipality's resilience in order to decrease power outages. There is a list of firehouse improvements and renovations that will be presented at the next meeting. He also addressed that the brush truck needs repairs and asked for Kingsley Hill to provide information on that and the five-ton vehicle incident.

Kingsley Hill stated that no money has been spent on the five-ton this year. At the conclusion of the car show, the fuel pump stopped because the battery was dead in the five-ton and it was stuck in the middle of the road. Five or six people decided to try to move it using the brush truck. As it turned out that the brush truck could not move it and that action damaged the transmission. It now needs a rebuilt transmission. Council asked why the five ton was at the car show and noted the vehicle was purchased for emergency response. Mr. Hill stated that it was being used to block the road and the people tried to do the best they could at the time. Council stated that going forward if it's a non-emergency situation the administrator should be included in the decision to use the vehicle in order to avoid potential unforeseen expenses. Mr. Hill discussed examples of when the vehicle is taken out at other times in order to keep it running smoothly and he doesn't support having to contact the administrator each time he wants to move the truck. Mr. Tietjen stated that the bigger issue is that it was not reported to his office when this happened at the end of September. This could have been covered by insurance instead of the general operating budget. He found out about the incident when the invoice was encumbered for the \$4500.00 to replace the transmission on the brush truck. Mr. Hill stated that they hoped that the transmission had simply overheated and that it was several weeks before they tried to take it out again and realized that the transmission didn't work. Council President Corigliano stated he didn't support the need for the truck and suggested we get rid of it.

Fire – Councilman Lemma stated he has nothing at this time.

Police & Information Systems – Councilman Lemma noted that it is suggested to fund a new patrol car in 2019 in case it is needed. The two new officers Kelly and Ortiz are patrolling on their own.

Roads & Transportation – Councilman Smith stated that there was a major snowstorm this past Thursday, with eight inches of snow versus the one or three forecasted. Smith stated that the local DPW made it out ok but the County was not able to get back here to plow. The Mayor stated that the Borough DPW department is short-handed and still did a good job with the roads. Scott Hanna stated that Old Chester and Pottersville Roads because of all the cars that were stuck.

Councilman Smith said that Council had asked him to follow up with the NJDOT regarding the Rt. 206 and Pottersville Road upgrades and the contact there has not been able to locate the construction status.



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Zoning & Construction - The Mayor said that there will be an ongoing discussion regarding the property maintenance ordinance as everyone knows. He added that we tried a shared service in these departments, which didn't work, but things are running well.

Legal - Mr. Bruder said he is working on a number of items. He was asked about the letter that went to Matheny; it has resulted in a meeting that will be set up. Nothing else to report at this time.

Administrator's Report - Mr. Tietjen stated that the Willow Ave. repaving project will be postponed to April. The other item is that the Municipal Shared Court will be interviewing candidates for a Municipal Defender and Prosecutor next week.

Mayor's Report - The Mayor noted that the meeting next week concerning Shared Court will include the Administrator, Mayor and another member of the Council. They will go over what the Court has done, reappoint people and determine salaries, and get a report from the Judge on how the Court is functioning. He reiterated that the Park meeting will be next week with a presentation from Carter van Dyke.

PUBLIC COMMENTS - 3 MINUTES PER PERSON - AGENDA ITEMS ONLY

No one came forward at this time.

Executive Session

Mayor Muller stated that there was no need to go back into Executive Session at this time.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Council President Corigliano, seconded by Councilwoman Dietrich, that this meeting be adjourned at 10:13 p.m. This motion was carried unanimously.

Respectfully Submitted,

Nancy A. Bretzger, Borough Clerk