

**MAYOR & COUNCIL
THE BOROUGH OF PEAPACK & GLADSTONE
BOROUGH COUNCIL MEETING MINUTES
MAY 14, 2019**



The regular meeting of the Mayor and Council of the Borough of Peapack & Gladstone was held on Tuesday, May 14, 2019 at the Municipal Complex, 1 School Street, Peapack, New Jersey and began at 6:45 p.m.

Mayor Skinner called the meeting to order. Borough Clerk Nancy A. Bretzger read the Sunshine Notice "Pursuant to the Open Public Meetings Act, Adequate notice of 2019 Meeting Dates was published in the Courier News and Bernardsville News on December 13, 2018, and posted at the Municipal Complex and the Borough Library. Action may be taken."

Mayor Skinner led the Pledge of Allegiance.

Roll Call indicated the following present: Mayor Skinner, Councilman Caminiti, Council President Corigliano, Councilwoman Murphy, Councilman Smith, Councilman Sweeney

Not present: Councilwoman Dietrich

Also present were: Christopher Tietjen, Administrator, Mr. John Bruder, Esq., Borough Attorney, Mr. Roger Thomas, Esq., Land Use Board Attorney, and Nancy A. Bretzger, Borough Clerk

EXECUTIVE SESSION

Resolution No. 89-19 – Authorization for Executive Session for Certified Specified Purposes – (1) COAH – Smith Tract Affordable Housing was read. Motion was made by Councilman Sweeney, seconded by Councilman Smith. Said motion was carried unanimously.

Public Meeting reconvened at 7:33 p.m.

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

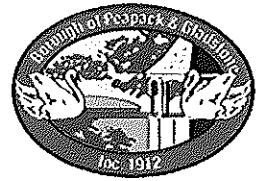
Mayor Skinner asked if any member of the Public wish to speak about non-agenda items.

Ken Tiger – St. Johns Drive, Gladstone – Mr. Tiger stated that he is concerned about robberies in this town. He brought up the recent shooting in Colorado, a demonstration by young kids at a mosque in Philadelphia and that there is a crisis at the border. He brought up the mosque in Liberty Corner. He is concerned about safety and would like to see a random police presence at the town churches. He believes we should be proactive, not reactive because the world is changing and things can happen. There was discussion that the OIC would speak with the clergy of the churches to discuss having a police presence.

Ann Todd – 9 Maple Street – Ms. Todd said that Holland Ave. sidewalks have been an issue for the last four years and she would like an update. She said she spoke with the bridges and roads person from the County and she was told that at Komline it is a dangerous road and that there shouldn't be a crosswalk there. She said that people have to be able to cross the street. Councilman Sweeney stated that there will be a meeting with the County on the 22nd and this is one issue that they will be discussing. The Borough Engineer is also working on plans for a sidewalk and the Borough is looking for grants. Ms. Todd also asked if the signs that she's been asking for that flash your speed can be put on the road before



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summer. Councilman Sweeney noted that he can ask the police if they can put temporary ones there and that signs were budgeted but putting those in place has to be coordinated by the Borough and the County. She stated that her kids will be riding their bikes to summer camp in town.

Proclamation for the EMS –Mayor Skinner asked Ms. Ryan, President of the First Aid Squad to come forward as he read the proclamation for the Emergency Medical Services Week, May 19-25, 2019. Ms. Ryan thanked the Council.

Mayor Skinner stated that the Borough’s Emergency Medical Services, Police Department, Fire Department and County Emergency Management conducted an active shooter drill at Fin Pro on Sunday, May 4, 2019. Councilman Caminiti and his family were role players. It was a very successful drill and they got much out of it. It was fitting that it was just before Emergency Medical Services Week.

Mayor Skinner noted that tomorrow is Police Peace Officers’ Memorial Day and by public law flags will fly at half-staff throughout the nation.

Mayor Skinner introduced two honored guests. Mayor David Nagy of Maidstone, England, Great Britain and his wife. Mayor Skinner noted that Mayor Nagy was born in Trenton, New Jersey and is a Mayor in Great Britain, while he was born in Great Britain and is a Mayor in New Jersey. Mayor Skinner gave the guests an official gift pertaining to the history of Peapack and Gladstone in order to commemorate their visit. Mayor Nagy spoke and explained the connections between Maidstone and Peapack. He said that he is very impressed with what he has seen here and it seems like a really nice place to live.

MINUTES

Mayor Skinner asked if there was a motion and second to accept the Regular Meeting minutes of April 23, 2019. Councilman Smith motioned to accept the minutes, seconded by Councilwoman Murphy. Said motion was passed.

Mayor Skinner asked if there was a motion and second to accept the Executive Session Meeting minutes of April 23, 2019. Councilman Caminiti motioned to accept the minutes, seconded by Councilwoman Murphy. Said motion was passed.

Mayor Skinner asked if there was a motion and second to accept the Special Work Session Meeting Liberty Park Improvements of April 25, 2019. Councilman Smith motioned to accept the minutes, seconded by Councilman Caminiti. Said motion was passed.

ORDINANCES

Mayor Skinner asked for a motion and second to open the Public Hearing for **Ordinance 1072-2019** An Ordinance of the Borough of Peapack and Gladstone Prohibiting Smoking in Borough Parks, Open Spaces and Recreational Areas. Councilman Caminiti moved to open the hearing for Public Comment for **Ordinance 1072-2019** An Ordinance of the Borough of Peapack and Gladstone Prohibiting Smoking in Borough Parks, Open Spaces and Recreational Areas, seconded by Councilwoman Murphy. Said motion was carried unanimously.

No one came forward.



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Councilman Sweeney moved to close public comment for **Ordinance 1072-2019** An Ordinance of the Borough of Peapack and Gladstone Prohibiting Smoking in Borough Parks, Open Spaces and Recreational Areas, seconded by Councilwoman Murphy. Said motion was carried unanimously.

Councilman Smith moved to Adopt **Ordinance 1072-2019** – An Ordinance of the Borough of Peapack and Gladstone Prohibiting Smoking in Borough Parks, Open Spaces and Recreational Areas, seconded by Councilwoman Murphy. Said motion was carried unanimously.

Mayor Skinner introduced **Ordinance 1073-2019** – An Ordinance Amending Ordinance #1046-2017 to Appropriate Additional Monies Held by the Borough of Peapack and Gladstone for Improvements to Liberty Park. Councilman Smith moved to pass the Ordinance at first reading, seconded by Councilman Caminiti. Said motion was carried unanimously.

Mayor Skinner stated that **Ordinance 1073-2019** is introduced and shall be published in summary in the Bernardsville News and the Public Hearing for said Ordinance shall be held on June 11, 2019 at 7:30 p.m. or shortly thereafter.

Mayor Skinner stated that **Ordinance 1074-2019** – An Ordinance Repealing Chapter IX, "Personnel Policies", of the Borough Code of the Borough of Peapack and Gladstone, County of Somerset, State of New Jersey is being tabled at this time.

Mayor Skinner excused himself from the meeting at 7:58 p.m. and turned it over to Council President Corigliano.

Council President Corigliano asked for a motion and second to open the Public Hearing for **Ordinance 1071-2019** – An Ordinance to Amend Section 23-39.2 of the Land Development Ordinance Concerning Conditional Uses, to Include Recreational Facilities Owned and/or Operated by a School as a Conditional Use in the RR-3 Zone. Councilman Sweeney moved to open the hearing for Public Comment for **Ordinance 1071-2019** An Ordinance to Amend Section 23-39.2 of the Land Development Ordinance Concerning Conditional Uses, to Include Recreational Facilities Owned and/or Operated by a School as a Conditional Use in the RR-3 Zone, seconded by Councilman Smith. Said motion was carried unanimously.

Jane Nolan - 4 Hunt Lane, Gladstone – Ms. Nolan stated that she was surprised at how quickly this ordinance came out. She asked that the vote be postponed until she can reach out to a lawyer and can look into this properly. She showed a picture from 1996, she had purchased her home in 1994. She noted that at that time the school was just a high school with about 130 people. Now enrollment is almost 700. She showed a current picture. She stated that there are permanent bleachers that they're not supposed to have. She said that the school removed an easement put long jump pits there, behind her house. She noted that when the school put up a new fence they came onto her property and cut branches from her trees. She believes this is very arrogant. She stated that the school leases the fields to club teams. She stated that the teams make much noise and when she asked for a schedule of events, the school refused to give it. She feels that there is nothing that the school gives back to this town. She stated that the ordinance puts the neighbors only one hundred feet from whatever is built. She feels that it is only in the interest of the school and not the neighbors. Council President Corigliano stated that the ordinance wouldn't address the needs of the neighbors, that would be addressed in the settlement agreement.



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Mr. Thomas said that he would be happy to discuss specifics. He spoke about the history of this settlement. He said it all started with a revision of the master plan that was approved in 2015. This included a number of recommendations related to Matheny, houses of worship, and public and private schools. He noted that an ordinance was adopted in 2015 that eliminated both houses of worship and public and private schools being permitted in the RR 1, 2, 3, 4,5 & RE zones. That generated litigation by Gill. There are 44 acres owned by Gill that are located in Peapack and Gladstone. He explained the settlement agreement with Gill and the Borough. He said that additional limitations have been placed on the litigant and that there are enforcement mechanisms in place if there are complaints.

Councilman Smith asked about the expanded field activities that are taking place and what can be done to limit Gill's use of the fields in order to not disturb the neighbors. Mr. Thomas responded that the municipality has very limited rights to restrict the Inter-Scholastic activities that all public and private schools are engaged in. He stated that the club activities will be limited to specific hours.

Council President Corigliano asked that Ms. Nolan continue with her comments. Ms. Nolan asked Mr. Thomas about the lot and where a building can be developed. Mr. Thomas responded that under the old ordinance any buildings whether recreational or other could be closer so this ordinance does a great deal to protect residents by offering greater buffers. Ms. Nolan asked if the school is going to build would it go through the Land Use Board and if they have any site plans currently pending. She was told that they do not have anything pending and that a site plan approval by the Land Use Board would be required. She feels that they are very antagonistic and have no regard of the neighbors. Mr. Thomas believes that there are now defined areas within which that they can build, there are rather substantial limitations on where they can't build, and the Borough can control investigating violations and providing penalties.

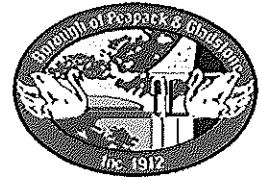
Mr. Bruder spoke about the litigation. He stated that the court made it clear that they did not consider it appropriate to put any limitations on school sponsored or club sporting activities. The Borough made as many inroads as they could take, including the restrictions on times. Ms. Nolan asked what could be done to challenge and change the activities permitted. Council President Corigliano explained that this agreement took several years and that she and her neighbors were at the forefront of their concerns. He thinks that they're doing what's best for the residents within the constraints of the law.

Councilman Sweeney asked Mr. Thomas if any of these restrictions could have been imposed outside of this litigation. Mr. Thomas stated that the litigation allowed the Borough to try to put limitations on that were not there. Ms. Nolan stated that the baseball fields continue to have no external uses based on a 2010 resolution but that there can't be anything done to limit the external use of the track and the turf fields near her. Council President Corigliano affirmed her statement and stated that the Borough has spent years and tens of thousands of dollars on this litigation

Mr. Bruder stated that the Borough had no recourse to start making demands about the use of the fields. Councilman Smith had interjected this concept after meeting with residents and at that point the Borough had already been in negotiations dealing strictly with the land use. At the next meeting with Gill when the Borough brought the issue of field use restrictions to the table, Gill walked away and this almost ended the negotiations altogether. Both Mr. Thomas and Mr. Bruder stated that they were not aware that other Boroughs have imposed restrictions on usage of fields by schools. Mr. Bruder



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continued that the court made it clear that it did not view limitations favorably and that there is no legal basis to do so.

Fred Ruck - 4 Meadowview Road – Mr. Ruck asked about the penalties to the clubs. Mr. Thomas explained the penalties and the reasons behind them. He stated that the Zoning Officer has some enforcement ability in regards to violations as per the settlement agreement. Mr. Ruck asked about the accountability of the school. Mr. Thomas answered that the school makes money off of the use of the fields and is penalized if the use is stopped. Mr. Ruck also asked about the headlights that affect Ms. Nolan's house, and if there was a lighting ordinance. Council President Corigliano responded that any of the Council members would be happy to facilitate a relationship between Gill and the neighbors in order to address the concerns of the residents. He encouraged residents to reach out.

Arlene Fitzgerald - 2 Meadowview Road – Ms. Fitzgerald said that she has the same concerns as Ms. Nolan. The issue she brought up are baseballs because she lives behind the baseball field. She stated that in the past a baseball went through her 2nd floor window. She feels that there needs to be more respect from the Gill school to the neighbors. Gill's initial response when the ball went through her window was to ask if she had insurance, although eventually they did reimburse her. She believes it was the headmaster who said this to her husband within the last seven years at the time the incident occurred. She continued by asking if there is a noise ordinance. Councilman Smith responded that noise ordinances have to be approved by the NJDEP and require special instruments to test, and are difficult to get in place and then enforce. Councilman Smith continued that he had looked at a nuisance ordinance as a more local way of dealing with another issue, not with Gill.

John Kappler – Holland Ave. – Mr. Kappler noted that there is a state law that there is no idling after three minutes.

Bill Muller – Pottersville Rd. – Mr. Muller brought up that it is his understanding the town of Morristown sued Morristown Hospital because they were leasing out the buildings for doctors' use. He believes that the hospital is now paying property taxes to Morristown. In light of that, if Gill is drawing revenue from the clubs can the Borough charge real estate taxes. Mr. Thomas explained his understanding of the Morristown case. Council discussed the possibility of investigating this.

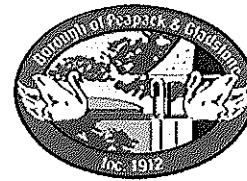
Councilman Sweeney moved to close public comment for **Ordinance 1071-2019** An Ordinance to Amend Section 23-39.2 of the Land Development Ordinance Concerning Conditional Uses, to Include Recreational Facilities Owned and/or Operated by a School as a Conditional Use in the RR-3 Zone, seconded by Councilman Caminiti. Said motion was carried unanimously.

Councilman Caminiti moved to Adopt **Ordinance 1071-2019** – An Ordinance to Amend Section 23-39.2 of the Land Development Ordinance Concerning Conditional Uses, to Include Recreational Facilities Owned and/or Operated by a School as a Conditional Use in the RR-3 Zone, seconded by Councilman Sweeney.

Councilman Smith stated that after hearing the residents speak about noise issues, he would have expected Gill to have reached out and is disappointed that they haven't. In addition, he believes that the agreement should have had meaningful quiet time for the neighbors. He stated that for that reason he is not going to support this ordinance as proposed. Mr. Bruder stated that when they were discussing this



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with Gill, they noted that there was only one neighbor complaining and that they had made efforts to be good neighbors but the Borough representatives knew that Councilman Smith had noted multiple neighbors had complained. Mr. Bruder thinks the Council should facilitate an open forum for Gill and the neighbors to see what other accommodations they might make. Council President Corigliano supported this idea and spoke about the litigation. Councilman Caminiti also supported that the neighbors use the Council to help them put some auxiliary tools at work. Councilman Sweeney stated that when he came back onto the Council and saw the settlement agreement, he was struck by how many limitations were imposed on Gill.

Said motion passed, with four Council members voting yes and Councilman Smith voting no.

OLD BUSINESS

Liberty Park Renovations – Councilman Smith said that a handout is included in the package that has the scope and funding options resulting from the April 25, 2019 Special Meeting. He noted that revised plan #1 adds the various features to remove Park Avenue and totals \$1.1 million. He said that in revised plan #2 he tried to reduce the cost to \$750,000 by eliminating the lighting, the floating islands, trash receptacles, and benches and he got the number down to \$850,000. There is a Green Acres grant for \$101,000. Councilman Smith would like to go with the revised plan #1. It substantially increases the size of the park and allows better use of the Scout cabin and tot lot. Council President Corigliano stated that Council should wait until the next meeting when the Mayor and Councilwoman Dietrich are present. He asked Councilman Caminiti and Councilman Smith to prepare for a full discussion at the next meeting.

Fire Truck 51-3 Repairs Update – Councilman Smith stated that the repairs have been completed and the truck is back in service.

Councilman Smith stated that the International Brotherhood of Teamsters has advised that the initial meeting for the DPW contract negotiations has been postponed. No new date has been set.

NEW BUSINESS

Phoslock/Raking of Pond – Councilman Smith said that this can be skipped right now because there will be a delay of about a month to get funding from a Green Acres grant.

County Meeting – Councilman Smith attended a meeting at the County and he noted that on a handout there the Peapack Gladstone trail system was a blank sheet. He spoke with the County engineer and was invited to a special meeting that Mayor Skinner and John Kappler also attended. He believes that they made significant progress in getting the master plan for the local trails network embedded into the County master plan, which is important in case the Borough ever wants to get grants for footbridges.

Councilman Smith said that he was curious why the Borough's trail system was a blank sheet at the County meeting he had attended. He looked at Trails Committee resolutions and said that the Trails Committee legislatively expired in 2013. He continued that the Environmental Commission by ordinance can have the Trails Committee as a sub-committee. He asked if the Council has any objection to making the Trails Committee a permanent sub-committee under the Environmental Commission. Mr. Bruder will get back to the Council at the next meeting on how to proceed.



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Fire and EMS Annual Dinner is Friday, May 17, 2019. Councilman Smith gave a reminder to the Council.

Fire Department Presentation to Council Regarding the Proposed Replacement of the Rescue 51 Vehicle is planned for the June 25, 2019 Borough Council Meeting. Councilman Smith made note that this presentation will take place.

MISCELLANEOUS DISCUSSION/APPROVALS

Recreation Contracts – Councilman Sweeney stated that he spoke with the Recreation Commission regarding the two contracts for bands for the Art in the Park event. He said that the first issue is that they'd like four hours of music during the event and so two bands at 90 minutes each with the potential of them playing past their scheduled time is a better option than to have one band do the whole event. He continued that the cost nets out by revenues generated and he doesn't have a problem with the cost. Councilwoman Murphy feels that the fees are reasonable. It was stated that the balance of the payment for both bands could come out of the trust fund. Council concurred that the entire payment for the two bands will be paid out of the Trust Fund and not from current budget.

Councilman Caminiti stated that earlier Mayor Skinner brought up the active shooter drill done two Sundays ago. He continued that the Mayor was being extremely modest when he described the roles, responsibilities and activities of the first responders and that they were very impressive. He encouraged everyone to reach out and be appreciative and lend support in any way, and he thanked them.

Council President Corigliano asked if **Resolutions 90-19 through 98-19 and 100-19** could be considered as a consent agenda and asked for the Council members to review in case any one needed to be pulled out. Motion to approve these was made by Councilman Smith, seconded by Councilman Caminiti. Said motion was passed unanimously.

RESOLUTIONS

Resolution No. 90-19 Resolution to Approve Grant Agreement Between the Borough of Peapack & Gladstone and the State of New Jersey By and For the Department of Environmental Protection – Grant Identifier FS19-141.

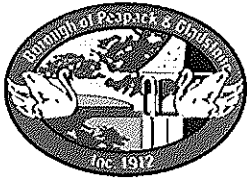
Resolution No. 91-19 Resolution to Refund Tax on Block 33, Lot 13.08.

Resolution No. 92-19 Resolution Providing for the Insertion of a Special Item of Revenue in the 2019 Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948).

Resolution No. 93-19 Resolution Authorizing Change Order #1 for the contract with American Asphalt, Inc. for the Willow Avenue Repaving Improvement Project in the amount of \$9,005.00.

Resolution No. 94-19 Authorization to Pay Vacation and Pro-Rated EMS Stipend to Thomas Skillman.

Resolution No. 95-19 Authorization to Pay Vacation and Pro-Rated EMS Stipend to Anthony Duarte.



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Resolution No. 96-19 Resolution to Enter Into an Agreement with Honorable C. Judson Hamlin as a Hearing Officer for a Designated Personnel Matter.

Resolution No. 97-19 Resolution Appointing a Municipal Prosecutor for the Shared Court in the Year 2019.

Resolution No. 98-19 Authorization for Tim Kearney to Become a Member of the Peapack & Gladstone Volunteer Fire Department.

Resolution No. 100-19 Authorizing Borough Police Department to Participate in Somerset County Click It or Ticket Detail May 20 – June 2, 2019.

BILLS LIST

Resolution No. 99-19 Approval of Bills as signed and listed on the Bill Payment List in the amount of \$1,039,914.99. Motion to approve was made by Councilman Sweeney, seconded by Councilwoman Murphy. Said motion was passed unanimously.

PUBLIC COMMENTS – 3 MINUTES PER PERSON – AGENDA ITEMS ONLY

Jane Nolan – 4 Hunt Lane – Ms. Nolan said that she wanted to go on record that it was not just she who complained. She asked about reducing the hours on weekends and also about removing the grand stands.

John Kappler – Holland Ave. – Mr. Kappler asked Mr. Tietjen if he was going to speak about surveys that need to be done. Mr. Tietjen said that he will speak to Council at another time.

John Bruder stated that he received the title search back on the Lime Kiln property and with Council concurrence he would prepare a deed for consideration. Council concurred.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Councilman Sweeney, seconded by Councilwoman Murphy, that this meeting be adjourned at 9:42 p.m. This motion was carried unanimously.

Respectfully Submitted,

Nancy A. Bretzger, Borough Clerk