



**MAYOR & COUNCIL
THE BOROUGH OF PEAPACK & GLADSTONE
BOROUGH COUNCIL MEETING MINUTES
OCTOBER 8, 2019**



The regular meeting of the Mayor and Council of the Borough of Peapack & Gladstone was held on Tuesday, October 8, 2019 at the Municipal Complex, 1 School Street, Peapack, New Jersey and began at 6:31 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 Dietrich, Councilwoman Murphy, Councilman Smith

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

EXECUTIVE SESSION

Resolution No. 163-19 – Authorization for Executive Session for Certified Specified Purposes – Contract Negotiations – (a) Farmland Preservation Acquisition (b) DPW Teamsters (c) Liberty Park Renovations – Princeton Hydro (d) Police Department (2) Litigation (a) Oster vs. Borough of Peapack & Gladstone was read. Motion was made by Councilman Caminiti, seconded by Councilman Smith. Said motion was passed unanimously.

Councilman Sweeney arrived at 6:55 p.m.

Public Meeting reconvened at 7:33 p.m.

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

Mayor Skinner asked if anyone has any non-agenda items.

Neil Gardiner – 2 Perry Street – Mr. Gardiner stated that we've been residents for about 20 years and over the last nine to twelve months the amount of train noise has increased substantially and has been annoying. Mr. Gardiner asked if this has been brought to Council's attention and is anything is being done about it. Councilwoman Dietrich answered that Council is aware of and has looked into the noise increase and has determined that blowing the whistle is a federal safety regulation. Councilwoman Dietrich stated that the Borough has written a letter to NJ Transit to ask if they can reduce the noise because it's an issue with residents. Council President Corigliano stated that the whistle is blown at the three grade crossings and the increase is likely because there are new engineers who are following the rules. Councilman Sweeney noted that Mayor Horton had reached an agreement with NJ Transit to lessen the noise but he wasn't sure how enforceable this was, and it was awhile back. Mayor Skinner stated that he has been trying to have a meeting with NJ Transit and this is one topic of discussion he plans to have with them. Mr. Gardiner asked about the three crossings and the fact that there are gates at just one of them, and if gates were installed at the others if that would mitigate the noise. Mayor



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Skinner responded that there is a program that the Borough would have to assume the costs for where lanes are installed and cars can't drive around gates. Council President Corigliano stated that these quadrant gates are cost prohibitive but they would result in the trains not using the horns if installed. Mr. Gardiner asked Mayor Skinner when he may meet with NJ Transit to discuss and what residents can do about this problem. Mayor Skinner said that he hopes to meet as soon as possible but to also call NJ Transit and complain because they are usually more responsive to the public.

MINUTES

Mayor Skinner asked if there was a motion and second to accept the Regular Meeting minutes of September 24, 2019. Councilwoman Dietrich motioned to accept the minutes, seconded by Council President Corigliano. Said motion was passed unanimously.

ORDINANCES

Mayor Skinner asked for a motion and second to open the Public Hearing for **Ordinance 1078-2019** – An Ordinance of the Borough of Peapack & Gladstone Establishing an Electric and/or Natural Gas Aggregation Program.

Councilwoman Murphy moved to open the hearing for Public Comment for **Ordinance 1078-2019** An Ordinance of the Borough of Peapack & Gladstone Establishing an Electric and/or Natural Gas Aggregation Program, seconded by Councilwoman Dietrich. Said motion was carried unanimously.

No one came forward.

Councilwoman Dietrich moved to close public comment for **Ordinance 1078-2019** An Ordinance of the Borough of Peapack & Gladstone Establishing an Electric and/or Natural Gas Aggregation Program, seconded by Councilman Caminiti. Said motion was carried unanimously.

Councilman Caminiti moved to Adopt **Ordinance 1078-2019** – An Ordinance of the Borough of Peapack & Gladstone Establishing an Electric and/or Natural Gas Aggregation Program, seconded by Councilman Sweeney. Said motion was carried unanimously.

Mayor Skinner introduced **Ordinance 1081-2019** – An Ordinance to Amend and Supplement Chapter XXIII, Article IX, Titled "Affordable Housing". Council President Corigliano moved to pass the Ordinance at first reading, seconded by Councilman Sweeney.

Council President Corigliano gave an explanation of the ordinance, noting that it was prepared by the Borough's professionals and revised the ordinance in a few minor ways in order to comply with requests by the Fair Share Housing Authority and the Court.

Said motion was passed unanimously. Mayor Skinner stated that Ordinance 1081-2019 is introduced and shall be published in summary in the Bernardsville News and the Public Hearing for said Ordinance shall be held on November 12, 2019 at 7:30 p.m. or shortly thereafter.



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OLD BUSINESS

Liberty Park Renovations – Councilman Smith explained that over the past month or so because of the surplus water flushing of the pond by NJ American Water there have been questions about doing this on a continuous basis. Councilman Smith contacted the Regional Director of NJ American Water and asked a series of questions. Councilman Smith asked if it would be safe to assume that this excess water will continue in the future, for example for the next five years. The Regional Director responded that they are trying to mitigate the need for excess water flushing and that they are making improvements to their systems. The Regional Director continued that the Borough could expect some flushing in the hottest summer months, for no more than three months each year. Councilman Smith was asked that if the Borough wanted water from NJ American Water in the off periods would they be required to purchase it as needed or would it be available free or at a low cost? The answer was that the water would not be free and that the Borough would need to get a metering system and would have to purchase it in order to flush the pond during a period when they don't have surplus water. The cost would be at published rates. Councilman Smith said that his final point was that if we do use the flushed water from NJ American Water and the State enacted water restrictions those would include water going into the park. Councilman Smith summarized that NJ American Water is doing their due diligence to reduce the supply of surplus water. If the Borough went ahead and purchased water to supplement the flushing for the entire year per Princeton Hydro's design rate, it would cost \$107,000 per year at the current rate. If we had a heavy rain year and got a full month of surplus water, it would cost \$58,000 per year; if we had an extremely wet year and got three months of surplus water, it would cost \$34,000 per year. That compares to the capital budget of approximately \$80,000 for the well itself and an estimated electric cost of \$3,600 a year. The payback depending on NJ American Water is less than one year to a maximum of two years. Councilman Smith's recommendation at this point is that this is nothing we can depend on and if we purchase the water it would be expensive.

Councilman Caminiti thanked Councilman Smith for this report because it gives the Council numbers to make proper decisions. Councilman Caminiti continued that presumably the well is going to give us the 35 gallons per minute, which is the minimum design rate, and we looked at this and the operating cost of the well. He said that the electrical cost is a maximum of \$300 per month if it is run 365 days per year but the cost will be much less because it will run much less. Councilman Caminiti stated that the prudent course to take based on these numbers that Councilman Smith presented and on the recommendation of the Borough Engineer is that we move forward with the well. If for some reason we don't get the volume of water needed from the well, we'll have to reconsider. Councilman Smith stated that the well driller believes there is sufficient water available at a depth of 250 feet.

Borough CERT Team Ordinance – Mr. Tietjen explained that the ordinance is essentially what Watchung Township has approved and in checking with the Borough's Risk Manager it's acceptable to move forward with. Councilman Caminiti asked about the County CERT team already in place. Mr. Tietjen stated that the County CERT team is always available but this is on a more localized level and the teams complement each other. Mr. Bruder stated that the Borough's background check ordinance should be amended to include all volunteers for liability purposes. Councilman Sweeney stated that the way it reads now is that employees who might be working with minors require the background check. Council discussed the background check ordinance for First Responders. The CERT ordinance will be introduced



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at the next meeting. Council discussed that the CERT ordinance and that the background check ordinance should be done concurrently.

NEW BUSINESS

There was no new business.

MISCELLANEOUS DISCUSSION/APPROVALS

Councilman Sweeney asked about the Fire Truck Committee meeting with Councilman Smith and Councilwoman Murphy. Councilman Sweeney stated that there was discussion as to how we can finance the new rescue truck. He said that the Council tapped into the fund balance to pay down BANs and the cost of the rescue vehicle would replace what was paid off at no increase to tax payers. He continued that he trusts the Fire Department to do their job and be there when needed and therefore the Council should trust them when they state what they need. Councilman Smith said that he has asked Mr. Tietjen, who is the Borough's purchasing agent, to look at various buying co-ops and the cost of the Pierce rescue truck or possibly a different vehicle that hasn't been looked at to reduce the cost. Councilman Caminiti stated that he agrees that the trust in the Fire Department is unquestionable, but the Council has a fiduciary responsibility to the tax payers to make sure that this purchase will serve the department in future years. Councilman Caminiti said that what he is hearing from Chief McDermott is that the current truck is in good service currently. Councilman Sweeney believes that because the truck will take a year to get, the longer we delay this project we can end up in a compromised position. Councilman Smith responded that he would like Mr. Tietjen to get hard data on this. Councilman Caminiti said that the Fire Department may have been discussing this for three years but the first presentation to the Council on this was at the June 26th meeting of this year. Councilman Caminiti said that he will follow up with his questions to get written answers. Council President Corigliano stated that the BANs being paid off is not relevant to this discussion. Councilman Sweeney responded that he has an objection to the argument that if we buy the truck it will put a big tax burden on people, he thinks it will be relatively level. Council President Corigliano said that BANs are temporary loans that get rolled into 20-year bonds that we will pay interest on and they impact taxes and so we want to bring the least impact to tax payers by looking closely at prices.

Councilman Sweeney brought up the price of Liberty Park improvements and stated that much of the costs are cosmetic and aesthetic, not all utilitarian. Council President Corigliano stated that they still have to decide how much comes out of Open Space Trust fund and how much is out of the municipal budget, which will impact tax dollars. Mayor Skinner stated that he hopes that the Council uses the same lens for the park as for the rescue truck.

RESOLUTIONS

Resolution No. 164-19 Resolution Appointing Randy Bahr as Tax Collector for the Borough of Peapack & Gladstone was read. Motioned by Councilman Smith, seconded by Councilwoman Murphy.



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Councilman Smith asked about the advertisement for a part-time Tax Collector. Said motion was passed unanimously.

Resolution No. 165-19 Resolution Adopting Accessory Apartment and Housing Rehabilitation Program Manuals was read. Motioned by Council President Corigliano, seconded by Councilwoman Dietrich.

Councilman Smith asked if a Housing Officer would be required to be appointed. Council President Corigliano stated that the Housing Officer would likely be an employee of the Borough but that the Borough is also looking at hiring a firm in the future to manage their Affordable Housing compliance. Mr. Tietjen noted that he and Ms. Bretzger are taking Affordable Housing training and the Administrative Agent is typically a planner or an attorney.

Said motion was passed unanimously.

BILLS LIST

Resolution No. 166-19 Approval of Bills as signed and listed on the Bill Payment List in the amount of \$215,357.49. Motion to approve was made by Councilman Sweeney, seconded by Councilman Caminiti. Said motion was passed unanimously.

PUBLIC COMMENTS – 3 MINUTES PER PERSON – AGENDA ITEMS ONLY

Mayor Skinner asked if anyone would like to make comments.

Doug Fagan – 6 South Street – Mr. Fagan asked about the cost of the well pump that is estimated by the Borough Engineer at \$300 a month. He asked about the pump's horsepower (hp) and the well depth and said that it will probably need to be a 10-hp, three-phase motor and an eight-inch bore. He also said that when you're figuring the prices you can go through a pump every three years if you hit sand so the expected life needs to be considered. Council discussed that they can use Mr. Fagan's experience and go back to the Engineer. Mr. Fagan didn't get costs but that he believes that we're on the low end. Mr. Fagan stated that if there is a drought emergency the Borough would not be able to use the well. Councilman Caminiti noted that the numbers that Councilman Smith shared earlier don't include the costs of water de-chlorination and a facility to handle the hydrant flushing. Mr. Fagan asked how the Water Company was able to get away with dumping into the Class C river. Councilman Smith responded that they put three tablets in every other day but the Borough would need a more permanent facility. Mayor Skinner noted that there is a facility that does this on Hollow Brook Road in Pottersville. Councilman Smith explained that Princeton Hydro's original design standard from ten years ago recommends one to two flushes of the pond per month, about 35 gallons per minute 24/7 in order to keep the water quality clean. He continued that a timer and float switch can be put on the pump so that it's not running non-stop. Councilman Caminiti explained that the municipality along with residents will hopefully be able to save on energy costs because of the just passed energy aggregation program. Council President Corigliano stated that Mr. Fagan's point is valid and that if we want a healthy pond it's going to cost money, whether it's in electricity or in water costs. There was discussion regarding solar panels on the Scout cabin for power to the well as well as the lights in the park.



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Mike Seboria – 10 Tiger Hill Drive – Mr. Seboria stated that he listened to the numbers regarding NJ American Water and the reasons you don't want to go in that direction and some of this doesn't make sense to him. He asked the total gross number and Councilman Smith responded that it was \$107,000. Mr. Seboria said that he heard that the pump would not run 24/7 and that the number could conceivably be cut in half. Councilman Caminiti offered to provide their numbers. Mr. Seboria stated that NJ American Water said that maybe for five years they would do the flushing and Councilman Smith responded that he asked American Water for a five-year outlook and they would not commit. Mr. Seboria stated that the investment would be made now, not in five years. Mr. Seboria continued that nobody has objected to the water after it's de-chlorinated to being discharged into Class 1 trout stream. Mr. Seboria stated that he understood that NJ American Water would give the Borough the water in the three hottest months. Councilman Smith stated that they would give the Borough water during one, two or three of the hottest months and that the pond needs consistent flushing. Mr. Seboria asked if it would make more sense to take the process of flushing in the three hottest months to see if it works and to go forward with a decision on a well after a period of time. Mr. Seboria stated that it is not possible for him to stay within three minutes but that he thinks that the Council should go back and look at this with some combination of NJ American Water because the Borough should be prudent and take what's free. Councilman Smith said that if he hears his argument correctly, NJ American Water can't say when they will have surplus water but they think it might be next summer at an unknown flow rate. Councilman Smith noted that if the Borough proceeds with the project then they may have stagnant water with a new park around it and that makes no sense to him. Councilman Smith said that he would agree to a bubbler type facility that uses free water when available so that we can enjoy it but we need to have the confidence that the pond is being flushed on a continuous basis in order to have a reasonable expectation for good water quality. Council discussed using a flushing station from NJ American Water and a pump. Council President Corigliano asked if there is a possibility that we can strike a deal with NJ American Water for wholesale rate. Councilman Smith responded that he read the BPU rate sheet and all customers pay the same rate with the only exception is that government agencies don't pay franchise taxes.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Councilman Sweeney, seconded by Councilman Caminiti, that this meeting be adjourned at 8:40 p.m. This motion was carried unanimously.

Respectfully Submitted,

Nancy A. Bretzger, Borough Clerk