

BOROUGH OF BOUND BROOK - PUBLIC AGENDA

AGENDA MEETING – TUESDAY, AUGUST 8, 2017 @ 7:00 PM

Call To Order:

Reading of the Open Public Meetings Law Statement:

This meeting is being held in compliance with the Open Public Meeting Law in that the requirements of the law have been met with the posting of the meeting notice on the Municipal Bulletin Board, filed with the Borough Clerk and forwarded to The Courier News and The Star Ledger.

Pledge of Allegiance

Opening Prayer

Roll Call –

Mayor Robert Fazen _____

C. Vinnie Petti ___ C. Abel Gomez _____

C. Philip Fiadino _____ C. David Rosario _____

C. President Anthony Pranzatelli _____ C. Diana Manahan _____

R2017:132

Authorize Executive Session for Contract Negotiations

Motion: Second: All in favor:

Approval of Minutes: July 25, 2017

Motion: Second: All in favor:

Engineers Report – T&M Associates –

Advertised hearings or special presentations

Historic Preservation Commission Presentation

>Local Landmark Nominations

Presentation of communications, petitions, etc.

Greetings for comments and invitation for discussion

Opening of bids -

Introduction of ordinances -First Reading –

Ordinance No. 2017-25

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXI LAND USE, SUBSECTION 21-2, DEFINITIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK, SOMERSET COUNTY, NEW JERSEY TO REDEFINE – MINOR SITE PLAN

Motion: Movant: I move that ordinance be approved on first reading, advertised according to law, and a public hearing be held on August 22, 2017 Second: Discussion:

Roll Call:

C. Vinnie Petti ___ C. Abel Gomez ___ C. Philip Fiadino ___

C. David Rosario ___ C. Anthony Pranzatelli ___

C. Diana Manahan ___

Ordinance No. 2017-26

AN ORDINANCE OF THE BOROUGH OF BOUND BROOK, COUNTY OF SOMERSET, NEW JERSEY APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND BOROUGH CLERK PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE D 507 EAST MAIN STREET URBAN RENEWAL, LLC FOR PROPERTIES LOCATED ON BLOCK 13.03, LOTS 1 & 12.01 AND TAX BLOCK 13, LOT 10.01

AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BOUND BROOK AND LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

Motion: Movant: I move that ordinance be approved on first reading,

Advertised according to law, and a public hearing be held on August 22,

2017 Second: Discussion:

Roll Call:

C. Vinnie Petti ___ C. Abel Gomez ___ C. Philip Fiadino ___

C. David Rosario ___ C. Anthony Pranzatelli ___

C. Diana Manahan ___

R2017:27

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII,
TRAFFIC, OF THE GENERAL REVISED ORDINANCES OF THE
BOROUGH OF BOUND BROOK TO REVISE THE SPEED LIMIT ON
CERTAIN STREETS

Motion: Movant: I move that ordinance be approved on first reading,

advertised according to law, and a public hearing be held on August 22,

2017 Second: Discussion:

Roll Call:

C. Vinnie Petti ___ C. Abel Gomez ___ C. Philip Fiadino ___

C. David Rosario ___ C. Anthony Pranzatelli ___

C. Diana Manahan ___

R2017:134

Approve a refund to James Herman in the amount of \$50.00 for August commuter parking tag -

Motion: Second: All in favor:

R2017:135

Approve a refund to Rais Q. Khan in the amount of \$50.00 for August commuter parking tag

Motion: Second: All in favor:

R2017:136

Approve a curbing change on Central Avenue for the 2017 Road Improvement Project

Motion: Second: All in favor:

R2017-137

Adopt Police Rules & Regulations

Motion: Second: All in favor:

R2017-138

RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION PREAPPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR THE DISPOSAL OF APPROXIMATELY 0.0554 ACRES OF NORTH PARK IN THE BOROUGH OF BOUND BROOK TO MARJ SCHINDELAR, A CONTIGUOUS PROPERTY OWNER, TO RESOLVE A PRE-EXISTING ENCROACHMENT

Motion: Second: All in favor:

R2017:139

RESOLUTION APPROVING FURTHER CHANGES TO AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH 507 WEST MAIN STREET URBAN RENEWAL, LLC, AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 13.03, LOTS 1 & 12.01 AND TAX BLOCK 13, LOT 10.01, LOCATED IN REDEVELOPMENT AREA 1 FOR A MIXED USE DEVELOPMENT

Motion: Second: All in favor:

Unfinished Business

New Business

>Accept Resignation Letters:

Amber Leibold -1st Assistant Chief- Fire Department

Judith Bailey- Board of Health Member

Motion: Second: All in favor:

Approval of Vouchers- None

Open to the public for comment

R2017: 140

Authorize executive session -Pending Litigation;

Anticipated Litigation

Motion: Second: All in favor:

Adjournment

Motion: Second: All in favor:

BOROUGH OF BOUND BROOK

**PUBLIC NOTICE REVISING COMMENCEMENT
TIME OF THE AUGUST 8, 2017 AGENDA MEETING
OF THE MAYOR AND COUNCIL TO 7:00 PM**

In Compliance with the provisions of the "Open Public Meetings Act," P.L. 1975, c.231 (C.10:4-6 et seq.) of the State of New Jersey, please take notice that the time for commencement of the August 8, 2017 Agenda Meeting of the Mayor and Council of the Borough of Bound Brook, in the County of Somerset, State of New Jersey, is hereby revised from 7:30 PM to 7:00 PM as follows:

The August 8, 2017 Agenda Meeting of the Borough of Bound Brook Mayor and Council shall be held at the Borough Council Chambers, 230 Hamilton Street, Bound Brook New Jersey commencing at 7:00 PM.

A copy of the agenda, to the extent known, is attached. The first order of business will be an executive session on matters exempt from disclosure in accordance with N.J.S.A. 10:4-12b. After the closed session, the agenda meeting agenda will proceed.

Formal action shall be taken.

Attest: Donna Marie Godleski, Borough Clerk

BOROUGH OF BOUND BROOK
RESOLUTION NO. 2017-132

WHEREAS, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Borough of Bound Brook has deemed it necessary to go into closed session to discuss matters which are exempted from the public; and

WHEREAS, the regular meeting of the Borough of Bound Brook will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Borough Council will go into closed session for the following reasons as outlined in NJSA 10:4-12; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Borough of Bound Brook hereby declares that the discussion of subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated as the time of said matter.

NOW THEREFORE BE IT FINALLY RESOLVED that the Borough is excluded from the portion of the meeting during which the discussion(s) shall take place and hereby directs the Municipal Clerk to take the appropriate action to effectuate the terms of this resolution.

Reason for Closed Session

Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer.

Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.

Matters: Contract Negotiations

Reason for Closed Session

Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or discipline of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 NJ 478.

Matters:

Approved: Mayor Robert P. Fazen

Attest: _____

Donna Marie Godleski, Clerk

Date of Adoption: August 8, 2017

ORDINANCE NO. 2017-24

AN ORDINANCE AMENDING CHAPTER 17, PROPERTY MAINTENANCE OF THE BOROUGH OF BOUND BROOK, SOMERSET COUNTY, NEW JERSEY TO INCLUDE 17-28 "INVASIVE BAMBOO PLANTS"

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bound Brook, in the County of Somerset and State of New Jersey, that Chapter XVII, Property Maintenance, be and is hereby amended and supplemented as follows:

SECTION 1. THAT A NEW SECTION 17-28, "INVASIVE BAMBOO PLANTS" be added as follows:

17-28 INVASIVE BAMBOO PLANTS

17-28.1 General

It is determined that certain types of the bamboo plant are invasive and often difficult to control, and can cause significant damage to property. The purpose of this section is to preserve and protect public and private property of the Borough of Bound Brook from the damaging spread of bamboo, to protect indigenous and other plant materials from the invasive spread of bamboo, and to maintain the general welfare of the residents of the Borough of Bound Brook.

17-28.2 Prohibition.

No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of plant species commonly known as Running (monopodial) Bamboo or Clumping (sympodial) Bamboo upon any property located within the Borough of Bound Brook. This prohibition shall include but is not limited to the following plant genera:

- a. Arundinaria;
- b. Bambusa;
- c. Chimonobambusa;
- d. Dendrocalamus;
- e. Fargesia;
- f. Phyllostachys;
- g. Pleioblastus;
- h. Pseudosasa;
- i. Sasa;
- j. Sasaella;
- k. Semiarundinaria.

17-28.3 Duty to Confine

In the event any species commonly known as Running Bamboo or Clumping Bamboo is located upon any property within the Borough of Bound Brook, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way.

- a. In lieu of confining the species, the property owner or occupant may elect to totally remove the bamboo from the property, and all affected properties.
- b. Failure to properly confine such bamboo shall require removal as set forth below. The cost of said removal shall be at the bamboo property owner's expense.
- c. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Director of Code Enforcement or his designee that the bamboo which is on his/her property at the time of the adoption of this Ordinance originated on another property.

17-28.4 Inspections

All places and premises in the Borough Bound Brook may be inspected by the Director of Code Enforcement or his designee subject to a complaint alleging that any subsection of this Section 17-28 has been violated.

17-28.5 Removal and Abatement

- a. Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, a violation notice shall be given to the owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.
- b. The cost of abatement shall be borne by the property owner.
- c. If the owner fails to comply with such notice within the timer specified therein, the enforcing official may have removed or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of invasive plant removal.

SECTION 2: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION 5: CODIFICATION

This ordinance shall be a part of the Code of Borough of Bound Brook as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

Approved:

Mayor Robert P. Fazen

Attest:

Donna Marie Godleski, Borough Clerk

Date of Adoption: August 8, 2017

Date of Introduction: July 25, 2017

BOROUGH OF BOUND BROOK

County of Somerset

Ordinance No. 2017-25

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXI LAND USE, SUBSECTION 21-2, DEFINITIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK, SOMERSET COUNTY, NEW JERSEY TO REDEFINE – MINOR SITE PLAN

BE IT ORDAINED, by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey, as follows:

Section 1. Section 21-2, "Definitions", of Chapter XXI, Land Use, of the Revised General Ordinances of the Borough of Bound Brook is hereby amended and supplemented by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text **underlined and marked in bold**, to read as follows:

21-1.2 DEFINITIONS.

As used in this Chapter:

[Minor Site Plan shall mean a development plan involving an existing structure which is not intended for alteration situated on one (1) lot or parcel of land, not located in a floodplain and not exceeding one-quarter (1/4) acre in size or buildings with aggregate floor areas not in excess of five thousand (5,000) square feet and fully complying with the site plan design standards and the site plan details enumerated in Section 21-9 of this Chapter. A minor site plan does not involve:

- a. A planned development;**
- b. Any new street; or**
- c. Extension of any off-tract improvement which is to be prorated pursuant to Section 30 of the Municipal Land Use Law (C.40:55D-42).]**

Minor Site Plan – The development plan of one (1) or more lots which does not involve planned development, any new street, alteration of existing traffic patterns, or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42, and which is limited to the following classes of development:

A. Interior renovations of an existing building; or

B. Building additions and the construction of any accessory structure, provided that such uses are specifically permitted in the zone district and that such alteration or construction does not exceed two thousand (2,000) square feet in ground coverage;

or

C. Alteration or improvement of the exterior façade of an existing building, such as new windows, doorways, or siding material; or

D. The improvement of existing site facilities (i.e., parking, drainage, generators or similar equipment)

Minor Site Plan Committee – A committee of at least three (3) Planning Board members appointed by the Chairman of the Board for the purpose of reviewing site plan applications for proper compliance with this chapter and reporting back to the Planning Board as to its findings. Nothing herein shall be construed as granting power to the Site Plan Committee to give any approvals or agree to any modifications. Notwithstanding any other provision of this chapter, the Committee's power and authority shall be limited to recommendation to the entire Board for action or final decision.

Section 2: Severability Clause.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Section 3: Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby replaced, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4: Effective Date.

This Ordinance shall become effective immediately upon passage and publication in accordance with law.

Section 5: Codification.

This ordinance shall be a part of the Code of Borough of Bound Brook as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

Approved:

Mayor Robert P. Fazen

Attest:

Donna Marie Godleski, Clerk

Date of Introduction: August 8, 2017

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE -2017-26

AN ORDINANCE OF THE BOROUGH OF BOUND BROOK, COUNTY OF SOMERSET, NEW JERSEY APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND BOROUGH CLERK PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF BOUND BROOK AND 507 EAST MAIN STREET URBAN RENEWAL, LLC FOR PROPERTIES LOCATED ON BLOCK 13.03, LOTS 1 & 12.01 AND TAX BLOCK 13, LOT 10.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BOUND BROOK AND LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, in January 2000, the Borough Council of the Borough of Bound Brook (the "Borough") designated various properties in its downtown along the Main Street corridor as an area need of redevelopment ("Redevelopment Areas 1 & 2") and adopted a redevelopment plan for Redevelopment Areas 1 & 2 in February 2000; and

WHEREAS, Block 13.03, Lots 1 & 12.01 and Block 13, Lot 10.01 (the "Properties") are located in Redevelopment Area 1; and

WHEREAS, on December 13, 2016, the Borough approved a redevelopment agreement with 507 East Main Street Urban Renewal, LLC (the "Redeveloper"), which approval was further amended by the Borough on July 25, 2017 and the parties executed a redevelopment agreement (the "Redevelopment Agreement") for the redevelopment of the Properties; and

WHEREAS, the Redeveloper created and obtained approval for an urban renewal entity, known as 507 East Main Street Urban Renewal, LLC (the "Entity"); and

WHEREAS, the Entity is the contract purchaser of the Properties; and

WHEREAS, the Entity has obtained approval from the Borough Planning Board to construct 105-unit multi-family residential units over ground floor commercial space with on-site and off-site parking and related site improvements and amenities (the "Project"); and

WHEREAS, the Entity was created for the purposes of acquiring, owning, holding, developing, maintaining, financing, mortgaging, improving, operating, leasing, managing, using, refinancing, selling, subdividing, or otherwise dealing with the Properties and the Project; and

WHEREAS, pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the “Long Term Tax Exemption Law”, as codified in N.J.S.A. 40A:20-1 et seq.), the Borough is authorized to provide for payment in lieu of taxes within a redevelopment area; and

WHEREAS, the Entity submitted an application, dated June 28, 2017 for the approval of a Project, as such term is used in the Long Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the “Exemption Application”, a copy of which is attached hereto as Exhibit A); and

WHEREAS, the Entity also submitted a Fiscal Impact Analysis for the Project, prepared by John McDonough Associates, LLC, dated January 28, 2017 with the application; and

WHEREAS, the Exemption Application requested a 30-year term for a financial agreement and an annual service charge based on 10% of annual gross revenues, which % of annual gross revenues is proposed to increase over the term; and

WHEREAS, pursuant to the Long Term Tax Exemption Law, the Borough is authorized to enter into a financial agreement with a redeveloper for payment of an annual service charge for municipal services in lieu of taxes for market rate housing and commercial projects; and

WHEREAS, the Entity has requested that the Borough enter into a financial agreement for payment of an annual service charge for municipal services in lieu of taxes (the “Financial Agreement”)for the Project; and

WHEREAS, the Borough and the Entity have reached agreement with respect to, among other things, the terms and conditions relating to the Annual Service Charges and desire to execute the Financial Agreement, which terms and conditions are stated below.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Bound Brook, County of Somerset, New Jersey, as follows:

Section 1. The Borough acknowledges that 507 East Main Street Urban Renewal, LLC, by effectuating the redevelopment of the Project, will significantly limit its profits due to the extraordinary costs to be borne by the Entity, which will provide significant and long-term benefits to the Borough of Rahway.

Section 2. The Borough makes the following findings:

A. Relative benefits of the Project when compared to the costs:

1. The Properties currently generate \$19,009 in real estate tax revenue to the Borough, including the Borough Properties which is

currently tax exempt. The projected Annual Service Charge will generate revenue at full build out to the Borough of approximately \$247,929.

2. It is estimated that the Project will create jobs during construction and ten (10) new permanent jobs;

3. The Project should stabilize and contribute to the economic growth of existing local business and to the creation of new business, which will serve the new residents and attract additional people to the Borough;

4. The Project will further the redevelopment objectives of the Redevelopment Plan for Redevelopment Area 1; and

5. The redevelopment of the Properties will greatly improve the downtown neighborhood.

6. The Borough has determined that the benefits of the Project significantly outweigh the costs to the Borough.

B. Assessment of the importance of the Tax Exemption defined in obtaining development of the Project and influencing the locational decisions of probable occupants:

1. The relative stability and predictability of the Annual Service Charge will make the Project more attractive to investors and lenders needed to finance the Project; and

2. The relative stability and predictability of the Annual Service Charge will allow stabilization of the Project operating budget, allowing a high level of urban design, aesthetics and amenities as well as the use of high quality materials which will maintain the appearance of the buildings over the life of the Project, which will insure the likelihood of the success of the Project and insure that it will have a positive impact on the surrounding area.

Section 3. The Exemption Application is hereby accepted and approved.

Section 4. The Financial Agreement shall be for a thirty (30) year term with an annual service charge of starting at 10% of annual gross revenues from the Project and increasing .5% every five (5) years over the 30 year term in accordance with the Long Term Tax Exemption Law.

Section 5. The Financial Agreement is hereby authorized to be executed and delivered on behalf of the Borough by the Mayor in substantially the form attached hereto

as Exhibit B. The Borough Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Mayor and to affix the corporate seal of the Borough to the Financial Agreement.

Section 6. The Borough shall not be obligated to execute the Financial Agreement until such time as the Entity has closed on the acquisition of the Properties.

Section 7. This ordinance shall take effect upon final passage and publication as required by law.

Attest:

Approved:

Mayor Robert P. Fazen

Date of Introduction: August 8, 2017

Date of Adoption:

**BOROUGH OF BOUND BROOK
ORDINANCE NO. 2017-27**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII,
TRAFFIC, OF THE GENERAL REVISED ORDINANCES OF THE
BOROUGH OF BOUND BROOK TO REVISE THE SPEED LIMIT ON
CERTAIN STREETS**

WHEREAS, pursuant to N.J.S.A. 39:4-197(1)(a), a municipality may alter speed limits to address special conditions within the municipality, without approval of the Commissioner of the Department of Transportation, provided, among other things, that the alteration in speed limits does not impact a State highway; and

WHEREAS, the Bound Brook Police Department recommends that the speed limit along a portion of Tea Street be reduced due to increased pedestrian traffic emanating from the number of apartment complexes, including recently erected complexes, along the affected portion of Tea Street; and

WHEREAS, altering the speed limit along Tea Street will have no impact on State Highway 28, as confirmed with the New Jersey Department of Transportation,

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bound Brook, in the County of Somerset, State of New Jersey, as follows:

SECTION 1. Chapter VII of the General Revised Ordinances of the Borough of Bound Brook, entitled TRAFFIC, Section 7-33, "Speed Limits," is hereby amended and supplemented by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text **underlined and marked in bold**, to read as follows:

7-33 SPEED LIMITS.

a. The speed limits for both direction of traffic along the streets or parts thereof described below and made a part of this chapter, are hereby established at the rate of speed indicated.

b. Regulatory and warning signs shall be erected and maintained to **[a]**effect the above-designated speed limits.

<i>Name of Street</i>		<i>MPH</i>	<i>Limits</i>	<i>[Approval Date]</i>
Tea Street	a. Zone 1	35	From Talmage Avenue to New Jersey Route 28	
	b. Zone 2	[30] 15	From the New Jersey Route 28 to Lawrence Road	

SECTION 2. Severability Clause. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision

shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 3. Repealer. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon passage and publication in accordance with law and any approval as may be required by the New Jersey Department of Transportation.

ATTEST:

BOROUGH OF BOUND BROOK

Donna Marie Godleski
Borough Clerk

By: _____
Robert Fazen
Mayor

Date of Introduction: August 8, 2017

BOROUGH OF BOUND BROOK

RESOLUTION NO. 2017: 133

WHEREAS, the Borough Clerk's Office received a request for a refund
In the amount of \$25.00 for a Temporary Food License Fee from Tuta
Ice Cream 252 Washington Avenue Milltown, NJ 08850; and

**NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND BOROUGH
COUNCIL OF THE BOROUGH OF BOUND BROOK**

That the Finance Department is authorized to issue a refund in the
amount of \$25.00.

Approved:

Mayor Robert P. Fazen

Attest:

Donna Marie Godleski, Borough Clerk

Date of Adoption: August 8, 2017

BOROUGH OF BOUND BROOK

RESOLUTION NO. 2017: 134

WHEREAS, the Borough Clerk's Office received a request for a refund for a parking permit fee paid in advance for the month of August in the amount of \$50.00; and

WHEREAS, the payment has been verified and the monthly permit tag surrendered and;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Bound Brook, County of Somerset, State of New Jersey that the Finance Officer is hereby authorized to refund the amount of \$50.00.

To: James Herman

Address: 118 Cedar Street

South Bound Brook, New Jersey 08880

Approved:

Mayor Robert P. Fazen

Attest:

Donna Marie Godleski, Borough Clerk

Date of Adoption: August 8, 2017

BOROUGH OF BOUND BROOK

RESOLUTION NO. 2017: 135

WHEREAS, the Borough Clerk's Office received a request for a refund for a parking permit fee paid in advance for the month of August in the amount of \$50.00; and

WHEREAS, the payment has been verified and the monthly permit tag surrendered and;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Bound Brook, County of Somerset, State of New Jersey that the Finance Officer is hereby authorized to refund the amount of \$50.00.

To: Rais Q. Khan
Address: 2 Wisteria Court
Piscataway, New Jersey 08854

Approved:

Mayor Robert P. Fazen

Attest:

Donna Marie Godleski, Borough Clerk

Date of Adoption: August 8, 2017

BOROUGH OF BOUND BROOK

RESOLUTION NO. 2017:136

WHEREAS, the 2017 Road Improvement Program consists of reconstructing Central Avenue from Piedmont Drive to Chestnut Street; and

WHEREAS, our Borough Engineer has recommended a change to the curbing from granite block per Ordinance to concrete curb and gutter; and

WHEREAS, the reason for the change is due to the extremely minimal profile slope of the roadway and the concrete provides a guide for the asphalt to meet and prevent potential ponding/icing inside the roadway; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council Of the Borough of Bound Brook Somerset County that the above recommendation from the Borough Engineer on curbing for Central Avenue is approved.

Approved:

Mayor Robert P. Fazen

Attest:

Donna Marie Godleski, Borough Clerk

Date of Adoption: August 8, 2017

BOROUGH OF BOUND BROOK

RESOLUTION NO. 2017-137

WHEREAS, the Borough of Bound Brook Police Department has been established pursuant to N.J.S.A. 40A:14-118 and Borough Ordinance #2-21 of the Code of the Borough of Bound Brook. In accordance with N.J.S.A. 40A:14-118 Borough Ordinance #2-21 of the Code of the Borough of Bound Brook designates the Police Committee, consisting of three council persons, appointed by the Mayor and Council and chaired by a Police Commissioner as the Appropriate Authority responsible for adopting and promulgating Rules and Regulations for the government of the police force and the discipline of its members.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bound Brook, County of Somerset do hereby adopt the department rules and regulations known as the "BOUND BROOK POLICE DEPARTMENT RULES AND REGULATIONS".

Approved:

Robert P. Fazen, Mayor

Attest:

Donna Marie Godleski, Borough Clerk

Adopted: August 8, 2017

Borough of Bound Brook

RESOLUTION # 17-138

RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION PREAPPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR THE DISPOSAL OF APPROXIMATELY 0.0554 ACRES OF NORTH PARK IN THE BOROUGH OF BOUND BROOK TO MARJ SCHINDELAR, A CONTIGUOUS PROPERTY OWNER, TO RESOLVE A PRE-EXISTING ENCROACHMENT

WHEREAS, Block 98.01, Lot 1.01 is the Borough of Bound Brook's North Park which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

WHEREAS, in conjunction with the proposed disposal of a portion of North Park to a contiguous property owner to resolve a pre-existing encroachment, it is necessary to remove the Green Acres restrictions from a +/- 0.0554 acre portion of Block 98.01, Lot 1.01; and

WHEREAS, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the Borough wishes to apply for approval to dispose of +/- 0.0554 acres of North Park to Marj Schindelar, owner of property contiguous to North Park and shown on the Borough of Bound Brook Tax Map as Lot 1.03 in Block 98.01, to resolve an encroachment as a minor disposal of parkland under N.J.A.C. 7:36-26; and

WHEREAS, the first step in the application process for approval of a minor disposal of parkland is the filing of a pre-application under N.J.A.C. 7:36-26.4; and

WHEREAS, in accordance with N.J.A.C. 7:36-26.4(d)10, it is necessary for the Borough to submit as part of the pre-application a Resolution endorsing the application to dispose of parkland;

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Bound Brook, in the County of Somerset, State of New Jersey as follows:

1. The Borough of Bound Brook endorses the filing of a pre-application for the disposal of +/- 0.0554 acres of North Park to Marj Schindelar pursuant to N.J.A.C. 7:36-26;

2. The Borough of Bound Brook hereby finds that the disposal of +/- 0.0554 acres of North Park would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by resolving a long standing encroachment that existed prior to North Park becoming public parkland funded in part by the Green Acres Program;
3. The Borough of Bound Brook acknowledges that in order to obtain the approval of the disposal of +/- 0.0554 acres of North Park, all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements at N.J.A.C. 7:36-26.5; and
4. The Borough of Bound Brook acknowledges that in the event the Green Acres Program classifies the disposal of +/- 0.0554 acres of North Park to resolve an encroachment as a major disposal or diversion of parkland, additional application information will be required under N.J.A.C. 7:36-26 before the application can proceed.

Date of Adoption: August 8, 2017

Approved:

Robert P. Fazen, Mayor

ATTEST: _____
Donna Marie Godleski, Borough Clerk

BOROUGH OF BOUND BROOK
Somerset County, New Jersey

RESOLUTION NO. 2017-139

RESOLUTION APPROVING FURTHER CHANGES TO AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH 507 WEST MAIN STREET URBAN RENEWAL, LLC, AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 13.03, LOTS 1 & 12.01 AND TAX BLOCK 13, LOT 10.01, LOCATED IN REDEVELOPMENT AREA 1 FOR A MIXED USE DEVELOPMENT

WHEREAS, in January 2000, the Borough Council of the Borough of Bound Brook designated various properties in its downtown along the Main Street corridor as an area need of redevelopment (“Redevelopment Areas 1 & 2”) and adopted a redevelopment plan for Redevelopment Areas 1 & 2 in February 2000 and subsequently adopted an Amended Redevelopment Plan for Redevelopment Area 1 on August 11, 2015; and

WHEREAS, the Borough of Bound Brook (the “Borough”) has been promoting the redevelopment of public and privately owned properties in Redevelopment Areas 1 & 2; and

WHEREAS, Block 13.03, Lots 1 & 12.01 and Block 13, Lot 10.01 are located in Redevelopment Area 1 (collectively referred to as the “Properties”); and

WHEREAS, Block 13.03, Lot 12.01 and Block 13, Lot 10.01 are owned by the Borough and Block 13.03, Lot 1 is privately owned; and

WHEREAS, the joint venture of Merccrem, LLC (Mitchell E. Ryan) and Jarmel Kizel TLE Investments, LLC (the “Joint Venture”) contacted the Borough with regards to its interest in acquiring and redeveloping the Properties; and

WHEREAS, the Joint Venture has contract to acquire Block 13.03, Lot 1, which is also known as the Bound Brook Hotel property; and

WHEREAS, on September 22, 2015, the Borough adopted Resolution No. 2015-146 conditionally designating the Joint Venture as redeveloper of the Properties subject to certain conditions, which designation has been extended numerous times by the Borough, the last being on September 24, 2016; and

WHEREAS, the Joint Venture subsequently formed a new entity, 507 East Main Street Urban Renewal, LLC, which was approved as an urban renewal entity by the New Jersey Department

of Community Affairs, which entity is now the Redeveloper; and

WHEREAS, the Borough and Redeveloper agreed to the terms and conditions with respect to the redevelopment of the Properties, the construction of the improvements and the payment of certain costs in connection therewith and by resolution adopted on December 13, 2016 approved a redevelopment agreement and authorized execution of same; and

WHEREAS, the redevelopment agreement between the Borough and Redeveloper has not been executed; and

WHEREAS, on December 13, 2016, the Borough approved the plans for the redevelopment of the Properties which plans were submitted to the Borough Planning Board, which granted preliminary and final major site plan approval for the Properties; and

WHEREAS, the Borough and the Redeveloper have agreed to additional terms and conditions, which are reflected in the most current version of the redevelopment agreement for the Properties, including the payment of additional development fees by the Redeveloper by way of a redevelopment agreement, in a form substantially consistent with that attached and annexed hereto, and the Borough and the Redeveloper acknowledge that the mutual promises contained in the redevelopment agreement shall be good and valuable consideration for the binding execution of the redevelopment agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that it hereby approves and authorizes the execution of a redevelopment agreement with 507 East Main Street Urban Renewal, LLC, PO Box 1663, Livingston, NJ 07039 for the redevelopment of Block 13.03, Lots 1 & 12.01 and Block 13, Lot 10.01 located in Redevelopment Area 1.

BE IT FURTHER RESOLVED, that the Mayor and the Borough Clerk are hereby authorized to execute any and all documents, including the redevelopment agreement substantially consistent with the form of agreement attached hereto, to effectuate the completion and implementation of this project, subject to final review by general counsel as to legal form and content.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Attest:

Approved:

Mayor Robert P. Fazen

Date of Adoption: August 8, 2017

BOROUGH OF BOUND BROOK
RESOLUTION NO. 2017-140

WHEREAS, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Borough of Bound Brook has deemed it necessary to go into closed session to discuss matters which are exempted from the public; and

WHEREAS, the regular meeting of the Borough of Bound Brook will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Borough Council will go into closed session for the following reasons as outlined in NJSA 10:4-12; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Borough of Bound Brook hereby declares that the discussion of subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated as the time of said matter.

NOW THEREFORE BE IT FINALLY RESOLVED that the Borough is excluded from the portion of the meeting during which the discussion(s) shall take place and hereby directs the Municipal Clerk to take the appropriate action to effectuate the terms of this resolution.

Reason for Closed Session

Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer.

Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.

Matters: Potential Litigation

Reason for Closed Session

Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or discipline of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 NJ 478.

Matters:

Approved: Mayor Robert P. Fazen

Attest: _____

Donna Marie Godleski, Clerk

Date of Adoption: August 8, 2017