

BOROUGH OF BOUND BROOK REGULAR MEETING MINUTES JANUARY 28, 2014

Mayor Mark Hasting called the meeting to order at 7:00 PM with a reading of the Open Public Meetings Law Statement, Opening Prayer read by the Borough Clerk followed by the Pledge of Allegiance.

ROLL CALL

| | |
|----------------------------------|---------|
| Councilman John Paul Levin | present |
| Councilman Daniel Wright | present |
| Councilman Vinnie Petti | present |
| Councilwoman Lisa Bogart | present |
| Councilwoman Beverly Pranzatelli | present |
| Councilman Peter Lazzaro | present |

Also Present:

Donna Marie Godleski, Borough Clerk
Randy Bahr, Administrator
Judy Verrone, Esq. DeCotiis, Fitzpatrick, Cole, LLP, Borough Attorney
Police Chief Michael Jannone- Police Department
Lt. Kevin Rivenbark –Police Department

Approval of Minutes:

Agenda Meeting January 14, 2014;
January 14, 2014 Executive Session Minutes For Content Only
Motion: C. Petti Second: C. Beverly Pranzatelli All in favor: Ayes

Presentation of communications, petitions, etc.

Charles Avery-Queens Gate Apartments, LLC –Tea Street/Middle Brook Area Redevelopment Plan –New Entrance Location

Mr. Bahr gave a brief history of the project.

Mr. Avery noted Queens Gate closed on the property in November 2013. The application was approved as an active adult project. He stated that in project review, he found that the current entrance right now is an unsafe condition for trucks coming around the corner and blind spots.

A separate entrance was suggested for deliveries. He stated that Tea Street is currently closed off and Queens Gate would pay for the opening of Tea Street.

Mr. Avery stated that the clubhouse would also be put back in.

Questions and concerns were addressed by councilmember's.

Mr. Avery noted that a traffic study will be conducted. He noted that he is open to all ideas.

Greetings for comments and invitation for discussion

George Stafford- Outreach Director –New Jersey Highlands Coalition

He stated that he attended the town's council meeting the end of 2013. He stated that he was present this evening to follow-up on a resolution of support for the goals and purposes of the 2004 Highlands Water Protection and Planning Act. The biggest objection is the question of property rights in the Highlands.

Questions/concerns were addressed by the governing body.

Mayor Hasting noted that the resolution will be reviewed by the governing body and considered for the next meeting.

Brad Higginbottom-520 Carleton Street

He asked for the support of the governing body for the 2014 Memorial Day Parade. He has organized the parade since 1995 and this year he is working with Councilman Petti. He will submit a special event permit form for the event.

He noted that he is a real estate broker and addressed how difficult it is to sell Bound Brook Properties that are in the flood zone. The flood insurance is \$6,000/year. In October 2013 the National Flood Zone Insurance Program was revamped. He wanted to know if there was any word on moving the lines on the Greenbrook Flood Control Project.

Mr. Bahr noted that the project is 98 percent complete. The National Fema will not certify until project is complete. We will continue to campaign on this and encourage writing to our federal representatives.

Dave Masco-370 West High Street

He asked when the potholes will be fixed in town.

Mr. Bahr advised it has been too cold to fill. Overall, we do not have bad potholes. The State roads are very bad. He expressed concerns about increased traffic on Tea Street when apartments come in.

Donna Kubalski 370 West High Street

In reference to the increased traffic on Tea Street with the apartments coming in. She asked if a section of the Shop-Rite area where you come out and make a left to go up to 287 can be closed off so you would only come out onto 287. Please consider this, as this is a serious situation. People pull out and others are trying to make a turn when they are not supposed to.

Mayor Hasting stated that we can look at this. Chief Jannone stated that we have petitioned the state on the no left hand turn but they are not cooperating. They studied it and there is not a need.

Mayor Hasting noted that we will look at the traffic study and planning board recommendations.

Ms. Kubalski stated that she attended the New Recreation Center opening this past Friday. She stated that she was very disappointed that she did not see any governing body members.

Mr. Bahr noted that the governing body members were present. The public officials were invited from 5 to 7 p.m. It was then open to the public from 7 to 9 p.m. It was a soft opening not a grand opening. The Grand opening will take place in the summer. This was a walk through to let the residents stop in prior to a basketball tournament taking place that weekend. We accomplished what we wanted to do.

Ms. Kubalski stated as a taxpayer, she felt differently about how it was handled. She felt the town could have put something together a little better. It should have been advertised properly; planned better. She noted that she saw the notice two days prior to the opening.

It was stated by council that the certificate of occupancy came in very shortly before and the Recreation Director moved quickly to have this soft opening for the residents before the tournament took place that weekend. The Director is working on organizing a large grand opening of the center when the pool opens.

Committee reports

Finance: C. Peter Lazzaro

C. Lazzaro reported that he met with Mr. Bahr and reviewed the professional services contracts. The only issue was the engineer's proposed fee schedule. We are looking at a one year contract, not a three year contract. This will be further discussed in executive session. All other contracts look fine.

Public Works, Bldgs., Grounds & Utilities-C. Daniel Wright

C. Wright stated that he received a few weeks of learning the department and enjoyed getting to know Supervisor David Mangino. In reviewing kinds of data we will be looking back on previous records to understand trends.

He read the November and December 2013 reports into the record of minutes.

Public Safety (Police & Fire)- C. Vinnie Petti

C. Petti read the December report into the record of minutes. Councilwoman Pranzatelli requested the trends for public safety be also looked at. C. Petti noted that he will have those for the next meeting. Councilwoman Pranzatelli asked that C. Wright also note in his report what is not being accomplished in the public works department.

Personnel, Administration & Ordinances- C. Lisa Bogart

C. Bogart noted that committee will meet on the negotiations for the professional services contracts for the February Meeting.

Economic Development- C. Beverly Pranzatelli

The EDAC met on January 22nd. As a result there is one announcement and three recommendations.

A new Business Residential Zoning Ordinance is being prepared for the Redevelopment Area One downtown near the train station. It is being reviewed by the attorney before it goes to the Zoning Board. We are looking at March when it will be ready for adoption. This ordinance was written as a result of a grant by the North Jersey Transportation Planning Authority (NJTPA). There was no cost to the borough.

The committee has recommended the re-establishment of the SID. We have asked Jim Kennedy to provide recommendations. The borough attorney will re-write the SID ordinance and then it will be presented to the council.

Mr. Bahr asked if council should wait for the final report from the NJTPA on the B/R ordinance. The council has not seen any report yet from the professionals that came up with the B/R zone. Councilwoman Pranzatelli stated this is a draft which will be reviewed by attorney then to the zoning board before a final comes back to the council. Mr. Bahr suggested a final report before a review by attorney. The borough attorney noted that other documents did accompany the B/R ordinances which were all draft documents.

Councilwoman Pranzatelli asked for council approval on the construction of about forty (40) pre- bed frames and plantings around the trees lined on Main and Hamilton Streets and Maiden Lane. The EDAC has an ad hoc committee which will construct and install. They will receive private funding for this project; there is no cost to the town. They will be also be maintained. The committee is requesting approval from the town.

Mayor Hasting asked that this project be further discussed under Old Business.

Kerry Miller- 549 Winsor Street.

She stated that she is on the EDAC Committee and has worked on the B/R project from the start.

She addressed several documents that are a part of the B/R Ordinance. Those documents are a Best practices Advisory Document; a residential site improvement and a plan report riverfront access pedestrian loop down by the river which is in review by NJTPA.

This draft is an adoption ready ordinance which replaces the one the borough had in place.

Mayor Hasting suggested waiting on further discussion until the council have all the draft documents to review and comment on before we submit to the planning board.

Mr. Bahr offered a recommendation regarding the SID. He suggested looking at properties within SID who are paying and not paying taxes. Also, what the SID tax will be and the business plan. Any new tax is a big tax. A lot of support information before implementation.

C. Levin stated that he understood that the SID would not be brought forward until a recommendation from Jim Kennedy and borough attorney.

Zoning, Construction & Code Enforcement- C. John Paul Levin

C. Levin noted that he met with Mr. Bahr and Mr. Ruscetta. He did not have a report. He noted he has other items to be discussed in executive session.

Introduction of ordinances - None

Ordinance on Final Reading and Consideration: - Second Reading

BOROUGH OF BOUND BROOK ORDINANCE 2014:01

AN ORDINANCE AUTHORIZING THE TRANSFER OF TEMPORARY EASEMENTS OVER MUNICIPAL PROPERTY TO THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, FOR THE UNITED STATES ARMY CORPS OF ENGINEERS GREEN BROOK FLOOD CONTROL PROJECT

Summary: (3) temporary work area easements and (3) perpetual flood levee protection levee easements for repairs to the Segment T levee.

Motion to open to public for comment:- C. Levin ; second by C. Petti

All in favor: Ayes

Public Comment: None

Motion to close public comment: C. Petti; second by C. Bogart

Roll Call: Unanimous

BOROUGH OF BOUND BROOK ORDINANCE NO. 2014:02

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 2-22, “FIRE DEPARTMENT,” OF CHAPTER 2, ADMINISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK

The Bound Brook Fire Department has recommended various amendments to Section 2-22, “Fire Department” of Chapter 2, Administration, of the Revised General Ordinances of the Borough of Bound Brook.

Discussion: Mr. Bahr stated that he had concerns with dates/terms of office. Also last year the department had a membership issue with a person that did not have a federal residence card. Mr. Bahr noted that he did not see this in the amendments to the ordinance. The attorney noted that she did not see a problem with this. The amendments can include for membership a lawful permanent resident of the United States and the officers shall service for a term of two (2) years and until their successors are qualified and sworn in .

Motion to re-introduce ordinance to include those amendments moved by C. Petti; second by C. Wright

All in favor: Ayes

Second Reading -Public hearing will be held on February 11, 2014 meeting.

Resolutions for final reading and final consideration:

R2014: 15- TABLED

Award professional services contract to:

DeCotiis, Fitzpatrick, Cole LLP-Municipal Attorney

DeCotiis, Fitzpatrick, Cole LLP-Municipal Bond Counsel

Supplee, Clooney & Company- Municipal Auditor

T&M Associates-Municipal Engineer

John E. Bruder, Esq.-Municipal Prosecutor

Robert Spengler, Esq.-Municipal Public Defender

DeCotiis, Fitzpatrick, Cole LLP-Municipal Labor Counsel

Shain, Schaffer & Rafanelli, P.C.- Municipal Tax Appeal Counsel

R2014: 15

Authorize agreement between Bound Brook and the County of Somerset for Certified Recycling Professional to sign annual recycling tonnage report

Motion: C. Levin Second: C. Lazzaro All in favor: Ayes

R2014: 16

Approve the 2014 Renewal Rates for the Bound Brook Employee Group

Horizon Dental Option Plan

Motion: C. Bogart Second: C. Beverly Pranzatelli All in favor: Ayes

R2014: 17

Approve the hire of William Boyle as a permanent part-time fire sub code official and John Elichko as permanent part-time electrical sub code official to the Construction Department

Motion: C. Levin Second: C. Beverly Pranzatelli All in favor: Ayes

R2014: 18

Authorize AT&T Corp. to install communications facilities along, under and over the public right-of-way to provide communication services to the public

Motion: C. Levin Second: C. Bogart All in favor: Ayes

R2014: 19

Approve the hire of Marie Wright as a substitute crossing guard

Motion: C. Bogart Second: C. Wright All in favor: Ayes

R2014:20

Authorize issuance of a notice requesting letters of interest and qualifications for the redevelopment of real property located in the downtown redevelopment area of the Borough of Bound Brook.

Mayor Hasting suggested holding off. Questions/concerns addressed by councilmember's.

Attorney Frank Regan-DeCottis was present. He stated that all this is just a notice for solicitation of expressions of interest. There is no commitment on the borough. There will be meetings with interested developers discussing a vision for the downtown.

The borough can post notice on the website, advertise in the newspaper and send to the Somerset County Business Partnership.

Mayor Hasting read the resolution by title into record.

Motion: C. Lazzaro Second: C. Petti

Roll Call:

| | |
|-----------------------------|-----|
| Council Levin | Nay |
| Council Wright | Aye |
| Council Petti | Aye |
| Council Bogart | Aye |
| Council Beverly Pranzatelli | Aye |
| Council Lazzaro | Aye |

Unfinished Business

C. Beverly Pranzatelli-

She continued discussion on the boxed out planters around the trees lined on Main and Hamilton Streets and Maiden Lane.

There is no cost to borough. We will look for private funding. All we need is the approval from council to proceed.

We will box out with wood and mulch inside. There will be low maintenance.

She expressed that the EDAC committee is looking to beautify the town. Mayor Hasting noted that she is also a master gardener.

Motion to approve moved by C. Beverly Pranzatelli, second by C. Wright
All in favor: Ayes

C. Beverly Pranzatelli asked for the borough's support with the Battle of Bound Brook event this year. The South Bound Brook Council President reached out to Bound Brook to discuss the event starting February 1st.

A motion to support was moved by C. Pranzatelli; second by C. Levin;
All in favor: Ayes

C. Beverly Pranzatelli asked that the borough re-establish the Historic Preservation Commission.

Mr. Bahr suggested the ordinance/commission be reviewed by council and further discussed at the February Agenda meeting.

Somerset County Committee Appointments:

Mayor Hasting reported:

Community Development Committee:

Two (2) names for consideration

C. Lisa Bogart

C. Beverly Pranzatelli

Administrator Randy Bahr, Alternate

Motion: C. Levin; second by C. Wright; All in favor: Ayes

Cultural & Heritage Advisory Committee:

One (1) name for consideration

C. Lisa Bogart

Motion: C. Petti; second by C. Levin; All in favor: Ayes

Solid Waste Advisory Committee:

One (1) name -Mayor's recommendation; - C. Levin

One (1) name- Council recommendation- C. Wright

Motion: C. Petti; second by C. Lazzaro; All in favor: Ayes

Municipal Wastewater Management Planning Committee:

Governing Body Member- C. Daniel Wright

Engineer- T&M Associates

Planner –Pending- Planning Board appointment

Motion: C. Levin; second by C. Petti; All in favor: Ayes

Mayor Hasting reported-

A January 22, 2014 Notification of Planning Board Appointments were submitted to the Municipal Clerk.

He announced that Jeffrey Jones was appointed to the board but he advised that he cannot serve. There is a vacancy of a Class 4 member.

Those members appointed to the Planning Board are:

John Gayeski, Class 2- 2015

Kerry Miller, Class 4-2017

Jorge Casacuberta, Class 4-2017

Karen Carroll, Alternate No. 1-2014

Howard Wagner, Alternate No.2-2015

New Business

For Approval:

Special Event Permit Application

Relief Fire Co. No. 4-Coin Toss

Location: Intersection of Vosseller Avenue/Route 28

Dates: April 5, June 14, October 18, December 20

Rain Dates: April 12, June 21, October 25

Time: 9 a.m. – 1 p.m.

Joseph Gullia, Deputy Fire Chief was present. He announced that the October 18 date has been removed from the application.
A motion to withdraw application and submit a new application was moved by C. Bogart; second by C. Petti;
All in favor: Ayes

Firemen's Membership Application:

James P. Gilroy-Watchung Fire Co. #3
Motion: C. Petti Second: C. Bogart All in favor: Ayes

Approval of Vouchers

R2014: 21
Motion: C. Bogart Second: C. Petti All in favor: Ayes

Open meeting to the public for comments – None

R2014: 22 @ 9 p.m.

Authorize executive session for Litigation; Negotiations;
Matters: Tax Appeals; Army Corp of Engineers; Professional Services
Contract-Engineer
Action may be taken after session.
Motion moved by C. Petti; second by C. Levin; All in favor: Ayes

Regular session opened at 9:35 p.m.

Mayor Hasting asked for a resolution to be moved to amend the annual meeting notice to change the council meetings from 7:00 p.m. to begin at 7:30 p.m.

R2014: 23 - Motion: C. Beverly Pranzatelli; second by C. Bogart;

All in favor: Ayes

The Clerk will advertise the change.

Two Resolutions were added:

R2014: 24- Accept a Tax Appeal Stipulation of Settlement for 2012 and 2013 Appeals filed by the Bank of America-600 East Union Avenue.

R2014:25-Tax Appeal Stipulation of Settlement for 2011, 2012 and 2013 Tax Appeals filed by Verizon of New Jersey-204 East High Street and 120 Mountain Avenue.

Motion moved by C. Levin; second by C. Bogart; All in favor: Ayes

Mr. Bahr advised of a request from the United States Army Corp of Engineers to donate land identified as Tract 491-E-4 Lot 1.03 and Lot 1.02 in Block 68 to perform emergency repairs to Segment U.

The Army Corp has requested a signature from the borough to be sent over to the Corp tomorrow.

The consensus of council agreed.

An Ordinance for first reading will be placed on the February Agenda Meeting.

Adjournment @ 9:40 p.m.

Motion: C. Bogart Second: C. Levin All in favor: Ayes

Respectfully submitted by,

Donna Marie Godleski, RMC
Municipal Clerk