

**BOROUGH OF BOUND BROOK
REGULAR MEETING MINUTES -JULY 22, 2014**

Council President Lisa Bogart called the meeting to order at 7:45 PM. She advised that the items on the agenda will be moved forward due to much business to be addressed on the agenda for this evening.

A reading of the Open Public Meetings Law Statement followed and Opening Prayer read by the Borough Clerk followed by the Pledge of Allegiance.

ROLL CALL

Mayor Mark Hasting	absent
Councilman John Paul Levin	absent
Councilman Daniel Wright	absent
Councilman Vinnie Petti	present
Councilwoman Lisa Bogart	present
Councilwoman Beverly Pranzatelli	present-via speaker phone
Councilman Peter Lazzaro	present

Also Present:

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

Approval of Minutes:

July 8, 2014 agenda minutes

Motion: C. Petti Second: C. Pranzatelli All in favor: Ayes

Council President moved the order of business with the consent of council to address the following resolution on the agenda for approval.

R2014: 105

RESOLUTION CONDITIONALLY DESIGNATING MERIDIA, LLC, A CAPODAGLI PROPERTY COMPANY, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 1, LOTS 42 & 43; BLOCK 8, LOTS 9.01, 9.02 AND 9.03; AND BLOCK 9, LOTS 4, 4.01, 5, 6, 7, 8, 9, 10 & 10.01 LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA FOR REDEVELOPMENT OF RESIDENTIAL AND MIXED USE DEVELOPMENT

Motion: C. Petti Second: C. Lazzaro

Roll Call Vote: C. Petti- yes; C. Bogart-yes; C. Pranzatelli-yes;
C. Lazzaro-yes

Roseann Short-169 Cherry Avenue

She expressed her concerns about the Meridia resolution being passed without having any discussion on it.

Council President Bogart advised that everyone will have an opportunity to speak. She advised that this was discussed at the last council meeting that a resolution would be on the agenda for a vote.

Philip Fiadino stood up and responded to Ms. Short's comments stating that Meridia was discussed at the last council meeting. There was ample time for discussion. This evening it was on the agenda for a vote.

Council President Bogart thanked Mr. Fiadino for his comments.

She advised that all comments are welcome on this resolution. She advised that there would be a 3 minute limit for each person that would like to present public comment.

Greetings for comments and invitation for discussion for items on the agenda:

Robert Fazen-571 Watchung Road

Mr. Fazen presented a public comment and copies were given to the Clerk for the record of minutes.

He commented on the future redevelopment projects in the Borough.

He gave his personal background stating that he has resided in Bound Brook for 33 years and served on the Bound Brook planning board for over 10 years.

He believes that redevelopment projects and agreements in Bound Brook must provide a clearly defined benefit to existing residents of Bound Brook. Designating an exclusive redeveloper for properties or areas in Bound Brook deprives the borough of the benefits of competitive bidding. Municipal redevelopment and development agreements must be negotiated so as to

provide a clear benefit to existing residents. Benefits should include obtaining the lowest possible project price, decrease in current resident and business property taxes, increase in property values, increase in community services and/or off site developments that benefit the borough.

Redevelopment agreements in Bound Brook should not be to the exclusive benefit of the redeveloper.

Council President Bogart thanked Mr. Fazen for his comments.

She responded by stating that, by this designation the council gives a good housekeeping seal to the developer for 120 days. We agree as a council to help the developer along as to what we can do legally. The borough does not own the properties. As a council we can do nothing but to allow for free enterprise to allow the developer to move forward and enter into letters of agreement with property owners or contract. At that stage we can move along due process through the zoning offices. The redeveloper also pays escrow fees to the town.

Roseann Short-169 Cherry Avenue

She stated that she was born and raised in Bound Brook. She is 85 years old. She complained that the Redeveloper Advance Properties killed Bound Brook. She was not in favor of Carriage Park Project in back of Shop-Rite. She was not in favor of rental properties; afraid of Section 8 housing.

This disgraces the housing and buildings. That is why people do not want to come into town. The town was beautiful at one time. She complained that whatever council we have, nothing is ever done correctly.

The town cannot just have one developer. The town needs to be cleaned up. The school taxes are over the hill. We need to look at everything we do.

Council President Bogart responded stating that you are entitled to your opinions. She noted that Ms. Short has been very active with the borough for a number of years and thanked her for her participation.

Council President Bogart stated that we are working to try and bring in some redevelopers that share that same vision with us, bringing in new properties. She stated that the new project facilities will not have Section 8.

Richard Miller 725 Cedarcrest Drive

He asked who has the rights to the transit village.

Council President Bogart responded stating that the borough does not have rights. The property is controlled by New Jersey Transit.

They must issue a Request for Proposals.

Kirk Slater-701 Cedarcrest Drive

He advised at the Planning Board Meeting he was not allowed to present a petition protesting the redesign of egress at the Queens Gate Project.

He was advised to present the petition to the council.

The petitions were accepted by the Clerk.

Mr. Slater addressed the Application for Tax Abatement/Exemption-Queens Gate on the agenda placed under “unfinished business”. He was unaware of what the council was going to do. Council President Bogart advised that it was not going to be discussed this evening. We do not have a full council to proceed on this. We are not fully prepared to discuss this evening. We apologize to Queens Gate representatives that are present this evening. At the August 12 Agenda meeting we will have public discussion. She apologized for those that came to the meeting for this item of business.

Mr. Slater addressed that the school board will be coming to the Planning Board meeting on Thursday. He hoped that the council is aware of the additional eight classes and the bonding to purchase St. Joseph School and gym. He stated that the increase in the schools is due to increased rentals in town. There was a study done and presented to the town in 2008. It costs \$11,000 to educate a student and \$6,500 is the town’s responsibility. That would be \$97,500 for fifteen students that will be in those 144 units behind Shop-Rite. There has been no up to date study done by the planning board. According to the study to provide services would be 549.16 per person which comes to \$146,076. It costs the town \$243,576 to put kids in the system and pay for them. This is why we charge taxes. Let us hope you understand the cost per person in those units. Please be careful of abatements that we give redevelopers. We all pay our fair share of taxes. Council President Bogart advised that we cannot make any comments at this time until the school board addresses to the planning board and the council. She appreciated Mr. Slater’s concerns.

Mr. Slater could not understand not being able to discuss this, since it was placed on the agenda for consideration.

This does not seem quite right.

Jeff Burke- 410 Talmage Avenue

He expressed his concerns as to how someone can make a decision before not having all the information firsthand. He addressed comments on the Meridia resolution. Council President Bogart advised that this was discussed publicly at the last meeting. This resolution is not related to any apartment or school issues that were just being discussed about Queens Gate apartments.

Judy Verrone, Esq. borough attorney provided a summary of the resolution for Mr. Burke. This is a conditional designation of Meridia as redeveloper for 120 days. This allows the redeveloper to go out and acquire properties that he can acquire and then present a formal plan consistent with the redevelopment plan. This just gives the redeveloper time to go out and determine a plan. This allows the town to collect escrow from the redeveloper for professionals needed. This does not mean Meridia will be the ultimate developer. This is very preliminary now and conditional.

Linda Brnicevic- 20 Talmage Avenue

She asked if Meridia does not reach out to developers to acquire properties will they come to the borough to seek eminent domain.

The borough attorney stated that it is not part of the agreement. The town has no interest in seeking eminent domain.

She stated that there is always a battle between the Democrats and the Republicans. We all want Bound Brook to improve but not at the expense of property owners. Since 1999 to present, it keeps going on with redevelopment. Nothing gets done and questioned whether this redevelopment will get done. She felt sorry for property owners. She stated that transparency is the key as to what you are doing here. This is not a normal process and was not transparent.

Council President Bogart appreciated her concerns and stated the borough is required to conduct business in the most transparent manner.

Jim Kennedy-Economic Developer Advisor to the EDC council committee.

He gave his background stating that he was former Mayor in Rahway.

He gave an example of redevelopment that he was involved in which 1200 units were built in a special improvement district. The units in the Meridia development are much smaller. A two family rental property may bring children into the system. Overall families are much smaller today.

There has been a reduction in the school systems. He encouraged more involvement in the Economic Development Advisory Committee. We should not fear redevelopment but what value it can bring to the borough.

Phyliss Pournaras -570 Winsor Street

She stated that nobody is more pro-redevelopment than myself. Do not be hasty, let us wait and see how the Meridia Projects turns out and the project behind Shop-Rite. If they attract, then move forward with residential and retail downtown. She cautioned the borough to encourage more residential downtown from Kurtz's lot down to the commuter lot, which another redeveloper "Diversified" is interested in doing.

Howard Berkowitz-733 Cedarcrest Drive

He asked what was discussed on the Application for Tax Abatement for Queens Gate. Council President stated that the application was presented to the council formally at the last meeting. As a council we were to review the packet and take under consideration for next meeting to discuss. We have not moved forward on this application yet. It was on the agenda for discussion this evening but will be tabled to the next meeting. That will be a first discussion with a resolution at some future point.

Robert Pirello- 350 West High Street

He has resided in Bound Brook since 1996 and has been through all the redevelopment planning. The direction the town is taking is wrong. The Meridia Tax Abatement is absurd. He received his tax bill which went up 45% which is obscene. Council President advised that he would have to bring this up later in the meeting under public comments. This portion of the meeting we are discussing items on the agenda.

Presentation of communications, petitions, etc.

Petitions were offered to the Clerk from resident Kirk Slater addressed later in the meeting.

Council President Bogart – Asked for a motion to “table” to the August 12, 2014 Agenda Meeting – under “Unfinished Business”-

- Application for Tax Abatement/Exemption-Queens Gate Urban Renewal- Ordinance/Authorize execution of financial agreement

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

Council President Bogart- Asked for a motion to “table” to the August 12, 2014 Agenda Meeting- under “New Business”-

- Ltr dated 7-15-14- Diversified Realty Advisors, LLC- Request for Designation-

South of Main Street District-Block 1 Lots 41-57, 68.01, 68.02 and 70

Motion: C. Petti Second: C. Pranzatelli All in favor: Ayes

Introduction of ordinances - none

Ordinance on Final Reading and Consideration: - none

Resolutions for final reading and final consideration:

R2014: 100

Authorize the tax collector to issue a refund on tax overpayment – 649 Hanken Road Block 53 Lot 12

Motion: C. Petti Second: C. Pranzatelli All in favor: Ayes

R2014: 101

Authorize Finance Officer to issue a refund on construction plumbing and state fee overpayment –Greg Tanzer Sprinklers & Outdoor DE

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

R2014: 102

Approve the 2014-2015 liquor license renewal for Café Imperial, Inc. No. 1804-32-022-006

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

R2014: 103

Authorize contract award to Black Rock Enterprises for the 2013 Road Reconstruction Program

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

R2014:104

Approve change order no. 11 to 3R Painting & Contracting for the New Recreational Facility – Roof repairs

Motion: C. Petti Second: C. Lazzaro All in Favor: Ayes

R2014: 105 –WAS MOVED TO THE BEGINNING OF MEETING

RESOLUTION CONDITIONALLY DESIGNATING MERIDIA, LLC, A CAPODAGLI PROPERTY COMPANY, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 1, LOTS 42 & 43; BLOCK 8, LOTS 9.01, 9.02 AND 9.03; AND BLOCK 9, LOTS 4, 4.01, 5, 6, 7, 8, 9, 10 & 10.01 LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA FOR REDEVELOPMENT OF RESIDENTIAL AND MIXED USE DEVELOPMENT

Committee reports

Finance: C. Peter Lazzaro

C. Lazzaro reported that he met with Administrator Randy Bahr prior to the council meeting regarding the purchase of equipment for the fire department. Committee members C. Wright and C. Pranzatelli were absent.

We also discussed the tax abatement for Queens Gate. A committee meeting will be re-scheduled to discuss further.

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

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

C. Petti read the monthly activity report into the record of minutes.

Personnel, Administration & Ordinances- C. Lisa Bogart

Proposal for Library Staff Parking at Petracca Lot –

There was no discussion on the proposal. C. Pranzatelli will have the proposal report for the next council meeting.

Economic Development- C. Beverly Pranzatelli –

The Economic Development Committee is having an open public meeting on July 28 @ 7PM to discuss the revitalization of the downtown business district. All residents, property owners and business owners are invited to attend to share their concerns.

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

Unfinished Business

For Discussion:

Council President Bogart reported:

- Historic Preservation Ordinance-Committee recommendations

We met as a committee and discussed looking at changes to the current ordinance in order to reinvigorate our historic committee which is currently inactive. We recommend looking at an amendment to the ordinance to include the list of professionals involved, expand to persons living outside the borough.

- Billian-Legion Park-Committee recommendations –

We are discussing with the Head of the Billian Foundation our goals in moving forward. We seem to be at an impasse but continuing to have discussions to see where we can move forward. A challenge is that the site was a former landfill ensuring proper closure.

- Municipal Energy Aggregation –

A presentation was given last year by Good Energy. They went through an RFP Process and Middlesex Regional Education Services Commission was chosen to work for towns signed up for this program. They spoke about the benefits and features of the aggregation of energy. You would still receive your PSE&G bill. On the bill would be a separate line of the aggregator giving a better price for electric. You have the capability of having a lower bill. She spoke with representatives of Good Energy and administrators of other towns who already participate in the program. There are benefits. We can proceed if we would like to pursue this. This is just for information purposes this evening.

- Application for Tax Abatement/Exemption-Queens Gate Urban Renewal- Ordinance/Authorize execution of financial agreement
TABLED – August 12, 2014 Agenda Meeting.

New Business

Council President Bogart announced:

Class IV Member Vacancy on Planning Board –Jim Lefkowitz submitted his resignation letter to the Planning Board Chair.

Ltr dated 7-15-14- Diversified Realty Advisors, LLC-
Request for Designation-
South of Main Street District-Block 1 Lots 41-57, 68.01, 68.02 and 70
TABLED – August 12, 2014 meeting

For Approval: Special Event Permit Application- None

Approval of Vouchers

R2014: 106

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

Open meeting to the public for comments

Howard Berkowitz-733 Cedarcrest Drive

He expressed his concerns with the Queens Gate rental units.

He asked if there were any studies done on the occupancy rate of developments on Route 202 south and in other areas. This would at least give us an idea whether or not we are overdoing it. Someone needs to look at the occupancy rates of other developments whether or not we are overstepping the capacity in this area.

Council President Bogart responded stating that in working with redevelopers they are responsible for the studies. This is part of our agreement for our benefit.

She stated that Meridia is a well known redeveloper throughout New Jersey. The corporation would not have invested without going through all these studies. She appreciated his concerns.

Kirk Slater -701 Cedarcrest Drive

He asked about the tax abatement for Meridia. Mr. Bahr stated that the Pilot Program is available for review in the Clerks Office.

Linda Brnicevic-20 Talmage Avenue

She clarified the Meridia project density was determined at the Council level. It came to the planning board as a 240 unit that was not up for discussion. She noted that she is a member of the Planning Board. Mr. Bahr responded stating it was approved by the redevelopment agency which is the borough council. It goes before the planning board for the details. She asked about Talmadge Commons development. Mr. Bahr noted that Talmadge Commons does not exist. Nothing has been approached to the council about the redevelopment.

She asked what the intent was for the amendment to the Business Residential Zone. Council President Bogart stated that a Public Hearing on the ordinance is scheduled for August 12 for further discussion. The changes were based upon the recommendations of the Planning Board Planner.

Kathleen Kleinbeck-518 Dalay Place

She asked if the town has a fallback plan if Meridia does bring in children. Council President Bogart responded that Mr. Capodaglia has worked in many towns and conducted studies and in hearing Mr. Kennedy's comments this evening.

Council President Bogart stated the apartments are small, mostly one bedroom units and really not set up for families with school age children. There are occupancy limits that we as a borough must enforce.

She asked what the status is with the train station.

Council President Project responded stating that this project is being discussed and being worked on.

Howard Berkowitz-733 Cedarcrest Drive

He addressed a question to Mr. Bahr. He asked if there was a clause in the agreement if there is a miscalculation of the number of students.

Can the tax abatement be modified?

Mr. Bahr responded stating with his experience dealing with redevelopment pilot programs, the analysis of the number of students were right on target.

Ms. Verrone, borough attorney provided comments. She stated that private investors do their homework. What they are projecting is on target.

Roseann Short- 169 Cherry Avenue

She stated that previously the school was talking about putting an addition onto Smalley School for the increase of students. The school stated that it would have 200 students coming into the system. That is why they need to buy St. Joseph's School. She asked where these students are coming from. She stated that the town has a problem with apartments in our buildings. Council President Bogart responded stating that we are obligated by law to conduct inspections and follow our ordinances.

Kirk Slater-701 Cedarcrest Drive

He stated that Bound Brook High School graduating class was 180 students. This is a 45% increase from 7 years ago.

A report that he received from the borough for the Queens Gate Apartments gave a number of 15 students to the school system based on the 144 units.

The bigger cost is to provide services for these units.

The developer should come in and pay their fair share.

Council President Bogart responded stating that the borough has not finished negotiating the pilot for Queens Gate. We cannot move on this right now.

Mr. Bahr provided comments. It will take a toll on police and fire services and public works would be minimal. Without knowing the pilot agreement, the developer may well pay their fair share.

Jeff Burke -410 Talmadge Avenue

He asked Mr. Kennedy, the downtown consultant to explain what was the outcome of development in Rahway when he was Mayor.

Mr. Kennedy stated that 1200 units were finished so far and in 7 years, a 97% occupancy.

Carol Holub 518 West Second Street

She stated that her tax bill went up. She is against exemptions for developers. She expressed concerns about children coming into the apartments.

She stated that we should look for developers that would help us get things done downtown.

Council President Bogart stated that Meridia is paying our downtown consultant.

She stated that there is a process with the pilots.
In negotiation with a prior developer, we have a beautiful recreation building for our community.

Richard Miller 725 Cedarcrest Drive

He took a census. He stated that in his area of Cedarcrest Drive/Tea Street there are 9 children under 3 months, also 6, 5, 4 and under; which will be 23 coming into the school system and 15 are just coming back into the school system.

R2014: 107 Time: 9:30 p.m.

Authorize executive session for (Personnel)

Matter: Construction/Code Enforcement Department –
Action may be taken.

Motion: C. Petti Second: C. Lazzaro All in favor: Aye

Regular meeting opened at 9:35 p.m.

Council President Bogart presented a resolution for adoption as follows:

RESOLUTION NO. 2014: 108

AUTHORIZE THE APPOINTMENT OF JAMES AYOTTE AS
FULL TIME- CONSTRUCTION CODE OFFICIAL AND DIRECTOR OF CODE
ENFORCEMENT FOR THE BOROUGH OF BOUND BROOK

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

Regular meeting adjourned at 9:40 p.m.

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

Respectfully submitted by,

Donna Marie Godleski, Borough Clerk