

**BOROUGH OF BOUND BROOK
REGULAR MEETING MINUTES-JANUARY 22, 2013**

Mayor Pilato called the meeting to order at 7:30 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

Mayor Pilato	present
Council President Mark Hasting	absent
Council Anthony Pranzatelli	present
Council John Miller	present
Council John Paul Levin	present
Council Vinnie Petti	present
Council Lisa Bogart	present

Present:

Donna Marie Godleski, Borough Clerk
Randy Bahr, Administrator
Borough Attorney James G. O'Donohue, Esq.
Lt. Stephen Spolarich, Police Department

Approval of Minutes:

January 1, 2013 Reorganization Meeting; January 8, 2013 Agenda Meeting
Motion moved by C. Pranzatelli; second by C. Levin;
All in favor: Aye Abstain: C. Miller- absent

Mayor Pilato gave a sense of the items on the agenda.

Presentation of communications, petitions, etc.

Mayor Pilato presented a proclamation signed on behalf of the Air National Guard of New Jersey. He visited the troops in Fort Hood that were demobilized from Afghanistan. He met Sergeant Gomez who resides on Vosseller Avenue in Bound Brook. He has invited her to come to a council meeting to formally congratulate and recognize her dedication to the Air National Guard in New Jersey.

Mayor Pilato gave a sense of the items on the agenda.

Council Hasting is absent and he advised that the council hold off on the resolution for professional services contracts.

Greetings for comments and invitation for discussion

Brad Higginbottom-528 Carleton Street

Mr. Higginbottom stated he had two issues for the governing body.

The first is the Memorial Day Parade this year. It is an American Legion run program. We will work with the Police Department. We will keep the same route. Brad will fill out the special event permit application.

The second is his displeasure of how the dirt pile was handled over the several years. He called the county and the state when it first occurred and he was told it was not in a flood zone. Even though the town knew this was in a flood zone, the trucks kept loading dirt into town. The real culprit belongs in jail....he asked how much did the town spend over the five years prosecuting this matter. He noted that Brook Industrial Park ended up paying close to 2 million dollars out of their own pockets. The State is satisfied with everything. Mr. Schleck, at the end of the day is sorry that this happened. He is kind of at fault; not nearly his fault and even after this all, the town went after him. He did not understand.

Borough attorney Mr. O' Donohue's comments.

At the beginning we saw this being very expensive; experts were required in terms of soil and water. Rather than foot the cost of the entire, the borough asked the Attorney General and the Department of Environmental Protection to handle it and the borough would monitor the matter. They would bring forth most of the allegations and the costs. The state spent ten times what the borough would have been charged. He noted that the borough received \$17,500; \$15,000 from Brook Industrial Park; \$2,500 from Fletcher, Sr.

Mr. Higginbottom stated that he felt the town had something to do with why it went so long.

Mr. O'Donohue stated that there were various orders to shut down the operation.

As this is Jamie Schleck's private property, he can literally bar this from happening.

Mr. O'Donohue advised Mr. Schleck in July and August of 2008 that you need to stop this operation. It is your private property. Mr. Schleck's father-in-law Mr. Dobrinski parked his vehicle sideways at the property where the trucks were lined up to enter.

Mr. Fletcher said to Mr. Dobrinski and Jamie Schleck that you need to allow me to let these trucks to come in with the dirt. I have a lease to do this. I am going to sue you so they moved their vehicle and allowed him to bring the dirt in. Mr. O'Donohue has E-mails to show all of this.

Mayor Pilato stated that he asked Mr. Schleck if he would want the borough to help him evict the tenant.

Mr. O'Donohue stated that Mr. Schleck presented every piece of evidence and they were all rejected by a Superior Court Judge in Somerville.

In the later portion of this meeting there will be a request to release executive session minutes of July 2008. Jamie Schleck still takes the position that Mr. O'Donohue advised the council to negotiate a deal. There is nothing in the minutes indicating any negotiation.

Mr. O'Donohue advised how this all started is when Thomas Ruscetta Code Enforcement /Zoning Official went downtown to take a look at a sinkhole. He looked over and saw the dirt pile and started asking questions. He asked if there were permits and approvals.

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Mr. O'Donohue stated that it took the borough some time to review all of this. The answer that was coming back to us was that he had all the necessary permits and also Planning Board and Somerset County approval.

Mr. O'Donohue noted that Mr. Schleck is the ultimate con-artist.

He noted that there was a public meeting where Mr. Fletcher showed up with two attorneys explaining why the town should have a deal with him. The town rejected this. Mr. Schleck who is the property owner did not show up for this meeting.

Mr. O'Donohue noted that from March until June 2008 there was no notice to the town and approvals. In June and July this was a time period to gather information and assessing.

Summonses were issued. During the few week periods, Mr. Fletcher said that the town should have done something to stop it. Mr. Fletcher negotiated the deal with Mr. Schleck. Mr. Schleck went out to sites to see the soil. He asked Mr. Fletcher if they could do a joint venture. Mr. Schleck was trying to make a profit turning the dirt pile over into an asset. In the end the responsible party is Mr. Schleck according to three judges. The judges noted that Mr. Schleck participated fully and tried to escalate it. Mr. Schleck tried to point fingers at Bound Brook. Mr. O'Donohue filed against stating there was no basis. Mr. Schleck voluntarily withdrew upon advice of his attorneys because he would be sanctioned.

All of this is not new; he has made these allegations before. Mr. Schleck had his forum; he had his opportunity to say anything he wanted to say. He is now trying to put out his position in the Press four years down the road that it would be perceived differently.

Mayor Pilato stated that Mr. Schleck made allegations there were deals made with employees.

Mayor noted that Randy Bahr, Administrator oversees the police department and the code enforcement officials. This matter was discussed extensively. He asked Mr. Bahr if there were any deals on the table. Mr. Bahr stated that no deals took place with Mr. Schleck or Mr. Fletcher.

Mayor stated that Mr. Schleck had the opportunity to do the right thing.

Mr. O'Donohue noted that Mr. Schleck was out of the country for the first half of 2008. His father in law was allowing this to happen. When Mr. Schleck returned he escalated it. The judges could not understand; it was clear he was the primary responsible party.

Mr. Higginbottom thanked everyone for their comments. He was still not happy how the dirt pile was handled. At this point, he is glad it is all gone.

Council Pranzatelli comments-

He stated to Mr. Higginbottom that he could not understand legally how the borough would be responsible at all for this.

Council Pranzatelli stated he had reached out to the borough's prior attorney asking if the borough was handling this correctly. He was advised that the borough was handling it as it should be handled. Discussion concluded.

Public Comment

Michele DeFazio- 606 Church Street

She asked what the status was with the downtown manager. Mayor Pilato noted when Council Levin gives his committee reports he will provide a status. Mayor Pilato noted that the position is a consultant.

Committee reports

Finance: C. Bogart

C. Bogart noted she met with Mr. Bahr on the preliminary budget last week. The committee is meeting this week to look over the budget. We will then move forward and make recommendations.

Public Works, Bldgs., Grounds & Utilities-C. Petti – no report

Mr. Bahr noted that the street sweeping map was placed on the borough's website. The Southside was completed. This week has been too cold to go out and do other side. Mayor Pilato asked Mr. Bahr to update the website as to what streets were done. Mr. Bahr will meet with the committee to discuss a regular schedule. We also need to change ordinances and signs.

Public Safety (Police & Fire)- C. Hasting –absent

Personnel, Administration & Ordinances- C. Pranzatelli

C. Pranzatelli was advised by Mr. Bahr that the borough does not have a procedure in place to handle personnel issues. Mr. Bahr has put together a manual drawn up from another town. The manual is 157 page manual which the committee will review and report back.

Mr. Bahr noted that a resolution will then be adopted to accept the personnel policy for the borough. Mr. Bahr has received other samples from towns. The committee will review its intent and review what is best for Bound Brook.

Council noted the sewer ordinance will be carried over for discussion under "New Business".

Economic Development- C. Levin

C. Levin recommended a motion to approve a resolution in support of the North Jersey Transportation Planning Authority grant the Borough of Bound Brook was selected for. This will be discussed under "New Business". He would also like to resolve the Economic Development Advisory Committee membership. This will also be discussed under New Business.

C. Levin met with Mike Kerwin, Somerset County Business Partnership. He discussed with him what has been going on in town and what is in for the future of the town. Mr. Kerwin is very motivated to help Bound Brook.

Mr. Kennedy was hired as a downtown consultant for the whole borough; an economic development strategist.

He is currently developing a strategy where to go first. He has been walking through town talking with residents and business owners. We are talking about community and neighborhood development. We need to communicate to engage everyone's involvement in order to increase quality of life. This will help attract other businesses and people to come into Bound Brook.

Mr. Kennedy has a background in the Arts. He is looking at connecting the Arts to the Train Station and the Meridia Project and public relations. He is looking at cleaning up window displays. C. Levin encouraged communication with all departments so that everyone knows exactly what everyone's vision is; so we engage in a vision.

Mayor Pilato noted that he will be inviting Mr. Kennedy to a council meeting.

Mayor Pilato announced the Hurricane Sandy Relief Bill provision which will allow the county and states to have a look back to prior storms. The borough going back to the year 2011 may be eligible to go after funds for Hurricane Irene. If language stays in tact this is a good opportunity to drive Jim Kennedy and Meridia in terms of economic development focusing on parking and aesthetic attributes.

The borough applied for DOT grants for the aesthetic nature in the downtown, pedestrian traffic to and from the train station and the new development's safety, signage. All of these build into a walk able community.

C. Levin stated that we need the support of the town; its residents and employees to really make this work and communicate with our departments.

We need everyone engaged and motivated for this to become a success.

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Zoning, Construction & Code Enforcement- C. Miller

Council read the December report into the record of minutes. He asked for an explanation on the DCA fees. Mayor Pilato noted that we follow state regulations and a portion of those fees we collect go directly to the Department of Community Affairs.

Advertised hearings or special presentations- None

Introduction of ordinances- First Reading

BOROUGH OF BOUND BROOK
ORDINANCE NO. 2013-01

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

Motion: C. Pranzatelli; Second: C. Miller

Discussion: Mr. Bahr provided a summary.

Roll Call Vote: Unanimous

Second Reading: February 12, 2013

Ordinances on final reading and consideration- none

Resolutions for final reading and consideration – [please note skip in Resolution numbers.....](#)

R2013:- 13

Approve the 2013 agreement with Somerset County Solid Waste Management for a Certified Recycling Professional Service

Motion: C. Pranzatelli Second : C. Levin; All in favor: Aye

R2013: 14 & 15 were adopted at the January 8 agenda meeting

R2013:16- Mayor announced Council President Hasting requested the agreements are carried over to the February 12 agenda meeting for discussion.

Authorize the 2013 professional services contracts of the professional appointments adopted at the January 1, 2013 Reorg Meeting

Attorney: Hill, Wallack LLP-James O'Donohue, Esq.

Auditor: Suplee, Clooney & Company

Bond Counsel: Gluck Walrath LLP

Prosecutor: John Bruder, Esq.

Public Defender: Richard DeLuca, Esq.

Conflict Public Defender: Carl Taylor, Esq.

Tax Appeal Counsel: Martin Allen, Esq.-DiFrancesco, Bateman, Coley, Yospin, Kunzman Davis & Lehrer, P.C.

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R2013: 17 & 18 were adopted at the January 8 agenda meeting

R2013: 19

Approve the hire of a transit village property maintenance assistant

Motion: C. Levin, second by C. Miller

Discussion: Mr. Bahr stated that former Public Works Employee James Barglowski is considered for the position. He did a good job for the public works department. He will clean the train station tunnel and the Main Street Area. This is a part-time position; 20 hours per week. Mr. Bahr noted that he will have a checklist of items for him to focus on.

Mayor Pilato noted that in discussion with the ARC of Somerset County, they provide cleaning services for Manville Borough. Their employees go out and clean up the streets. We may want to look into this for Bound Brook.

All in favor: Aye

R2013: 20

Approve the award of a contract to Modern Group Ltd. for portable light towers

Motion: C. Pranzatelli; second by C. Miller All in favor: Aye

R2013: 21

Approve a refund overpayment for police photocopy reports

Motion moved by C. Miller; second by C. Levin; All in favor: Aye

R2013:22

Authorize the tax collector to issue an overpayment of property tax on 585 Mountain Avenue

Motion moved by C. Levin; second by C. Miller; All in favor: Aye

R2013-23

Approve Increase to the Temporary Budget

Motion moved by C. Levin; second by C. Pranzatelli; All in favor: Aye

Unfinished Business

Sewer Ordinance- C. Pranzatelli noted this discussion falls under unfinished, not new business.

There are residents in town that have wells. When the sewer ordinance was created the fees were based on use. The residents with wells pay a flat fee. If the resident desires, they can have a meter installed at their own costs. Residents have stated that this is unfair, why should they have to bear the cost.

The committee would like to explore what the cost would be for installing the meter And also if the borough would consider giving the resident a credit. C. Pranzatelli Asked permission for Mr. Bahr to review this information. Mayor Pilato suggested the Finance and Personnel Committee review.

C. Bogart asked C. Levin for an explanation on the EDAC communications with departments.

C. Levin noted the communication with all borough departments is important in allowing every department to know what the town is doing in the Economic Development Program.

C. Bogart noted that several marketing materials could have been used internally.

C. Levin and Mayor Pilato noted that any materials would need to come before the Mayor and Council for approval.

C. Bogart also brought up the January 1 appointments. She is trying to familiarize herself with the process. She asked how the committee appoints were handled. Were they discussed anywhere at the council level; how are they notified and what if they do not wish to participate in those committees.

Mayor Pilato noted a lot has to do with the duties of a councilperson which are in the By-Laws and in our Ordinance. Mayor Pilato noted that C. Bogart should not be seeking those answers in a public forum. The New Jersey League of Municipalities and the New Jersey Conference of Mayors are a very good resource of information.

Mayor Pilato noted that councilpersons are approached by persons that wish to participate. Persons are also notified by a phone call or an e-mail.

Mayor Pilato noted that all appointments are made with the advice and consent of the council. It is up to the Council President to ensure the approvals or disapprovals of the appointments. The only place the mayor has authority is on the Planning Board.

C. Bogart stated to Mayor Pilato that it was not the response she was looking for. She wanted to know how the committee appointments were handled because she was asked to vote on those appointments on January 1st. The council president did not share that information. There could have been some input on my end.

Mayor Pilato noted that it was C. Bogart's responsibility to reach out to the Mayor or Council President. Mayor Pilato did not know if the Council President did.

C. Pranzatelli noted that those concerns were brought to the attention of the Council President.

C. Bogart stated that she does not have a problem with changes, but the lack of inclusion. She apologized for not reaching out to the Mayor; this is part of a learning curve for herself.

She asked that Mayor Pilato not speak to her poorly; she is a member of the council who serves freely her time, expertise and education. If this continues, I will continue to call you on it.

Mayor Pilato stated to C. Bogart that there is a proper forum for this.

Mayor Pilato reported on the levee at Billian Park. The core still has not delivered to us after 18 months the assessment of what occurred in relation to Hurricane Irene. Received notification today the next Army Corp meeting will be in February and hopefully will have an answer.

Administrator Mr. Bahr gave an update on the Reassessment of borough properties. A recommendation to discuss at the next work session. We should also have the Borough Tax Assessor, Michael Imbriaco present at this meeting. Mayor Pilato gave a summary. The borough conducted a revaluation at the height of the real estate market. The values were high. As the market went down, in the past two years we have had 500 or so tax appeals. The county has looked at this. They determined we are not in the right position. The county reports that we are ready to reassess as a town. We can recalibrate the town to get the values in a better position to where the market is. At the next council meeting this will be discussed. Mayor Pilato recommended a Request for Qualifications to go out in the first quarter of the year. A 2014 goal for a re-evaluation of the town.

New Business

C. Levin moved a resolution to approve the NJTPA local planning assistance grant Bound Brook was selected for....Second by C. Pranzatelli
Discussion: Administrator Mr. Bahr noted the borough will make use of this grant. Consultants are hired which NJTPA will pay for. NJTPA selected the borough to assist us with tasks. Those are pedestrian transportation and transit village looking at how it relates to our master plan. Conduct background research; a review of the land use ; modify ordinances....bring people to town; businesses; new housing...design guidelines for sustainable building; incorporate into the transit village area.....
This is a positive for the borough. Mr. Bahr noted that was a kickoff meeting on Monday.

C. Levin stated that we were selected by the NJTPA. We need to invite them and the design group to make a presentation to the council and the planning board. He highly recommended once the plans are in place that they are implemented as soon as possible. If they are not, this would be a waste of time and taxpayer money.
All in favor: Ayes

Administrator Mr. Bahr reported for information purposes. Pfizer has set up an information safety and implementation panel regarding the Superfund Site....
They wish to engage persons in Bound Brook, Bridgewater and South Bound Brook And also businesses along the waterfront to attend the meetings. The education meetings are the first Tuesday, quarterly of this year.

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C. Petti brought up a code enforcement matter. A resident came up to him about recycling buckets being placed out a week early. Mayor Pilato noted that the resident needs to know the recycling schedule and code enforcement needs to be notified.

C. Levin noted that this is where community development comes in. We need to communicate with realtors. This information would be in a new resident packet. Mayor Pilato noted that we informally do that now. When a resident comes into town they are given a recycling schedule.

C. Levin noted that there were too many members appointed to the EDAC on January 1st. One person would be dropped. That person voluntarily dropped and advised that if a vacancy opened he would be more than happy to fill. Administrator Mr. Bahr and C. Levin will confirm the terms of the committee members. C. Pranzatelli suggested another option is to change the ordinance to include more members. The consensus of council agreed.

A motion to introduce Ordinance No. 2013-02-
To increase the membership from
(9) nine to (11) eleven members (Reference 2-57.1)
Moved by C. Levin, second by C. Pranzatelli
Roll Call: Unanimous
Second Reading: February 12, 2013

Councilman Levin asked if there was a liaison appointment made on January 1st to the Board of education. Mayor Pilato noted that there was not and he would speak with the Council President on the appointment.

Mayor Pilato noted the Somerset County Planning Board has requested the Municipal Wastewater Management Planning Committee appointments..... Administrator Mr. Bahr noted that in the past those appointments have been the Planner, the Engineer and the Planning Board Chairperson. Motion moved by C.Petti, second by C. Levin to appoint Councilman John Miller and Robert Keady, Borough Engineer to the committee. All in favor: Aye

Approval of Vouchers
R2013-24

Motion moved by C. Levin; second by C. Miller; All in favor: Aye

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Approve Special Event Permit Applications

Coin Toss- Bound Brook Fire Department 125th Anniversary Committee

Date: February 9, 2013 Time: 9-1 pm

Raindate: N/A

Location: Vosseller Avenue & Route 28

Motion: C. Levin; second by C. Pranzatelli; All in favor: Aye

Coin Toss- Relief Fire Co. No. 4-

Dates: 3/16, 7/12, 8/17, 12/14

Raindates: 3/23; 7/19; 8/24; 12/21 Time: 9-1 pm

Location: Vosseller Avenue and Route 28

Motion: C. Levin; second by C. Pranzatelli; All in favor: Aye

Events At Billian Park- Spring Festival

Applicant: Alan Karmin

Date: May 11, 2013 - Time: 8am – 11 pm

Raindate: May 18, 2013

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

Approve Firemen's Membership Application

Carvel C. Harvey- Relief Fire Co. No. 4

Motion moved by C. Pranzatelli; second by C. Petti; All in favor: Aye

Open to the public for comments

Phil Salvatore – Longwood Avenue

Mr. Salvatore addressed several questions. He stated there is a rumor around town that the borough is looking at someone from the county to run the public works department for a salary of \$77,000. He suggested look at promoting one of the public works employees. He noted that the Administrator Randy Bahr who does not live in town is taking care of the public works department. It should not be his responsibility, he has enough to do. Also, the public works employees did a real good job cleaning up this town after Hurricane Sandy. There was not one good word in the newspaper for this. Mayor Pilato stated that he did publicly thank everyone.

Mr. Salvatore addressed another rumor around town is to give the public works employees a 1-1/4% increase. Those men are the backbone of this town.

Mr. Salvatore asked if the borough has a loitering ordinance. If you ride through town there are people standing, sitting all over the Main Street. This is drawing the town down. The benches in front of the Douglas Diner have too many people sitting there. Also in front of Danny's Grocery on Talmadge Avenue the recycling is placed out too early. It is being placed out a week before the scheduled pickup.

Mayor Pilato noted that the business owner may have a private hauler to collect his recycling. The businesses have this option. You also need to call the Code Enforcement Office right away when you see this occurring.

Mr. O'Donohue borough attorney offered comments on the loitering. It is a public area and every citizen has this right unless they are engaged in some activity that is disruptive. This does not give the police the ability to say "get off the street or I will arrest you". Mayor Pilato noted that there is no number finalized yet for a raise in the public works contract.

Mayor Pilato addressed the public works supervisor. In the end, the amount of money is within a striking range of \$77,000.00. We receive data base expertise from Somerset County. A more efficient operation. We will receive ancillary services for a county supervisor for the \$77,000. If we hire within, we would not receive those services.

Meeting adjourned to Executive Session: @ 10:05 pm

R2013: 25

Authorize executive session for: (Personnel; Redevelopment)

Matters for discussion: Bolmer Site; Personnel issue;

Motion moved by C. Miller; second by C. Levin; All in favor: Aye

Action will be taken afterwards. Borough Attorney noted that closed session

Minutes will be released to the public.

Executive session closed at 10:40 p.m.

Regular meeting opened.

Attorney James O'Donohue noted the release of executive session minutes of July 22, 2008 was discussed.

A Resolution was adopted by the governing body to release the executive session Minutes of July 22, 2008.

Regular meeting adjourned at 10:50 p.m.

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

Respectfully submitted by,

Donna Marie Godleski, Clerk

