

BOROUGH OF BOUND BROOK -  
REGULAR MEETING MINUTES – TUESDAY, MARCH 27, 2012 @ 7:30 PM

Mayor Carey Pilato called the meeting to order at 7:30 PM with a reading of the Open Public Meetings Law Statement.

The Borough Clerk read the opening prayer followed by the Pledge of Allegiance.

ROLL CALL

Mayor Carey Pilato	present
Council John Buckley	present
Council Howard Wagner	present
Council Mark Hasting	present
Council Anthony Pranzatelli	present
Council John Miller	present
Council John-Paul Levin	present

Present:

Borough Administrator-Randy Bahr

Borough Clerk- Donna Marie Godleski,

Borough Attorney –James G. O'Donohue, Esq. - Hill, Wallack- LLP

Borough Police Chief- Michael Jannone

Borough Engineer-T&M Associates- Dale Leubner, Senior Staff Designer

Mayor Pilato provided a review of the items on the agenda for the public.

Approval of Minutes: None

Presentation of communications, petitions, etc.

Mayor Pilato announced a letter received from New Jersey Governor Christie that the Borough of Bound Brook has been selected to receive funding from the New Jersey Department of Transportation for Church Street Phase II from Maple Avenue to Chestnut Streets in the amount of \$220,000. A thank you to the borough engineer T&M Associates for submitting a very good application for Bound Brook.

Mayor Pilato announced a letter received from the New Jersey Department of Transportation informing the borough that the Route 28 Resurfacing Project will begin from Carleton Street, Bound Brook to Hamilton Avenue, Borough of Dunellen. This will include milling, asphalt pavement, resurfacing traffic lanes and parking lanes and safety upgrades.

Mayor Pilato announced a proclamation for the month of April as Alcohol Awareness Month – Join with the National Council on Alcoholism and Drug Dependence and the NJ Division of Alcohol Beverage Control.

Greetings of the Public and Invitation for discussion on agendized matters only

Michele Defazio – 606 Church Street

She asked what the purpose is of the ordinance on the agenda for the adoption of an amendment to the redevelopment plan.

The attorney gave a brief summary. This ordinance creates a new sub -section of the borough's redevelopment plan for the former Bolmer Site Downtown East Main Street. The borough planner has prepared the report which will enable the redeveloper of this area to construct a residential five story building. It sets in place the zoning, the broad parameters. The redeveloper will then come back with an actual plan of what the building will look like. Then it goes to the Planning Board for a site plan approval. This plan will move very quickly by this redeveloper.

Special presentations- Mayor Pilato noted the Senator has not arrived yet so we will move this to the later part of the agenda.

- Senator Michael Doherty-District 23 Representative

Introduction of ordinance- FIRST READING- ORDINANCE NO. 2012-04

AN ORDINANCE ADOPTING AN AMENDMENT TO THE BOROUGH OF BOUND BROOK'S GENERAL LICENSING REGULATIONS TO ADD THE PROCEDURES FOR SECURING A SECOND HAND MERCHANT LICENSE

Motion: C. Hasting                      Second: C. Miller

Discussion: A brief summary was provided by the attorney. Several questions/concerns were addressed by council at the last meeting. The attorney incorporated the several modifications to the ordinance.

Roll Call:

C. Buckley- Aye C. Wagner\_-Aye C. Hasting\_-Aye  
C. Pranzatelli \_-abstain C. Miller Aye C. Levin\_Aye

Page 3-3/27/12 minutes

Ordinances on final reading and consideration – SECOND READING-ADOPTION

NOTICE IS HEREBY GIVEN that the following ordinance was introduced and passed on first reading at a meeting of the Borough Council held on February 14, 2012 -

BOUND BROOK BOROUGH ORDINANCE 2012- 02

AN ORDINANCE ADOPTING AN AMENDMENT TO THE BOROUGH OF BOUND BROOK'S REDEVELOPMENT PLAN FOR AREA 1 SO AS TO CREATE A NEW SUB-DISTRICT 1 PURSUANT TO THE MUNICIPAL LAND USE LAW, N.J.S.A. 40:55D-1, et seq. AND THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-7(e)

Motion to open to public: C. Buckley; Second: C. Hasting; All in favor: Ayes  
Public Comment: The attorney gave a brief purpose. Two areas of issue were clarified in the report and incorporated. The final report dated March 23, 2012 was prepared by Borough Planner Carlos Rodrigues.  
Public Comment: None  
Motion to close public comment: C. Buckley; Second: C. Hasting; All in favor: Ayes  
Motion to Adopt: C. Buckley; Second: C. Pranzatelli  
Roll Call: Unanimous

Resolutions for final reading and consideration

R2012: 35

Authorize execution of a shared service agreement for the resale of commodities and other related services with the Somerset County Department of Public Works

January 1-2012-December 31-2021

Discussion: Mr. Bahr noted that 2021 should be 2012

Motion: C. Hasting Second: C. Wagner All in favor: Ayes

R2012:36

Authorize professional services agreement for the administration of the Bound Brook Housing Rehabilitation Program

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

Page 4- 3/27/12 minutes

R2012:37

Authorize Chief Financial Officer to issue a refund on extra refuse stickers-  
Block 19; Lot 30 – 50-54 North Street

Motion: C. Buckley Second: C. Hasting All in favor: Ayes

R2012:38

Authorize Tax Collector to issue a refund on overpayments on 311 John Street  
and 9-11 Church Street

Motion: C. Hasting Second: C. Buckley All in favor: Ayes

R2012:39

Authorize settlement of 2009, 2010 and 2011 Tax Appeals Filed by Bound Brook, LLC  
For Codrington Apartments; Block 69, Lot 3

Motion: C. Pranzatelli Second: C. Hasting

Discussion: Attorney noted the resolution should be amended to include “subject to the stipulation of settlement be amended; any refund is credited to future tax years”.

All in favor: Ayes

R2012:40-

Authorize the hire of Donna Alessi to fill the position of a Planning Board Recording  
Secretary

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

R2012:41

Authorize the hire of James William Horst to fill the position of a Transit Village  
Property Maintenance Assistant

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

R2012:42

Approve Change Order No. 4- Reivax Contracting Corporation-Reconstruction of  
Metape Circle

Motion: C. Hasting Second: C. Buckley All in favor: Ayes

R2012:43

Approve Change Order No. 2 & Final- Jenicar Builders Contractors Co., Inc.-  
Reconstruction of Church Street

Motion: C. Miller Second: C. Hasting All in favor: Ayes

Page 5-3/27/12 minutes

R2012:44

Authorize Transfers in the 2012 Temporary Budget -

Motion: C. Pranzatelli Second: C. Hasting

Mr. Bahr noted the transfers apply to the 2011 budget, not 2012.

All in favor: Ayes

R2012:45

Authorize Increase in the 2012 Temporary Budget -

Motion: C. Hasting Second: C. Miller All in favor: Ayes

R2012:46

Approve –Length of Service Awards Program-Bound Brook Fire Department

Motion: C. Hasting Second: C. Miller All in favor: Ayes

R2012:47

Authorize Finance Officer to release escrow funds –Planning Board Application #12-02-Valley National Bank

Motion: C. Hasting Second: C. Miller All in favor: Ayes

Unfinished Business – none for discussion

New Business

Approve a Special Event Permit-

Bound Brook Fire Department

Carnival- May 9-12, 2012 @ Billian Legion Park

Wednesday & Thursday- 6-10 p.m.

Friday -6-11 p.m. – Saturday 3-11 p.m.

Motion: C. Miller; Second C. Hasting

Discussion: Comments/questions by Mayor Pilato and councilmember's.

C. Pranzatelli asked if there was any closure on issues with the carnival last year.

Also, are there any precautions for the carnival this year?

Mr. Bahr addressed those from last year, noting they were all resolved.

He noted the application process was not correctly followed last year. The event holder, the Recreation Department and the Administrator are to observe what is there prior to and after the event as to any damages that need to be rectified.

C. Pranzatelli asked if Mr. Billian was happy with the arrangement; noting a risk of losing the funding source. He asked if there has been any closure as to Mr. Billian; any communication? Mr. Bahr stated there was no closure in Mr. Billian's point of view.

Mayor Pilato gave his comments noting that Mr. Billian alleged damages to the park from the last carnival. He took it upon himself to exercise outside of the ordinance. The borough owns the property. He is a generous donor. If something should happen at the park, it comes to the governing body, not Mr. Billian. He did not allow for the Fire Department to rectify the situation.

We have to decide as a community whether we believe Bound Brook should have carnivals. Mr. Billian believes that a carnival should be held some place else. He has said that carnivals should not be held at Billian-Legion Park.

Mayor stated that this evening we have an application before us for the carnival to be held at Billian-Legion Park. We have to weigh out those concerns, balance the needs of the community and support our volunteers.

C. John Paul-Levin- He recommended the fire department provide an insurance bond to cover any damages. Also, the coming in and out of the park should be supervised. Mayor Pilato noted that all of that is a requirement in the application which must be complied with.

C. Buckley stated that he was in favor of a carnival utilizing the borough's assets. He feels what was missing in last year's carnival was communication with Mr. Billian. Mr. Billian's only request this year is no heavy equipment in the park. He feels all of these concern areas will be handled with the process in place now.

C. Pranzatelli stated again that we risk losing a funding source. Mr. Billian does have certain parameters noting that he does not want heavy equipment in the inner circle of the park.

C. Hasting asked whether we are going to use the park or not for the carnival.

Mayor Pilato stated that we got to this point with a concept. No councilmember approved a final site plan. Yes it is important to hear Mr. Billian's concerns. He cannot dictate how the property is to be used. He needs to weigh the wishes of the town. There are ways to protect the paths for heavy equipment. An access way should be considered as part of the application. Mr. Bahr will speak with Hi-Tech Landscaping on the access way.

C. Buckley noted that the path entranceway should be behind the driveway this year. C. Hasting noted that we need to set a date for this to be done. Also there is no access for an emergency helicopter landing area. This needs to be done also.

C. Wagner noted that remediation of the park is a separate issue. What I am hearing is the park will be restored. I am hearing from the fire department is that there is an agreement in place to restore the park. Everything we ask of them to do they will do. I do not see why we should not move forward on this. We can satisfy the carnival and also Mr. Billian.

Joe Gullia-642 Winsor Street – Assistant Fire Chief and Chairman of the 125<sup>th</sup> Anniversary Celebration

Mr. Gullia stated that the carnival will have 13 rides, a 40 foot ferris wheel, 30 vendors, games, food and parking. If you take away the inner circle where do they go? Last year, we thought about taking the carnival out of town. We want to keep the carnival in town. We would hate to see it go away for this town. It is a shame it has to be discussed this long.

Mayor Pilato stated that no-one wants to do harm to the Fire Department. We have to balance both needs appropriately. We are the owners of the property and the citizens are the owners. We act in the best interests of all citizens.

The spirit is to support this. Everyone sees a benefit of having this carnival.

Doreen Todaro-Bound Brook Recreation Director

She read a statement she prepared on the use of Billian Park. She was hired recently for the position of Recreation Director and has been a member of the commission for the past five years. She is aware of the situations at the parks. She offered her facts on the history of the park. The job of Recreation is to oversee. The parties involved here are the Recreation Commission, Mr. Billian and the town. The Recreation Commission is happy to help the fire department in any way.

This statement provides opinions and suggestions and she is also speaking on behalf of Mr. Billian. She stated that she has had numerous conversations with Mr. Billian on the use of the park.

She feels that she is a voice for Mr. Billian today and also a voice for the Recreation Commission.

She did not fully understand the issue and will try to and is sure the borough will set the record straight on the facts.

She understood after last year's carnival there were some damages to the grassy area. No organization was to blame. There was no set of guidelines for maintenance.

Mr. Billian and the Recreation Commission feel that possibly there could be a compromise to move four (4) rides to the blacktop area at least to show Mr. Billian that we are working with him instead of at him. We would like these guidelines to be placed on the application.

Mayor Pilato stated that from concept of the park to where we are today, this council most likely would not have approved the segmenting of the park. Based on how the park was created that segmenting defeats what Mr. Billian is trying to engender in his compromise.

If you have the rides in one place you basically have to go around on the parameters and it is difficult to maintain continuity.

Doreen Todaro asked what if we move the ferris wheel and two (2) rides.

Mayor Pilato stated that he is willing to listen to the suggestions but it is difficult to do a layout of the park to try to keep a flow.

Mayor Pilato suggested Joe Gullia speak with the Recreation Commission and come up with a suggestion and also speak with the carnival ride company.

C. Pranzatelli stated that he would love to support this carnival if only we would find a way to relocate the three (3) heaviest rides. Let us work with Mr. Billian and keep the field in good shape.

Joe Gullia stated that the carnival ride vendor has to come through an access.

C. Wagner stated if the park is completely restored after the carnival what does it matter.

C. Pranzatelli noted it is a matter of losing the funding source.

A motion to end discussion moved by C. Hasting; second by C. Miller;

Roll Call:

C. Buckley-no C. Wagner-yes C. Hasting-yes

C. Pranzatelli -no C. Miller-yes C. Levin-yes

Motion to approve the carnival moved by C. Hasting; second by C. Wagner;

Roll Call:

C. Buckley-no C. Wagner-yes C. Hasting-yes

C. Pranzatelli-no C. Miller-yes C. Levin-yes

4-Ayes; 2 Nays- Carnival event was approved at Billian-Legion Park.

C. Hasting asked that we open an entrance to the inner circle into the park within two weeks. A date of Friday, April 13<sup>th</sup> was given.

The council authorized the administrator, Mr. Bahr to act upon the resolution that was passed last year to provide an entrance access way into the park.

Discussion closed.



Page 9-3/27/12 minutes

Mayor Pilato announced the arrival of Bound Brook District 23 Representatives- Senator Michael Doherty; Assemblyman Erik Peterson and Assemblyman John Demaio, Mayor Emeritus.

Senator Doherty stated he was pleased to formally introduce themselves to the governing body and Bound Brook residents. We are honored to represent Bound Brook. Let us know if there are any issues and please contact us with those. He noted that our elected officials have come up with some very good ideas over the years.

Assemblyman Peterson and Assemblyman DeMaio formally introduced themselves and thanked the governing body for an invitation. Please feel free to call with any suggestions and if you have any problems with any state agencies.

Mayor Pilato invited them all to tour the flood control project. Senator Doherty stated that he would be happy to attend the firemen's carnival.

Mayor Pilato noted that redevelopment is occurring on one of the borough sites now protected by the flood control project. We may need your assistance from a DEP perspective.

He announced to the District 23 representatives the two letters of good news the borough received. The first is the NJDOT resurfacing project and the \$220,000 DOT grant to resurface a portion of Church Street.

Mayor Pilato thanked them for their service and we appreciate all you do.

He stated that we have one of our school board representatives here at our meeting tonight.

He offered a suggestion to invite Senator Doherty to a school board meeting and talk about the fair school funding legislation.

Mayor Pilato announced; just a commercial in that our second meeting in April we want to try to have the council meeting held at the Bound Brook High School. We will recognize our district champion wrestling team. This is a first in seventy (70) plus years. This will be a joint meeting with the School Board of Education to recognize the team.

Borough Clerk/Administration: Mayor noted recommendations for the next council meeting.

Recommendations due for the Somerset County Solid Waste Advisory Committee and the Somerset County Cultural and Heritage Advisory Committee for 2012

- Solid Waste-2 names- one Mayor's recommendation and one Council recommendation
- Cultural and Heritage- one name for consideration

Borough Clerk/Administration: Mayor noted a hearing is scheduled for the next council meeting.

Notice of Hearing- Scheduled for April 10, 2012 Council Meeting  
Denial of a Liquor License Transfer-1804-44-016-004-Frascella's Liquor Shop-

The Administrator, Mr. Bahr reported a recommendation from the borough engineer T&M Associates. They recommend an award contract to Jads Construction for the 2011 Road Reconstruction Program, East-The bid opening was held on March 20, 2012.

Resolution No. 2012-48- Award contract to Jads Construction –

2011- Road Reconstruction Program, East -:

Motion: C. Buckley; Second: C. Hasting; All in favor: Ayes

A recommendation from the borough engineer, T&M Associates to award contract to D&D Trenchless Solutions for the Basin 6 Sanitary Sewer Rehabilitation-The bid opening was held on March 27, 2012-

Resolution No. 2012-49-Authorize contract award to D&D Trenchless Solutions-Basin 6 Sanitary Sewer Rehabilitation

Motion: C. Buckley; Second: C. Pranzatelli; All in favor: Ayes

T&M Associates recommended the project be re-advertised for Proposal A of the Basin 6 Sanitary Sewer Project. The bids did not include Proposal A.

Motion to approve the re-advertise moved by C. Buckley; Second: C. Hasting;

All in favor: Ayes

Mayor Pilato noted the license agreement will be discussed in executive session.

LICENSE AGREEMENT-BETWEEN THE BOROUGH OF BOUND BROOK AND  
THE BOUND BROOK ROTARY CLUB TO OPERATE COMMUNITY EVENT  
"RIVERFEST"

Approval of Vouchers

R2012: 51

Motion: C. Hasting; second: C. Miller All in favor: Ayes

Page 11-3/27/12 minutes

Mr. Bahr, Public Works Administrator announced that a yard debris schedule will be set for this year. Collection will be the first and third weeks of the month starting in April through October.

Schedule 2012 Yard Debris: April – October

North Side of Union Avenue and North of Union

First and Third Wednesday

South Side-Union Avenue and South of Union

First and Third Thursday

July & August - One collection which will be the third week

Schedule will be posted on the website and borough hall.

Shade Tree Commission Brochure: Bound Brook was honored with a white pine that was grown in space. Seedlings were brought up into a space shuttle program to germinate. The Shade Tree Commission has listed three choices where they would like it planted.

Mr. Bahr asked the governing body to review and have a decision at the next work session.

The Recreation Commission will provide an opinion also.

R. Bahr- The State of New Jersey has approved reversed auctioning for electric supply. Some towns were very successful. A savings of \$26,000 per year. This is a company that will solicit bids. We would do the auction close to a meeting date. The contract is from 12 to 36 months. A Resolution to accept and award but we do not have to do anything until we see the results of the auction.

Open meeting to the public for comments

Dave Woods-621 Betsy Ross Place

He asked the council to designate someone to contact Mr. Billian before the carnival and after with the right information.

Mayor Pilato noted that the designee would be the Administrator, Mr. Randy Bahr.

Bruce Gorski- 356 Cherry Avenue

He stated that his committee did a lot of research with the carnival. We looked at vendors and saw Billian Legion Park as the best venue. He stated that it is not that easy to move pieces of the carnival in the park. We need an access way in place. We all can go over the entire layout and work out all these issues.

Joe Gullia- 642 Winsor Street

We really need this year and next year's carnival to make our anniversary celebration for the town.

Doreen Todaro-302 West Maple Avenue -Recreation Director

She expressed her concerns on the carnival if Mr. Billian walks away from it. She asked how is the town prepared to take care of grass cutting, etc. Mayor stated if the town needs to do this, we will find a way to maintain those areas. She stated that the park is just not for the firemen; it is for the people, children and the community.

Donna Kubalski- 370 West High Street

She complained about the garbage in town stating that it was out of control. There are many cans in the streets and there are tons of black bags, mattresses at the park. Mayor Pilato stated there was a recent spring cleanup at the Little League Field. Mayor advised Ms. Kubalski to call borough hall if you see that Rubinetti Disposal Service is not doing their job. We need to collect/document all information as it comes in from the residents. Mayor noted that garbage disposed at Codrington Park does not emanate from the park. Our code officials are not immune from picking through refuse; they do this on a regular basis. That individual will be fined for dumping. Ms. Kubalski stated that there are way too many bags at Codrington Park. She has pictures of this as an ongoing issue. Mayor stated that we would like those pictures. Ms. Kubalski asked what the town is doing about houses that have refuse out that is not being picked up because someone has moved out or they are not paying their bills. How do they know this? Mayor stated that there is a process when this happens. We work with the foreclosure, bank and the property owner as to who is maintaining the property. If they do not abate, we hire ourselves or a contractor to go to the property to clean up and we take the cost and lien it back on the property. This is not a quick and easy process. Ms. Kubalski complained about the garbage on Route 28 stating that she saw an animal coming out of the garbage. Mayor stated that it needs to be reported so the Health Department is notified.

Ms. Kubalski stated that she has given property maintenance paperwork from two years ago on properties that she sees are still outstanding. She feels as though nothing has changed. She stated if I am putting myself out by taking pictures, etc. she would appreciate some help back from the town. She does not appreciate having to live in these areas of negligence.

Mayor noted that there is a town ordinance in place and a due process that we need to follow. We cannot make this process any more restrictive than state law.

Ms. Kubalski noted back in 1982 when her son just got a truck and was working on it waiting for his license. He did not know that he had to have it registered; no one told us. We were issued a summons. The judge asked us if we were warned and gave us an amount of time to take care of it.

She stated the same thing occurred with trailers around the same time frame. There is a property that has had a trailer in its backyard for six years now that I have to look at. She went to borough hall and asked about the ordinance and was told that the ordinance was changed.

Mr. Bahr noted that was not said by him. The code enforcer said there was a stay of enforcement back in 2006 on the ordinance and I do not know if that is accurate.

Ms. Kubalski stated that if I am going to put myself out there and provide you with information I would like to know if all these areas are under a grandfather law.

Mayor Pilato asked the attorney to provide the current status of the boat and trailer ordinance and respond back.

Mayor asked that Council Levin work in concert with Mr. Bahr on the list of properties that was provided by Ms. Kubalski.

Ms. Kubalski offered a complaint with crossing guards. She happened to notice several crossing guards on her way to the post office on Mountain Avenue. A crossing guard at West High Street and Vosseller Avenue sits in the car and smokes. The kids are not being crossed. A crossing guard at West High Street and Mountain Avenue sits in a chair and is on a cell phone. The kids are not being crossed. A crossing guard at West Second Street and Mountain is in the post office. It was raining that day; I guess she did not want to be out in the rain. The point is they are not out there crossing the kids.

She did not appreciate the kids being exposed to this.

Mayor informed Ms. Kubalski that Council Hasting will take a look at this with the Police Department.

C. Hasting offered a motion to approve the Firemen's Carnival as a borough sponsored event; second by C. Miller; All in favor-Ayes

Page 14-3/27/12 minutes

Adjourn to Executive Session @ 9:40 p.m.

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

Resolution: No. 2012:52

Authorize Executive Session: Contracts; Personnel;

Matters : Riverfest Event; Update on Dirtpile-West Main Street;

Army Corp of Engineers- West Main Street;

Potential action may be taken.

Regular meeting back in session @ 10:40 p.m.

RESOLUTION NO. 12-50-

APPROVE A LICENSE AGREEMENT-BETWEEN THE BOROUGH OF BOUND  
BROOK AND THE BOUND BROOK ROTARY CLUB TO OPERATE COMMUNITY  
EVENT "RIVERFEST"

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

Adjournment:

Motion moved by C. Hasting; second by C. Miller to adjourn regular meeting at 10:40 p.m.

Respectfully submitted by,

Donna Marie Godleski, Borough Clerk