

**BOROUGH OF BOUND BROOK -
AGENDA MEETING MINUTES – TUESDAY, MAY 8, 2012**

Mayor 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:

Randy Bahr, Administrator- Chief Financial Officer

Donna Marie Godleski-Borough Clerk

James G. O'Donohue, Esq. – Borough Attorney

Michael Jannone, Police Chief

Robert Keady, Borough Engineer- T&M Associates

Dale Leubner, Senior Staff Designer

Approval of Minutes:

April 24, 2012 Regular Meeting;

Motion: C. Levin; Second: C. Wagner; All in favor-Ayes

March 27, 2012 Regular Meeting Minutes: Approve a revision to

Page 12- 370 West High Street comment

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

Engineers Report

Mr. Leubner reported on the GreenBrook Flood Control Project:

Update on Diversion Pipe #1, 4 & 5 Pipe 5

Concrete work on West Main Street and Vosseller is unacceptable; the ADA does not comply with regulations. A new plan to widen the radius.

Begun to install the swing gate across the railroad tracks.

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Two Aqua Bags were purchased and tested. They will be used as additional measures against the gate for flood events. The County will take possession of those and will be stored at the West Main Street Pump Station.

Repairs to the levee Segment T Pump Station at Billian Park

Generator and Pump at East Street Apartments

South Main Street Closure Gate- some repairs left to do

Road closing on May 25th from 9 to 12 a.m. to test the closure gate.

Diversion Pipe Contract to start on Monday to repave a portion of Main Street to Columbus Place with full closure during the day.

R2 Levee- Paving around the pump station and the access ramp work is wrapping up.

Segment T is complete at the park and the pump station is operational.

Other Items to report are:

Erosion concerns behind Segment U behind ShopRite.

The survey around the entire levee is ongoing and identifying low lying areas.

Soil borings to be conducted on Segment T levee.

FEMA levee certification in process -remapping flood areas.

Questions were asked by the Mayor and council and addressed by the engineer-

West Main Street and Columbus Place

Remapping

Gate Structure

Swing Gates

Aqua Bags

Defino Contracting punchlist items

Robert Keady, PE reported on:

2011 Road Reconstruction Program

2011 Road Reconstruction West

2011 Road Reconstruction East

Basin 6 Sewer Rehabilitation

Chestnut Street Paving

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The borough attorney noted that the borough engineer needs to stay for the executive session for discussion on American Cyanamid –site remediation – The session should take ten minutes.

Mayor Pilato announced a change to the order of the agenda.

We will begin with greetings of the public. We will hold off on committee reports; allow the two presentations and then recess for the executive session matter.

Presentation of communications, petitions, etc.

Our District Assemblyman John DiMaio has extended an invitation to the public for an open house at his district office in Bridgewater on May 15, 2012.

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

Andrew Rehm- Plymouth, MA

He asked about a motor at the pump station burning out.

Mr. Leubner stated the South Main Street has a motor and it was a trip mechanism, the motor did not burn out.

Mayor Pilato noted that they were tested last year in an event that was just as strong as Hurricane Irene.

Alan Karmin- Literacy Volunteers of America

He noted that his special event application is on the agenda. There are two components to the application. A charity softball game to benefit Literacy Volunteers of Somerset County and a golf ball drop with a grand prize of \$2,500.00 . The event will feature WCTC Radio and Magic 98.3

Mr. Karmin noted that he had conducted a gold ball drop in another town for the Red Cross which was very successful. The golf ball drop involves numbered golf balls will be dropped onto the field at Billian Park. The owner of the ball landing closest to the flag pole will win the grand prize.

He stated that the Clerks Office is not sure how to approve this or whether or not it could be approved. The New Jersey Legalized Games of Chance was consulted and he was told that the state wanted nothing to do with it. They advised him that it is not illegal. They just do not have jurisdiction on this type of event because of the way it is being conducted. The state said it is under the jurisdiction of the town.

Page 4-5/8/12 minutes

Mr. O'Donohue, borough attorney noted that the state regulates all games and raffles.

They have a specific list of approved games. My understanding is that this is not one of them. Towns do not want to get involved with the rules and regulations. This is why the State oversees all games. I do not know how this is not a game of chance. He will speak with the person Mr. Karmin has been speaking with at the state. Mr. O'Donohue stated that he does have a problem with this because I do not know if the governing body has expertise in this area to make a fair and reasonable decision.

Mayor Pilato stated that we do not have anything comparable in our ordinances. We need something to rely on; a law. If not, we place the borough at potential risk.

Mr. Karmin stated he is now looking for an alternative or a recommendation at this late date. We can just draw balls out of a bucket. I will just get a raffle license.

Mr. O'Donohue stated that would be perfectly permissible to do.

Hal Dietrich- 639 Central Avenue

He asked when the cracks will be repaired on Maple Avenue. Mr. Keady, borough engineer stated within the next two months.

Advertised hearings or special presentations

Presentation: The LMNH Group- (LOVE MY NEW HOME)
Real Estate Development –Carriage Park at Bound Brook Project –
Block 68, Lots 1.01 & 1.02

Mr. O'Donohue gave a brief project history on the Carriage Park Project. The developer has introduced a new builder for the project who is anxious to commence construction of the first building which was the building that burned down to its foundation.

Mr. Scott Anderson counsel for MF Carriage Park was present. The new builder is willing to step in and assume agreement, take title and comply with the conditions of the agreement.

He spoke on how the project is going to be built out. He is willing to discuss options with Buildings Two and Three that will be constructed.

The project will be upscale condo rentals.

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Charles Avery was present to represent the finance side of the project. William Greenberg was present to represent the construction side of the project.

The LMNH Group is a diversified organization of affiliated and related entities with over 35 years of experience in real estate development.

Mr. Avery noted once closing takes place in the summer we can mobilize in September for construction. Framing will take place right away and 9-12 months for the first building. Then talks will take place as to what follows.

C. Pranzatelli expressed concerns on the rentals versus selling the units. He asked how this will affect revenues.

C. Buckley asked about the management of the property. Mr. Avery stated that there will be credit checks, etc. The borough attorney stated that inspections will be conducted periodically.

C. Wagner asked about the number of children added to the school district. The borough attorney noted that you can start out as rentals then sell. You cannot flip with a sell and then a rent.

Mr. Anderson noted that you can have language in the contract on this.

Mr. Avery noted that there will be a condo association which is very strong. He noted that the units will be 1200-1400 square feet; two bedrooms-two bath. There will be structure parking underneath.

C. Pranzatelli asked if there would be consideration for a redesign of the project. Possibly smaller units.

C. Buckley asked the Police Chief on the policing of this area.

Police Chief Jannone noted that the department can handle this.

C. Buckley noted that he is not opposed to the rentals. He expressed concerns that there is no plan yet to make sure only the renters are coming in. Mr. Avery stated as the project moves forward that will be addressed along with security.

Police Chief Jannone noted that the Village Court Complex is owned by an association. There are some rentals there as well.

The borough attorney noted that the path forward for the governing body is to prepare a resolution for the next meeting to authorize the transfer as the redeveloper of this project.

Presentation closed.

Public Hearing-New Application –Taxi Owner License-Sandra's Taxi-411 East Main Street

Mr. Jose Vasquez, the owner was present along with his son who assisted with translation for Mr. Vasquez.

Mr. Vasquez stated that there is a need for another taxi company to service the community. He also has a business in town. He has one vehicle to start with at this time. Police Chief Jannone confirmed the background investigation was satisfied.

Hearing closed.

Resolution: 2012: 66

Approve a taxi owner license-Sandra's Taxi-411 East Main Street

Motion: C. Miller Second: C. Hasting

All in favor: Ayes

The governing body applauded the approval of his application.

Meeting adjourned to executive session at 8:50 p.m.

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

Matter of discussion: American Cyanamid Site Remediation

Mayor Pilato was excused from discussion.

Regular session opened at 9:15 p.m.

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

All present.

Reports of committees

Finance: C. Pranzatelli

Committee is working on the 2012 budget. In a previous report, it was reported a shortfall in the 2011 sewer collection rate of 3-400,000. The costs went slightly down. After the audit was received, the committee agreed to raise the fee 20 cents from 3.55 to 3.75 per 1,000 gallons.

Another issue is the one half million debt caused by Hurricane Irene.

Mr. Bahr is looking to defer five years. This debt is outside of the cap and is a burden to the taxpayers. We are seeking reimbursements from FEMA. Revaluation will be discussed under New Business.

C. Wagner noted the wrong word was noted; there will be a discussion on reassessment.

Reports of Committees- Continued

Mr. Bahr noted that he is working on the monthly finance report for the council and will e-mail later in the week.

Mr. Bahr noted the time for introduction of the budget was April and adoption in May. The Division of Local Government Services is very busy with budgets right now.

Public Works-Buildings-Grounds-Utilities: C. Miller

Reported the yard debris collection is continuing. He will have an item for discussion in executive session. He asked Mr. Bahr on the status of the street sweeper. Mr. Bahr stated that he is awaiting an e-mail from Hawthorne Township and then the County will pick up the street sweeper. The Borough can then begin to establish a street sweeping schedule for the town.

Public Safety: Police & Fire: C. Hasting

The monthly report was read into the record of minutes.

No report for Fire this meeting. The Fire Department is requesting funding for equipment. They have ten new members that need equipment for call out gear before they can start serving.

Mayor Pilato recommended for safety that three-way stop signs be placed for High and Winsor; High and Fairview and Grove and Highland Place.

C. Wagner extended congratulations to the police department for a job well done in the recent activity at the North End of town helping to correct the negative culture we have had.

Personnel-Administration-Ordinances: C. Buckley

A personnel issue will be discussed in executive session.

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Economic Development: C. Wagner

He stated this evening we had a presentation from Love My New Home Group-Carriage Park Project. They want to get started in town which will help the shortfall in ratable for the town.

We have two developers interested in the Talmadge Commons Project. We are hoping this will move forward as well.

The Meridia Project-East Main Street has begun cleanup and testing.

They continue to push ahead and they are on track and going well.

Mayor Pilato received a response from an inquiry sent out from a national developer interested in the Transit Village Project. This will be a boom for Bound Brook. The project would begin where Torpedo's is on Main Street down to Church Street. This will entail a reconfiguring of the downtown.

The Economic Development Advisory Commission is working on the concerns we had in hiring a downtown manager to event plan and promote Bound Brook. Several persons have shown interest. They have submitted resumes and were told to visit Bound Brook to take a look at the town.

This will move forward and be presented to the full council to put this in place. The EDAC chairperson notes that we have the whole town to consider with the hire of a downtown manager.

Zoning-Construction-Code Enforcement: C. Levin

The monthly report for April was read into the record of minutes.

Opening of bids- none

Introduction of ordinances

Borough of Bound Brook

Ordinance No. 2012: 05 -

AN ORDINANCE ESTABLISHING AND APPROVING DRUG FREE PARK ZONES IN THE BOROUGH OF BOUND BROOK

Motion: C. Hasting; Second: C. Levin

Discussion:

Mr. O'Donohue noted that the State requires you to have a map of the parcels in the community of drug free zones which cannot be more than 1,000 feet from schools and parks.

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The schools were passed awhile ago. The purpose is for the map to be adopted for the parks.

Roll Call: Unanimous

Map prepared by Herbert Lauterwald, P.E.

Public Hearing scheduled for the regular meeting- May 22, 2012.

Introduction/discussion of Resolutions:

R2012: 67-

Support the Click It or Ticket Seat Belt Usage Mobilization from May 21—June 3, 2012

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

R2012:68-

Authorize the administrator to advertise/hire four (4) part-time seasonal help for the public works department

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

R2012:69-

Authorize purchase of energy generation services for public use on an online auction website

Motion moved by C. Hasting; second by C. Buckley;

Discussion: An amendment to the resolution was agreed to for a one year contract versus a three year contract. Mr. Bahr noted that this should begin in June. A savings of \$40,000 was noted from the lowest bidder as the supplier. We would still use PSE&G to get us our electric.

All in favor: Ayes

Unfinished business-

Mayor announced to the governing body to submit any names for consideration.

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

Mr. Bahr announced a reminder to C. Miller of a Community Development Block Grant meeting at the Somerset County Administration Building at 9 a.m.

Mayor Pilato announced a potential amendment to the Capodaglia Agreement-Bolmer Site Redevelopment Project for discussion in executive session.

New Business-

R. Bahr: Discussion:

Correspondence dated April 25-2012: Somerset County Board of Chosen Freeholders:

A Request to submit in writing by August 1- a decision to participate in the joint meeting-Regionalized Policing.

Mr. Bahr asked that the governing body review the report. The consensus of the governing body agreed to discuss on their own at the June Agenda Meeting under Special Presentations.

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C. Levin moved a resolution to hire a part-time administrative assistant to the construction department.

Second C. Hasting

Discussion: Mayor Pilato noted that since the full time person retired in the construction department, the property maintenance assistant has been assisting the construction department. We are now getting into the busy season and property maintenance is backing up.

The property maintenance department will also be getting busy with housing inspections/code enforcement.

Mr. Bahr noted that this will be a permanent part-time position.

All in favor: Ayes

C. Pranzatelli addressed reassessment of properties in Bound Brook.

A revaluation was done about four years ago.

The finance committee would like to review reassessment of properties to weigh out the benefits and costs.

Mr. Bahr noted that (88) County Appeals were filed. He noted that a reassessment cannot be started until 2013. The finance committee would like to review reassessment of properties to weigh out the benefits and costs. The consensus of the governing body agreed that it is worth exploring.

Approve a Special Event Permit Application

Literacy Volunteers of Somerset County

Event: Charity Softball game - @ Billian Legion Park

June 2, 2012 – 9 a.m. – 5 p.m.

Motion moved by C. Hasting; Second: C. Levin

Discussion:

Mr. Bahr noted there were concerns with the special event permit application that need to be addressed before the event takes place.

Mr. O'Donohue noted that Mr. Karmin left with the attitude that he was coming back with his application to apply for a raffle license.

The softball field is available for the event.

Mayor Pilato noted that we can approve the softball game but subject to all the necessary department approvals in terms of health, special police, raffle license. It is not out of precedence to do this.

C. Hasting expressed his concerns on approving a permit that has not been submitted. He was not inclined to approve an event he does not know what it is.

Mayor Pilato noted the problem is a question of timing in order to promote the event. We do this for the annual bicycle races. This will negate their ability to be successful in this event if we put this off until the next meeting.

Mayor Pilato noted we have a motion and a second on the floor.

All in favor: Ayes, Pending activities to be discussed per application along with the necessary approvals.

Agenda Items for the Regular Business Meeting-

Ordinance No. 2012:

Second Reading: Public Hearing:

Adoption of the Drug Free Parks Map

Opening meeting to the public for comments

H. Dietrich- 639 Central Avenue-

He addressed the discussion on tax appeals. Mr. Bahr stated that there is no mechanism for the school to give the town credits back on tax appeals. Once their budget is certified that is the money they receive.

Michele DeFazio- 606 Church Street

She addressed Governor Christie's push to include user fees be pulled out of taxes as part of the total 2% budget cap.

Mayor Pilato noted that this came about when Senator Bucco introduced a bill to for fire departments and rescue squads charge a user fee for emergency services that are already paid for.

Mayor noted that yesterday hearings began on the state budget and this was a topic of discussion. The Governor is probably not going to win on this. The energy tax receipt fight is more than he can handle. In his opinion he is going to loose that battle. He does not know what the outcome will be.

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R:2012: 70 - Authorize Executive Session @ 10:15 p.m. :

Contracts; Negotiations; Personnel

Matters for discussion: AFSCME Unfair Practice Charge; Union
Negotiations; Cheers Restaurant, Meridia-Capodagli Properties; Jeff Neary;
Riverfest Event;

Action will be taken after executive

Motion moved by C. Hasting; Second by C. Miller;

All in favor: Ayes

Agenda Session opened at 11:25 p.m.

The Borough Attorney, Mr. O'Donohue stated that the Borough of Bound Brook entered into a license agreement with the Bound Brook Rotary to operate the Riverfest Community Event. The Rotary submitted two(2) modifications to the agreement for consideration. The governing body has made an amendment to those modifications.

Resolution moved by C. Wagner; second by C. Pranzatelli; All in favor:
Ayes

The Amendment to those modifications is:

The charge for non-profit organizations and community departments is capped at \$20.00.

The borough will have the right to approve of a management company hired as well as the terms and conditions of the contract.

Adjourn agenda meeting @ 11:30 p.m.

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

Respectfully submitted by,



Donna Marie Godleski, Borough Clerk