

BOROUGH OF BOUND BROOK

REGULAR MEETING MINUTES –TUESDAY, NOVEMBER 29, 2011

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

ROLL CALL

Mayor Pilato	present
Council Dietrich	present
Council Petti	present
Council Buckley	present
Council Wagner	present
Council Hasting	present
Council President Pranzatelli	present

Present:

Randy Bahr, Administrator

Donna Marie Godleski, Borough Clerk

Dan Zwillenberg Esq.-Borough Attorney –DeCotiis, Fitzpatrick & Cole

Frank Regan, Esq. –DeCotiis, Fitzpatrick & Cole

Deputy Police Chief Michael Jannone

Mayor Pilato asked for a moment of silence in the passing of borough resident Vincent Capolupo.

Mayor Pilato reviewed the order of business on the agenda.

Approval of Minutes

November 15 -2011 Agenda Meeting

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

Greetings of the Public and Invitation for Discussion

Debbie Glath- 30 Village Court- Northbrook Village Association

She asked when the storm sewers were going to be cleaned out. She noted that the residents are not asking for too much. All they want is for the borough to clean these out so their Association can move forward on what else needs to be done.

Mr. Bahr, Administrator noted that one line was cleaned out. He noted that the Public Works Foreman has been out on workers compensation. He needs to wait for a report to come back as to what the department found. In the interim he will schedule a crew out for next week to see what was done and what still needs to be done.

Mayor Pilato noted that we may need to engage T&M Associates in this.

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Robin Myers-407 West High Street

She stated that she is a crossing guard. It was brought to her attention that she was wearing pajamas during her shift. She stated that what she is wearing is not pajamas. She was told there was no dress code when she was hired. If you would like me to change my attire then I would ask for a clothing allowance. I dress to stay warm during my shift.

Roseann Short- 169 Cherry Avenue

She noted that there were a lot of towns receiving monies to clean the streets. Mayor Pilato noted that the town is looking into the funds for disaster declaration through the DEP. We may not rate as high as other towns. She asked when the pipe is going to be fixed at Smalley School. Mayor Pilato noted that it is on the capital list. Mr. Bahr noted a temporary patch will do the job.

C. Holub-518 W. Second Street

She asked who was hired to fill Mr. Longo's position as Recreation Director. She noted the Tea Street area needs cleaning. Mr. Bahr noted that the borough hired a maintenance person to take care of that. She noted that there illegal signs in the schools. Is there anyone keeping of record of this? Mr. Bahr noted that we can get a breakout of borough ordinances; it can be done.

Felice Colombaroni- 121 W. Maple Avenue

She noted that years ago a janitor from the school used to come every morning to pick up the trash on the sidewalks. Now she has to do this. Mayor Pilato stated that this should be referred to the Board of Education.

Committee Reports:

Economic Development-C. Pranzatelli-

Mr. Pranzatelli reported the Riverfest Event turned out to be a very large affair. The committee is having a wrap up meeting tomorrow to discuss the whole event and how we can improve for next year. On the revenue side, it was tripled this year. On November 22nd a public information session was held at borough hall providing an update on the flood control project. It was hosted by the county and it was well attended.

Finance-C. Wagner- No report

Personnel, Administration & Ordinances –C. Hasting

Mr. Hasting noted a Memo from the Library Board will be discussed under "New Business".

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Public Safety- Police, Fire & Rescue - C. Dietrich

Mr. Dietrich read the October police activity report into the record of minutes.

Public Works, Bldgs, Grounds & Utilities - C. Petti

Mr. Petti noted that he had no activity report from the department.

Mayor Pilato noted that a Board of Health Meeting is scheduled for December 1st @ 5:30

Second Reading BH2011/01- Amend fees for subsurface sewage disposal systems;

permits; well permits; inspection fees; license fees; miscellaneous fees.

Zoning, Construction & Code Enforcement- C. Buckley

Mr. Buckley read the October activity report into the record of minutes.

Mr. Buckley brought up a permit application which was discussed at the last meeting.

He noted he wanted to set the record straight as to the dates on the application.

Mayor Pilato noted that this item would be better discussed in executive session.

C. Pranzatelli noted that it would be added to closed session matter for discussion.

Introduction: First Reading –Ordinance No. 11-22

AN ORDINANCE AMENDING CHAPTER VII-TRAFFIC

SECTION 7-10 TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL-

ADD SUBSECTION © - SUMMARY: ANY VEHICLE PARKED OR STANDING FOR MORE THAN 24 HOURS AFTER SNOWFALL SHALL BE DEEMED A NUISANCE OF REGULATION OF TRAFFIC AND SUBJECT TO REMOVAL COSTS AND A FINE FOR VIOLATION

MOTION moved by C. Dietrich; second by C. Hasting

ROLL CALL: Unanimous

Second Reading/Public Hearing will be held on December 13, 2011.

Second Reading-Adoption

Ordinance: – No. 11- 17-

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V-

ANIMAL CONTROL –ARTICLE I-DOGS, SHELTERS, KENNEL AND PET SHOPS SECTION 5-2.5 FEES AND

ARTICLE II-LICENSING OF CATS-SECTION 5-19 LICENSING REQUIREMENTS AND SECTION 5-19.7 LICENSE FEE SCHEDULE AND SECTION 5-19.8

RENEWALS, EXPIRATION DATE OF LICENSE

Summary:

Amend dog licensing fees to remove the .20 cents; remove cat licensing maximum fee per household of \$25.00; amend licensing period from March 1 to expire on the last day of January.

Motion to open to public for comment moved by C. Buckley; second by C. Hasting; All in favor-Ayes

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Public Comment:

130 W. High Street- resident asked if the ordinance pertains to other animals such as rabbits. Mayor Pilato noted that it pertains to dogs and cats only.

518 W. Second Street- resident noted there are dogs and cats running at large that do not have a license. Mayor Pilato noted that she should call and report it.

Motion to close public comment moved by C. Buckley; second by C. Hasting; All in favor-Ayes

Motion to adopt moved by C. Pranzatelli; second by C. Hasting

Roll Call: Unanimous

Second Reading/Public Hearing will be held on December 13, 2011.

Ordinance- – No. 11- 18 –

AN ORDINANCE ABOLISHING SEWER USER CHARGES

Summary:

Section 28-3 Sewer User Charges are repealed and deleted in its entirety.

Motion to open to public for comment moved by C. Dietrich; second by C. Pranzatelli;

All in favor: Ayes

Public Comment:

R. Short-169 Cherry Avenue-

Ms. Short asked where the town is going to get the monies if you abolish the sewer tax. She noted that a Laundromat is charged the same amount. It should be a separate fee. The people should be charged for what they use. Restaurants should be paying their fair share.

Mr. Bahr provided comments on what the bottom line would be if the sewer user charge was to be abolished. The borough would be short a whole lot of money.

Mr. Bahr noted that the borough has suffered financially since Hurricane Floyd in 1999. Now it is 2011 and the borough is now financially sustainable on its own.

C. Holub- 518 W. Second Street

Ms. Holub noted that this year her taxes went up some; then she was hit with the sewer tax and evened out. If you take the sewer tax off and there is no aid to the borough, what is going to happen to my taxes next year? She would rather have the sewer tax.

D. Ackerman- 565 Watchung Road

Ms. Ackerman noted that she did not fully understand the context of the sewer tax. She needed further clarification from the Chief Financial Officer on the independence from the State Aid.

She noted that the borough should revisit the original intent of the sewer tax.

The governing body should all work together. We need a plan. Not working together does not serve the community.

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She asked what our options were in moving forward on this.

C. Hasting noted that this governing body needs to have a plan right now if we pass this ordinance to abolish the sewer user charge.

138 W. High Street

She asked where the money is going to from the sewer tax.

Mr. Bahr noted for the collection of taxes. There is a reserve for those who do not pay their taxes and all residents are taxed on that amount.

Mina- 46 Village Court

Resident stated they cannot afford to move. The borough needs to cut expenses.

Michele DeFazio- 603 Church Street

Ms. DeFazio noted she attended the prior meetings where the sewer tax was discussed. She noted it was stated by C. Pranzatelli that the institution of a sewer tax was a fair way to do this. What you are saying now about the sewer charges is completely against your values. What side are you on?

She noted that in the year 2010 we signed off on transitional aid. Did we not agree that we were not to apply for aid the following year?

Beverly Pranzatelli - 108 East Maple Avenue

Ms. Pranzatelli noted at the last meeting there were several options offered. Those options were a referendum, reinstate the sewer fee, ask for aid or cut the budget.

Linda Brown-768 Watchung Road-

Ms. Brown noted that she was in favor of a repeal of the sewer tax.

Anthony Cimino-520 Dalay Place

Mr. Cimino stated that he has been attending meetings for the past fifteen years. I personally do not like to see dissention from the governing body on this issue. Were there any plans thought out on this?

Mayor Pilato noted that the governing body was made aware the Friday prior to Tuesday's council meeting.

M. Russomanno- 27 Van Keuren Avenue

Resident stated that the governing body needs to come up with a solution.

John Miller-641 Hanken Road

Mr. Miller asked what the plan is.

C. Buckley stated the Mayor should veto the plan.

R. Short-169 Cherry Avenue

She expressed her concerns as to where the town is going to get the money from. She asked if other towns were being affected.

C. Holub-518 W. Second Street

She asked if there was a formula that this is based on. The Mayor noted that the water company gives us the data and we apply this.

Deputy Police Chief Michael Jannone

Mr. Jannone that there are several options to deal with this. If slashing employees is an option, he noted that there is a lot of police activity in this town.

This budget should not be balanced on the backs of public safety and we cannot afford this.

He noted that he was in favor of consolidation but no other towns want to consolidate with Bound Brook at this time.

Motion to close public comment moved by C. Dietrich; second by C. Hasting

All in favor: Ayes

Discussion: Council comments.

C. Wagner offered comments. We should revisit this with forethought. There should be a replacement plan before we repeal this. The way it is being done is not in the best interest of the town. This is a political act.

C. Pranzatelli noted that what we should be accountable for what is said during the election campaign.

Motion to adopt moved by C. Dietrich; second by C. Pranzatelli

Roll Call:

C. Dietrich-	no		
C.Petti-	yes		
C. Buckley-	yes		
C. Wagner-	no		
C.Hasting-	no		
C. Pranzatelli-	yes	3- Ayes	3-Nayes – tie vote
Mayor Pilato-	no		

ORDINANCE TO REPEAL SEWER USAGE CHARGE WAS NOT PASSED

Ordinance- - No. 11- 19-

AN ORDINANCE AUTHORIZING THE PURCHASE OF A STREET SWEEPER WITHIN THE BOROUGH OF BOUND BROOK AND APPROPRIATING \$175,000 THEREFOR FROM THE “CAPITAL FUND BALANCE” OF SAID BOROUGH

Summary:

Authorize the need for a street sweeper for the Department of Public Works in order to maintain the streets and roads within the borough -

Motion to open to public for comment moved by C. Buckley; second by C. Petti; All in favor-Ayes

Public Comment:

R. Short-169 Cherry- She asked how much the borough sold its street sweeper for at the public auction. Does the borough have a leaf vacuum?

Motion to close public comment moved by C. Petti; second by C. Buckley;

All in favor: Ayes

Discussion:

C. Wagner comments: Do we know what type of street sweeper we are looking to purchase. Mr. Bahr noted an Elgin Type Sweeper for the amount of debris we have in the streets. It is similar to the one we sold. C. Wagner noted that we need to have a plan to clean the streets.

C. Petti noted that a street sweeper will save money and free up one man from the Public Works Department. Mr. Schupper, the public works foreman has recommended this type of sweeper.

C. Hasting asked why the purchase is through a capital ordinance. Mr. Bahr noted that the life of a street sweeper is seven years. A bond ordinance looks at the equipment to have a 15 year life. The philosophy for bonding is road overlays; new park; buildings.

C. Hasting noted that he was in favor of getting control of street sweeping but it is not the right time.

Motion to adopt moved by C. Pranzatelli; second by C. Buckley

Roll Call:

C. Dietrich- yes

C. Petti- yes

C. Buckley- yes

C. Wagner- no

C.Hasting- no

C. Pranzatelli -yes

ORDINANCE TO PURCHASE A STREET SWEEPER WAS PASSED

Resolutions:

R11: 159

Approve a thirty (30) day extension of -due diligence period – 454 W. Union Avenue

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

R11: 160

Authorize tax collector to issue a refund of a tax overpayment- 311 John St.; 117 West High St.; 805 East Meadow Dr.; 326 West Maple Ave.; 455 West Maple Ave.;

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

R11: 161

Approval of vouchers

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

Old Business:

- Ordinances for Consideration: Introduction: First Reading

ORDINANCE NO. 11-20

AN ORDINANCE AMENDING AND
SUPPLEMENTING SECTION 28-1.3, "SANITARY
SEWER CONNECTION FEES," OF SECTION 28-1,
"SANITARY SEWER SYSTEM," OF CHAPTER
XXVIII, "WATER AND SEWER," OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF
BOUND BROOK TO AMEND CERTAIN
CONNECTION FEES

MOTION: C. PRANZATELLI; SECOND: C. PETTI
ROLL CALL: UNANIMOUS

Second Reading/Public Hearing will be scheduled for December 13, 2011.

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CONSENSUS OF COUNCIL AGREED TO DISCUSS THE FOLLOWING ORDINANCE IN EXECUTIVE SESSION WITH MR. FRANK REGAN ESQ. PRESENT FROM DECOTIIS, FITZPATRICK & COLE.
FORMAL ACTION WILL BE TAKEN IN REGULAR SESSION.

ORDINANCE NO. 11- 21

AN ORDINANCE OF THE BOROUGH OF BOUND BROOK AUTHORIZING THE EXECUTION AND DELIVERY OF A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF BOUND BROOK AND MERIDIA, MAIN STATION URBAN RENEWAL, BOUND BROOK, LLC

OLD BUSINESS

C. HASTING ADDRESSED A MEMO FROM THE LIBRARY DIRECTOR. THERE ARE ONGOING ISSUES AT THE LIBRARY THAT THE DIRECTOR HAS ASKED TO BE REVIEWED AND ADDRESSED.

MR. BAHR, ADMINISTRATOR NOTED THAT HE IS CURRENTLY WORKING WITH SOMERSET COUNTY LIBRARY ON THESE ISSUES. HE WILL BRING A REPORT BACK TO THE GOVERNING BODY.

MAYOR PILATO NOTED THAT THE LIBRARY DIRECTOR CAN COME TO THE COUNCIL WITH THESE ISSUES. THE DIRECTOR IS AN EMPLOYEE OF THE COUNTY OF SOMERSET. THESE ISSUES SHOULD BE ADDRESSED THROUGH THE DIRECTOR IN SOMERSET COUNTY AS A MATTER OF FORMALITY.

MAYOR PILATO SUGGESTED A MEETING BE SET UP WITH SOMERSET COUNTY DIRECTOR AND MR. PAUL MCCALL DIRECTOR OF PUBLIC WORKS TO DEVELOP A LIST AND A TIMELINE FOR THESE OUTSTANDING ISSUES AT THE LIBRARY.

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NEW BUSINESS:

2012 REQUEST FOR QUALIFICATIONS RECEIVED FOR PROFESSIONAL SERVICES –

THE BOROUGH CLERK ANNOUNCED RFQ'S WERE DUE ON NOVEMBER 28, 2011. A MASTER LIST OF ALL RFQ'S RECEIVED WILL BE DISTRIBUTED TO THE GOVERNING BODY FOR REVIEW.

**FIREMEN'S APPLICATION-
MICHAEL SMIEGOCKI- FIRE CO. NO. 1**

MOTION: C. BUCKLEY SECOND: C. HASTING
ALL IN FAVOR: AYES

2012 REORGANIZATION – DATE/TIME/LOCATION

MAYOR PILATO NOTED REORGANIZATION WOULD BE HELD ON JANUARY 1, 2012.

WE HAVE SEVERAL OPTIONS WHERE IT CAN BE HELD. THE MUNICIPAL BUILDING, LAFAYETTE SCHOOL, THE BROOK THEATRE. THE LOCATION WILL BE DISCUSSED AND CONFIRMED AT THE NEXT MEETING.

C. PRANZATELLI AND C. BUCKLEY NOTED THAT THEY BOTH WOULD NOT BE ABLE TO ATTEND. A SUGGESTION TO CHANGE THE DATE WAS OFFERED.

MR. BAHR NOTED CORRESPONDENCE WAS RECEIVED FROM A PERSON THAT OWNS TWO BUILDINGS IN BOUND BROOK. HE HAS ASKED FOR A WAIVER OF CONSTRUCTION PERMIT FEES FROM THE RECENT FLOOD IN AUGUST, 2011. ANY QUESTIONS FROM THE COUNCIL ON THIS LETTER CAN BE DISCUSSED AT THE NEXT MEETING.

MAYOR PILATO ASKED THE BOROUGH ATTORNEY IF THERE WAS A CONFLICT OF INTEREST IF A VOLUNTEER IN OUR FIRE COMPANY IS EMPLOYED IN A COMPANY THAT IS A VENDOR TO THE BOROUGH. IS THAT BUSINESS NOT ABLE TO DO BUSINESS WITH THE BOROUGH?
THE ATTORNEY STATED HE WOULD HAVE TO LOOK INTO THAT. HE WOULD NEED MORE DETAILS.

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Open to Public on Agendized Matters Only:

Carol Holub-518 W. Second Street-

She hoped that the River fest Event went very well for the borough. She attended and enjoyed herself. There were many vendors, food and music. She hopes the date next year will be sooner so it can be held during warmer weather.

362 Cherry Avenue

She was happy to hear that a full time street sweeper was going to be purchased.

Beverly Pranzatelli-108 East Maple Avenue

She suggested sharing the street sweeper with other towns to help with the costs.

Regular meeting adjourned to executive session at 9:50 p.m.

R11: 62- Authorize Executive Session @ 9:50 p.m.

Matters: Negotiations- Bolmer Site Property

Motion: C. Buckley; second by C. Pranzatelli; All in favor- Ayes

Regular meeting opened at 10:40 p.m.

A motion was moved to introduce the following ordinance
by C. Petti; second by C. Hasting.....

AN ORDINANCE OF THE BOROUGH OF BOUND BROOK
AUTHORIZING THE EXECUTION AND DELIVERY OF A
FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF
BOUND BROOK AND MERIDIA, MAIN STATION URBAN
RENEWAL, BOUND BROOK, LLC

ROLL CALL: UNANIMOUS
SECOND READING/PUBLIC HEARING SCHEDULED FOR
DECEMBER 13, 2011

MR. REGAN, ESQ. NOTED THAT HE WOULD HAVE A FISCAL
IMPACT REPORT BY THE END OF THE WEEK FOR THE
GOVERNING BODY.

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C. DIETRICH GAVE A REMINDER THAT A POLICE COMMITTEE MEETING IS SCHEDULED FOR DECEMBER 12 @ 6 P.M. MAYOR PILATO NOTED THAT IT WAS NOT NECESSARY TO MEET. THE GOVERNING BODY IS MEETING ON DECEMBER 13TH AND WE CAN MOVE FORWARD WITH A RECOMMENDATION OF POLICE CHIEF.

MOTION TO ADJOURN REGULAR MEETING @ 10:45P.M.
MOVED BY C. DIETRICH; SECOND BY C. PETTI;
ALL IN FAVOR-AYES

RESPECTFULLY SUBMITTED BY,

DONNA MARIE GODLESKI, BOROUGH CLERK