

Borough of Bound Brook
Regular Meeting – August 25, 2020

Call To Order at 7:00 p.m.

Reading of the Open Public Meetings Law Statement:

This meeting is being held in compliance with the Open Public Meeting Law in that the requirements of the law have been met with the posting of the meeting notice on the Municipal Bulletin Board, filed with the Borough Clerk and forwarded to The Courier News and The Star Ledger.

Pledge of Allegiance

Opening Prayer

Roll Call

Mayor Robert Fazen ___
C. Jake Hardin___C. Richard Jannuzzi___C. President Elizabeth Jannuzzi___
C. Brad Galeta___C. Abel Gomez___C. Vinnie Petti___

Approval of Minutes:

August 11, 2020 Regular Meeting

Motion: Second: Discussion:

Roll Call:

C. Jake Hardin___C. Richard Jannuzzi___C. President Elizabeth Jannuzzi___
C. Brad Galeta___C. Abel Gomez___C. Vinnie Petti___

August 11, 2020 Executive Session – For Completeness Only

Motion: Second:

Roll Call:

C. Jake Hardin___C. Richard Jannuzzi___C. President Elizabeth Jannuzzi___
C. Brad Galeta___C. Abel Gomez___C. Vinnie Petti___

Advertised hearings or special presentations

- 2020 Census Update
- Covid-19 Update
- LFR Inc. t/a Torpedo's Gentlemen's Club Liquor License Conditions

Presentation of communications, petitions, etc.

Greetings for comments and invitation for discussion

Opening of bids

Engineer's Report- Dale Leubner, Superintendent of Public Works

Committee Reports

Chair of Finance - C. Elizabeth Jannuzzi

Liaison Committees: Cultural Arts Committee, BB Seniors

Chair of Public Works, Bldgs., Grounds & Utilities - C. Abel Gomez

Liaison Committees: Historic Preservation Commission, Shade Tree Commission, Board of Education

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

Liaison Committees: Board of Engineers, Office of Emergency Management, Rescue Squad, Parking Commission,

Chair of Personnel, Administration & Ordinances - C. Brad Galeta

Liaison Committees: BB/SBB Municipal Alliance/Youth Services Commission, Recreation Commission

Chair of Economic Development C. Jake Hardin

Liaison Committees: Architectural Review Advisory Committee, Special Improvement District, Planning Board

Chair of Zoning, Construction & Code Enforcement - C. Richard Jannuzzi

Liaison Committees: Board of Health, Library Advisory Committee

Introduction of Ordinances -First Reading

Ordinance 2020-21 AN ORDINANCE OF THE BOROUGH OF BOUND BROOK, COUNTY OF SOMERSET, NEW JERSEY APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND BOROUGH CLERK PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF BOUND BROOK AND MERIDIA 1 URBAN RENEWAL, BOUND BROOK, LLC FOR PROPERTY LOCATED ON BLOCK 8, LOTS 9.01, 9.03 AND 9.04 ALSO KNOWN AS 1, 7-11 EAST MAIN STREET AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BOUND BROOK AND LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on September 8, 2020.

Second: Discussion:

Roll Call:

C. Jake Hardin___C. Richard Jannuzzi___C. President Elizabeth Jannuzzi___
C. Brad Galeta___C. Abel Gomez___C. Vinnie Petti___

Ordinance 2020-22 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII, TRAFFIC, SECTION 7-12, PARKING TIME LIMIT ON CERTAIN STREETS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on September 8, 2020.

Second: Discussion:

Roll Call:

C. Jake Hardin___C. Richard Jannuzzi___C. President Elizabeth Jannuzzi___
C. Brad Galeta___C. Abel Gomez___C. Vinnie Petti___

Ordinance on Final Reading and Consideration - Second Reading

Ordinance 2020-19 An Ordinance Amending and Supplementing Chapter XXI, Land Use Section 21-10.15.J “Parking” of the Revised General Ordinances of the Borough of Bound Brook

Motion to open public comment: Second:

Public Comment:

Motion to close public comment: Second:

Motion: Movant: I move the ordinance be passed on second reading and advertised according to law.

Second:

Discussion:

Roll Call:

C. Jake Hardin___C. Richard Jannuzzi___C. President Elizabeth Jannuzzi___

C. Brad Galeta___C. Abel Gomez___C. Vinnie Petti___

Ordinance 2020-20 AN ORDINANCE OF THE BOROUGH OF BOUND BROOK, COUNTY OF SOMERSET, NEW JERSEY AUTHORIZING THE CONVEYANCE OF PROPERTY KNOWN AS TAX BLOCK 1 LOT 56.02 LOCATED WITHIN THE DOWNTOWN REDEVELOPMENT AREA 1 TO MERIDIA 300 URBAN RENEWAL, BOUND BROOK, LLC, THE CONTRACT REDEVELOPER PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1ET SEQ.

Motion to open public comment: Second:

Public Comment:

Motion to close public comment: Second:

Motion: Movant: I move the ordinance be passed on second reading and advertised according to law.

Second:

Discussion:

Roll Call:

C. Jake Hardin___C. Richard Jannuzzi___C. President Elizabeth Jannuzzi___

C. Brad Galeta___C. Abel Gomez___C. Vinnie Petti___

Introduction/Discussion of Resolutions

The resolutions listed below were submitted to the Governing Body for review and will be adopted by one motion.

If separate discussion is desired, the resolution may be removed by council action.

Motion:	Second:	Discussion:	All in Favor:
2020-168		Resolution Amending Resolution 2020-121 Providing for the Issuance of Temporary Permits to Allow Outdoor Dining	
2020-169		Resolution Approving a Refund to Corelogic Tax Services, LLC for Overpayment of 3 rd Quarter Taxes	
2020-170		Resolution Approving and Authorizing the Execution of a Redevelopment Agreement with Meridia 1 Urban Renewal, Bound Brook, LLC as Redeveloper for Properties known as Tax Block 8, Lots 9.01, 9.03 and 9.04 Located in the Downtown Redevelopment Area for a Mixed Use Project	

Unfinished Business

2020-164	Resolution of the Borough of Bound Brook Adopting a Debt Policy
2020-165	Resolution of the Borough of Bound Brook Adopting a Fund Balance Policy

New Business

Approval of Vouchers

2020-171 Resolution Approving Vouchers in the Amount of \$1,859,570.97

Motion: Second: Discussion:

Roll Call:

C. Jake Hardin___C. Richard Jannuzzi___C. President Elizabeth Jannuzzi___
C. Brad Galeta___C. Abel Gomez___C. Vinnie Petti___

Open to the public for comment

Authorize Executive Session

2020-172 Resolution Authorizing Executive Session- Fire Department Contract
Negotiations

Motion: Second: All in favor:

Adjournment

Motion: Second: Discussion: All in favor:

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE BOROUGH OF BOUND BROOK, COUNTY OF SOMERSET, NEW JERSEY APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND BOROUGH CLERK PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF BOUND BROOK AND MERIDIA 1 URBAN RENEWAL, BOUND BROOK, LLC FOR PROPERTY LOCATED ON BLOCK 8, LOTS 9.01, 9.03 AND 9.04 ALSO KNOWN AS 1, 7-11 EAST MAIN STREET AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BOUND BROOK AND LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, in January 2000, the Borough Council of the Borough of Bound Brook designated various properties in its downtown along the Main Street corridor as an area need of redevelopment (“**Redevelopment Areas 1 & 2**”) and adopted a redevelopment plan for Redevelopment Areas 1 & 2 in February 2000 and subsequently adopted an Amended Redevelopment Plan for Redevelopment Area 1 on August 11, 2015, which has been amended subsequently time to time; and

WHEREAS, Block 8, Lots 9.01, 9.03 and 9.04, also known as 1, 7-11 East Main Street (the “**Property**”) is located in Redevelopment Area 1; and

WHEREAS, on August 25, 2020, the Borough approved a redevelopment agreement (the “**Redevelopment Agreement**”) for the redevelopment of the Property with Meridia 1 Urban Renewal, Bound Brook, LLC, an approved urban renewal entity (the “**Redeveloper**” or “**Entity**”); and

WHEREAS, the Entity is the contract purchaser of Block 8, Lots 9.01, 9.03 and 9.04, also known as 1, 7-11 East Main Street, which make up the Property; and

WHEREAS, the Entity proposes the construction of 75 residential rental units with approximately 1,836 square feet of ground floor commercial space and 12 parking spaces on the Property (the “**Project**”); and

WHEREAS, the Entity was created for the purposes of acquiring, owning, holding, developing, maintaining, financing, mortgaging, improving, operating, leasing, managing, using, refinancing, selling, subdividing, or otherwise dealing with the Property and the Project; and

WHEREAS, pursuant to and in accordance with the provisions of the Long-Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the “**Long Term Tax Exemption Law**”, as codified in N.J.S.A. 40A:20-1 et seq.), the Borough is authorized to provide for payment in lieu of taxes within a redevelopment area; and

WHEREAS, the Entity submitted an application on or about for the approval of a Project, as such term is used in the Long-Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the “**Exemption Application**”, a copy of which is attached hereto as Exhibit A); and

WHEREAS, the Exemption Application requested a 25-year term for a financial agreement and an annual service charge based on 10% of annual gross revenues for years 1 through 25.

WHEREAS, the Borough proposes and agrees to a 15-year term for a financial agreement and an annual service charge based on 11% of annual gross revenues for years 1 through 10 and increasing to 13% for years 11-15.

WHEREAS, pursuant to the Long-Term Tax Exemption Law, the Borough is authorized to enter into a financial agreement with a redeveloper for payment of an annual service charge for municipal services in lieu of taxes for market rate housing and commercial projects; and

WHEREAS, the Entity has requested that the Borough enter into a financial agreement for payment of an annual service charge for municipal services in lieu of taxes (the “**Financial Agreement**”) for the Project; and

WHEREAS, the Borough and the Entity have reached agreement with respect to, among other things, the terms and conditions relating to the Annual Service Charges and desire to execute the Financial Agreement, which terms and conditions are stated below; and

WHEREAS, the Borough acknowledges that Meridia 1 Urban Renewal, Bound Brook, LLC, by effectuating the redevelopment of the Project, will significantly limit its profits due to the extraordinary Property costs to be borne by the Entity, which will provide significant and long-term benefits to the Borough; and

WHEREAS, the Entity has requested that the Borough enter into a financial agreement for payment of an annual service charge for municipal services in lieu of taxes (the “**Financial Agreement**”) for the Project; and

WHEREAS, the Borough and the Entity have reached agreement with respect to, among other things, the terms and conditions relating to the Annual Service Charges and desire to execute a Financial Agreement.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Bound Brook, County of Somerset, New Jersey, as follows:

Section 1. The Borough acknowledges that by effectuating the redevelopment of the Project, Meridia 1 Urban Renewal Bound Brook, LLC will significantly limit its

profits due to the extraordinary costs to be borne by the Entity, which will provide significant and long-term benefits to the Borough.

Section 2. The Borough makes the following findings:

- A. Relative benefits of the Project when compared to the costs:
 - 1. The Property currently generates approximately \$22,176.00 in real estate tax revenue to the Borough as the Property is underutilized and part is exempt as municipal property. The projected Annual Service Charge over the 15-year term will generate an average annual revenue to the Borough of approximately \$212,996.00.
 - 2. It is estimated that the Project will create jobs during construction and up to 11 permanent jobs in the residential and commercial uses;
 - 3. The Project should stabilize and contribute to the economic growth of existing local business and to the creation of new business, which will serve the new residents and attract additional people to the Borough;
 - 4. The Project will further the redevelopment objectives of the Redevelopment Plan for Redevelopment Area 1; and
 - 5. The redevelopment of the Property will greatly improve the downtown neighborhood.
 - 6. The Borough has determined that the benefits of the Project significantly outweigh the costs to the Borough.
- B. Assessment of the importance of the tax exemption defined in obtaining development of the Project and influencing the locational decisions of probable occupants:
 - 1. The relative stability and predictability of the Annual Service Charge will make the Project more attractive to investors and lenders needed to finance the Project; and
 - 2. The relative stability and predictability of the Annual Service Charge will allow stabilization of the Project operating budget, allowing a high level of urban design and aesthetics as well as the use of high quality materials which will maintain the appearance of the building over the life of the Project, which will insure the likelihood of the success of the Project and insure that it will have a positive impact on the surrounding area.

- C. Based upon the above determinations by the Borough and the provisions of N.J.S.A. 40A:20-12, this Agreement contains appropriate tax exemption provisions and an appropriate Annual Service Charge schedule.

Section 3. The Exemption Application is hereby accepted and approved.

Section 4. The Financial Agreement shall be for a fifteen (15) year term with an annual service charge based on 11% of annual gross revenues for years 1 through 10 and increasing to 13% for years 11-15, all in accordance with the Long-Term Tax Exemption Law.

Section 5. The Financial Agreement is hereby authorized to be executed and delivered on behalf of the Borough by the Mayor in substantially the form attached hereto as Exhibit B. The Borough Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Mayor and to affix the corporate seal of the Borough to the Financial Agreement.

Section 6. This ordinance shall take effect upon final passage and publication as required by law.

ATTEST:

BOROUGH OF BOUND BROOK

Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: August 25, 2020

EXHIBIT A
EXEMPTION APPLICATION

EXHIBIT B

FORM OF FINANCIAL AGREEMENT

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2020-22

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII, TRAFFIC, SECTION 7-12, PARKING TIME LIMIT ON CERTAIN STREETS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK

BE IT ORDAINED, by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey as follows:

SECTION 1. Chapter VII, “Traffic”, Section 7-12, “Parking Time Limit on Certain Streets”, of the Revised Ordinances of the Borough of Bound Brook is hereby amended and supplemented by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text **underlined and marked in bold** to read as follows:

7-12 PARKING TIME LIMITED ON CERTAIN STREETS.

No person shall park a vehicle for longer than the time limit between the hours listed on any day (except Sundays and public holidays) upon any of the streets or parts of streets described.

a. Parking time limited.

....

John Street	East	Two hours	8:00 a.m. to 6:00 p.m. Monday through Saturday	Between East Main Street and East Second Street Beginning at a point 35 feet from the southeast corner of East Second Street to a point 85 feet southerly therefrom and from a point [35] 65 feet from the northeast corner of East Main Street extending to a point [220] 180 feet northerly therefrom
<u>John Street</u>	<u>East</u>	<u>Ten minutes</u>	<u>At all times</u>	<u>From the northeast corner from East Main Street to a point 65 feet north</u>

SECTION 2. Severability Clause.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared severable.

SECTION 3. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date

This Ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

ATTEST:

BOROUGH OF BOUND BROOK

Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: August 25, 2020

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2020-19

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXI,
LAND USE, SECTION 21-10.15.J “PARKING” OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF BOUND BROOK

BE IT ORDAINED, by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey, as follows:

SECTION 1. Section 21-10.15.j., “Parking” of the Revised General Ordinances of the Borough of Bound Brook is hereby amended by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text **underlined and marked in bold**, to read as follows:

21-10.15.j. Parking

Figure 37. Parking Ratios

21-10.15 - Figure 37. Parking Ratios		
GFA = gross square feet of floor area		
Principal Use	Minimum # Spaces	Maximum # Spaces
Residential - Stand alone	[1 per dwelling unit]	[1 per dwelling unit]
	<u>1 per 1 Bedroom</u>	<u>1 per 1 Bedroom</u>
	<u>1.5 per 2 Bedrooms</u>	<u>1.5 per 2 Bedrooms</u>
	<u>2 per 3 Bedrooms or more</u>	<u>2 per 3 Bedrooms or more</u>
Residential in mixed-use development	[1 per dwelling unit]	[1 per dwelling unit]
	<u>1 per 1 Bedroom</u>	<u>1 per 1 Bedroom</u>
	<u>1.5 per 2 Bedrooms</u>	<u>1.5 per 2 Bedrooms</u>
	<u>2 per 3 Bedrooms or more</u>	<u>2 per 3 Bedrooms or more</u>
Retail/Commercial	1 per 1,000 GFA	3 per 1,000 GFA
Restaurants	1 per 400 square feet dining space	1 per 200 square feet dining space
Office	1 per 1,000 GFA	1 per 500 GFA

21-10.15 - Figure 37. Parking Ratios		
GFA = gross square feet of floor area		
Principal Use	Minimum # Spaces	Maximum # Spaces
Theater	1 per every 6 seats	1 per every 3 seats
Entertainment	1 per 1,000 GFA	3 per 1,000 GFA
Hotel/Inn	0.50 per guest room	1 per guest room

SECTION 2. Severability Clause.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date.

This ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

ATTEST:

BOROUGH OF BOUND BROOK

 Jasmine D. Mathis
 Borough Clerk

By: _____
 Mayor Robert Fazen

Date of Introduction: July 14, 2020
 Date of Adoption: August 25, 2020

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE BOROUGH OF BOUND BROOK, COUNTY OF SOMERSET, NEW JERSEY AUTHORIZING THE CONVEYANCE OF PROPERTY KNOWN AS TAX BLOCK 1 LOT 56.02 LOCATED WITHIN THE DOWNTOWN REDEVELOPMENT AREA 1 TO MERIDIA 300 URBAN RENEWAL, BOUND BROOK, LLC, THE CONTRACT REDEVELOPER PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

BE IT ORDAINED AND ENACTED by the Borough Council of the Bound Brook that:

SECTION 1. Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), a municipality may sell, convey or lease any of its property to a redeveloper for the purpose of clearance, re-planning, development and redevelopment of a redevelopment area provided that the sale, conveyance or lease is made in conjunction with a redevelopment plan.

SECTION 2. In January 2000, the Borough Council of the Borough of Bound Brook designated various properties in its downtown along the Main Street corridor as an area need of redevelopment (“Redevelopment Areas 1 & 2”) and adopted a redevelopment plan for Redevelopment Areas 1 & 2 in February 2000 and subsequently adopted an Amended Redevelopment Plan for Redevelopment Area 1 on August 11, 2015 (the “Plan”), which Plan has been amended from time to time.

SECTION 3. On December 10, 2019, the Borough approved a redevelopment agreement with Meridia 300 Urban Renewal, Bound Brook, LLC (the “Redeveloper”) and the parties executed a redevelopment agreement (the “Redevelopment Agreement”) for the redevelopment of the Properties.

SECTION 4. The Redevelopment Agreement requires the Redeveloper to redevelop the properties identified as Block 1, Lots 44, 45, 46, 47, 48, 49, 49.01, 50, 51, 52, 53, 54, 55, 56.01, 56.02, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68.01, 68.02, 68.03 and 70 (the “Properties”) in accordance with the Redevelopment Plan.

SECTION 5. The Redeveloper has a contract to acquire Block 1, Lots 56.01 and negotiating to acquire the Properties.

SECTION 6. The Borough owns the property known as Block 1, Lot 56.02 (the “Borough Property”), which property is located in the Redevelopment Area.

SECTION 7. The Borough Council hereby authorizes the conveyance of the Borough Property to the Redeveloper for the purposes of redevelopment in accordance with the Redevelopment

Agreement, the Redevelopment Plan and any development approvals granted for the Properties by the Borough Planning Board.

SECTION 8. The Mayor and Borough Clerk are authorized to execute any and all documents necessary for the conveyance of the Property, subject to the review and approval of such documents by the Borough's counsel.

SECTION 9. This ordinance shall take effect upon final passage and publication as required by law.

ATTEST:

BOROUGH OF BOUND BROOK

Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: August 11, 2020

Date of Adoption: August 25, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-168

RESOLUTION AMENDING RESOLUTION 2020-121 PROVIDING FOR THE ISSUANCE OF
TEMPORARY PERMITS TO ALLOW OUTDOOR DINING

WHEREAS, on February 3, 2020, New Jersey’s Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

WHEREAS, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several “social distancing” regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment-based businesses, and imposing restrictions on scope of service and hours of operation for other non- essential retail, recreational, restaurants/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107, which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey residents to stay at home with specific limited exceptions, prohibiting gatherings of any size, closing all non-essential retail businesses and identifying essential businesses permitted to continue to operate subject to specific limitations, and reiterating and strengthening social distancing requirements when in public; and

WHEREAS, Executive Order 107 specifically provided that “All restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;” and

WHEREAS, after consultation with officials from the Department of Health (“DOH”), Governor Murphy announced a multi-stage New Jersey’s Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, the several executive orders have been issued by the Governor to implement the State's reopening process, relaxing restrictions on certain businesses, including the authorization of curbside pickup at retail establishments, the resumption of non-essential construction, and the allowance of a number of lower-risk outdoor activities; and

WHEREAS, on June 3, 2020, Governor Murphy issued Executive Order 150 that, subject to municipal approval, permits restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," to offer in-person service at outdoor areas effective June 15, 2020, provided that the establishment complies with certain requirements contained in Executive Order 150; and

WHEREAS, on June 3, 2020, the New Jersey State Department of Health (DOH) issued Executive Directive No. 20-014, which provides COVID-19 protocols for food or beverage establishments offering service in outdoor areas pursuant to Executive Order No. 150; and

WHEREAS, to facilitate the re-opening of bars and restaurant in a manner that maintains social distancing, the Division of Alcoholic Beverage Control (ABC) created a new permit to address the anticipated need of bars and restaurants holding ABC licenses to liberally expand their premises to allow reasonable seating capacity while observing social distancing guidelines consistent with the mandates in the Governor's Executive Orders; and

WHEREAS, in recognition of the economic repercussions suffered by various local businesses as a result of the Covid-19 health emergency, the Borough believes that, to promote the economic viability of local businesses in these extraordinarily difficult times, it is necessary to permit retail food establishments to reasonably expand their available space in order to open, subject to compliance with Executive Order 150 and the DOH Directive 20-014 and, if applicable, the ABC's special permit for outdoor service, in a manner that will maintain social distancing requirements while, at the same time, making it economically feasible for such businesses to re-open; and

WHEREAS, the Mayor and Council, by adoption of Resolution 2020-121, have allowed a temporarily permit for outdoor dining at local retail food establishments; and

WHEREAS, the Mayor and Council, by adoption of Resolution 2020-121, reserved the right to amend, terminate, or repeal this Resolution 2020-121 and/or any permits or approvals granted thereunder at any point in time, if it determines that it is in the best interest of the health, safety and welfare of the Borough and its residents; and

WHEREAS, the Mayor and Council have determined it is in the best interest of the Borough to extend the hours of operation to permitted establishments to allow for an additional hour of service until 10:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey as follows:

1. The aforesaid recitals are incorporated herein as if set forth at length;
2. Establishments holding a Temporary Outdoor Dining Permit may not serve outdoor dining customers after 10:00 PM
3. All other terms for a Temporary Outdoor Dining Permit, as set forth in Resolution 2020-121, are incorporated herein as if set forth at length, except that an establishment holding a Temporary Outdoor Dining Permit may not serve outdoor dining customers after 10:00 PM

BE IT FURTHER RESOLVED that the aforesaid amendment to hours of service is applicable to all Temporary Outdoor Dining Permittees, and the Borough Clerk is hereby directed to advise current permittees of this amendment.

BE IT FURTHER RESOLVED that, notwithstanding anything herein to the contrary, the Borough hereby reserves the right to further amend, terminate, or repeal this Resolution and/or any permits or approvals granted hereunder at any point in time, if it determines that it is in the best interest of the health, safety and welfare of the Borough and its residents, and accordingly no property rights are granted to any persons or entities by virtue of this Resolution and/or permits or approvals hereunder, and any persons or entities electing to pursue economic relief through application and issuance of a Temporary Outdoor Dining Permit in accordance with the provisions of this Resolution and Resolution 2020-121 are hereby given notice that the expenditure of any funds or the incurrence of any costs by such persons or entities in reliance upon this Resolution and any permit or approval hereunder shall be at their sole and exclusive risk, cost and expense; and

BE IT FURTHER RESOLVED that, except as otherwise provided herein, all existing Establishments must comply with any and all federal, state, county, and local laws and regulations, including any and all existing Land Use and general ordinances governing the operation of the Establishments; and

BE IT FURTHER RESOLVED that notwithstanding anything herein contained to the contrary, the Mayor and Council may rescind this Resolution, and all approvals or permits issued hereunder, by further Resolution; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: August 25, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-169

RESOLUTION APPROVING A REFUND TO CORELOGIC FOR 2020 3ND QUARTER TAX
OVERPAYMENT

WHEREAS, the records of the Tax Collector of the Borough Brook reflect an overpayment of 2020 3rd quarter taxes; and

WHEREAS, the property locations and amounts are as follows:

34 Fisher Avenue
Block 20, Lot 28
\$1,973.00

507 West Second Street
Block 24, Lot 12.01
\$1,530.00

324 West High Street
Block 28, Lot 6
\$2,053.00

318 West High Street
Block 28, Lot 7
\$2,124.00

313 Church Street
Block 64, Lot 16
\$1,875.00

617 Legion Court
Block 69, Lot 62
\$1,862.00

12 Village Court
Block 90, Lot 40.11
\$1,609.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Bound Brook, County of Somerset, State of New Jersey, that the Tax Collector is hereby authorized and directed to refund \$13,026.00 to Corelogic Tax Service, LLC for the overpayment of taxes.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: August 25, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-170

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH MERIDIA 1 URBAN RENEWAL, BOUND BROOK, LLC AS REDEVELOPER FOR PROPERTIES KNOWN AS TAX BLOCK 8, LOTS 9.01, 9.03 AND 9.04, LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA FOR A MIXED USE PROJECT

WHEREAS, in January 2000, the Borough Council of the Borough of Bound Brook designated various Property in its downtown along the Main Street corridor as an area need of redevelopment (“Redevelopment Areas 1 & 2”) and adopted a redevelopment plan for Redevelopment Areas 1 & 2 in February 2000 and subsequently adopted an Amended Redevelopment Plan for Redevelopment Area 1 on August 11, 2015, which has subsequently been amended from time to time; and

WHEREAS, the Borough has been promoting the redevelopment of public and privately-owned Property in Redevelopment Areas 1 & 2; and

WHEREAS, Block 8, Lots 9.01, 9.03 and 9.04 are located in Redevelopment Area 1 (referred to as the “Properties”); and

WHEREAS, Block 8, Lots 9.01, 9.03 and 9.04 are privately owned; and

WHEREAS, Capodagli Property Company, LLC, under various affiliate entities bearing the “Meridia” designation (“Meridia”) has successfully developed and is currently developing Property throughout New Jersey; and

WHEREAS, Meridia has successfully completed market rate residential rental projects in urban, transit-oriented communities, including the Meridia, Main Station project located at the northern end of Main Street on the former Bolmer property for 240 market rate residential units and is currently developing Meridia Downtown on West Main Street; and

WHEREAS, Meridia has contracted to acquire Block 8, Lots 9.01, 9.03 and 9.04; and

WHEREAS, the concept proposal from Meridia has been reviewed and found consistent with the Borough's goals for redeveloping the downtown area; and

WHEREAS, the Borough believes that the redevelopment of the Properties in the manner proposed by the Redeveloper is in the best interests of the community and promotes the health, safety, morals and welfare of the Borough’s residents and is in accord with the public purpose and provisions of the Redevelopment Law and all other Applicable Laws; and

WHEREAS, the Borough has determined that it is in the best interest of the community for it to enter into a redevelopment agreement with the Redeveloper for the purposes of facilitating

the redevelopment of the Properties and to specify each parties' respective rights and obligations for the effectuation of the goals and objective(s) of redevelopment of the Properties; and

WHEREAS, the Borough and the Redeveloper desire to fully and thoroughly address the rights and obligations of the Parties hereto in connection with the redevelopment of the Properties by way of a redevelopment agreement, in a form substantially consistent with that attached and annexed hereto, and the Borough and the Redeveloper acknowledge that the mutual promises contained in the redevelopment agreement shall be good and valuable consideration for the binding execution of the redevelopment agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that it hereby approves and authorizes the execution of a redevelopment agreement with Meridia 1 Urban Renewal, Bound Brook, LLC, 201 South Wood Avenue, Linden, New Jersey as redeveloper for the redevelopment of Tax Block 8, Lots 9.01, 9.03 and 9.04.

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk are hereby authorized to execute any and all documents, including the redevelopment agreement substantially consistent with the form of agreement attached hereto, to effectuate the completion and implementation of this project, subject to final review by general counsel as to legal form and content.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: August 25, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-164

RESOLUTION OF THE BOROUGH OF BOUND BROOK ADOPTING A DEBT POLICY

WHEREAS, the Borough of Bound Brook recognizes and supports the philosophy that maintenance of fiscal stability is important to the prudent operation of government; and

WHEREAS, fiscal stability is a determining factor in creditworthiness; and

WHEREAS, a debt payment represents a percentage of the annual borough budget and maintenance and control of the level of debt would add to the borough fiscal stability and health; and

WHEREAS, manageable debt levels can assure the continued orderly operation of government and the provision of services to taxpayers and the stability of the tax structure;

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey hereby adopts a Debt Policy, attached hereto, as a working guideline for fiscal policy.

BE IT FURTHER RESOLVED, the Debt Policy be renewed by the Mayor and Borough Council annually by resolution at reorganization.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: August 25, 2020

BOROUGH OF BOUND BROOK

DEBT POLICY

Borough of Bound Brook recognizes and supports the philosophy that maintenance of fiscal stability is important to the prudent operation of government. Fiscal stability is a determining factor in creditworthiness. A debt payment represents a percentage of the annual borough budget and maintenance and control of the level of debt would add to the borough fiscal stability and health. Manageable debt levels can assure the continued orderly operation of government and the provision of services to taxpayers and the stability of the tax structure. So that the debt policy will be meaningful and effective, the following shall be adopted as a working guideline for fiscal policy:

1. The Borough of Bound Brook recognizes the need to maintain a debt policy to prudently manage indebtedness incurred;
2. Borough of Bound Brook is the subject and will comply with all of the aspects of the N.J.S.A. 40A:2-Local Bond Law;
3. Borough will maintain net debt below 3.5% of the three-year average equalized evaluation;
4. Borough will only issue debt for the projects with useful live of 5 years or over;
5. Borough will maintain annual net debt service no greater than 17% of the current year operating expenditures
6. When issuing debt and structuring the repayment of debt, the Borough will take into consideration level or gradual debt service without “spikes” with initial funding through temporary notes to be financed permanently on a regular basis.
7. With coordination between its Financial Advisor and Bond Counsel, the Borough will permanently finance or develop a pay-down debt schedule for the existing debt to ensure coordination between available resources, impact on the tax levy and prior-debt payments.
8. On advice from its Financial Advisor and Bond Counsel, the Borough will issue refunding bonds, as permitted by applicable State and Federal regulations, for previously-issued debt when such refunding will produce a savings equal to at least 3% of the par value of the debt being refunded, as measured on a net present value basis.
9. The Borough of Bound Brook will comply with any Continuing Disclosure Agreement for the benefit of the holders of any of its existing publicly traded bonds, and the secondary market disclosure requirements of the Securities and Exchange Commission’s Rule 15c2-12.

10. As part of the annual budget process, the Borough should consider the capital needs of the Borough and evaluate the impact of the Capital Budget on the net debt target and future debt service. If the adoption of the Capital Budget materially impacts the net debt target, the Borough may, after deliberation, amend the DEBT POLICY.
11. This policy will be renewed by the Mayor and Borough Council annually in the general business resolution at reorganization.

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-165

RESOLUTION OF THE BOROUGH OF BOUND BROOK ADOPTING A FUND BALANCE
POLICY

WHEREAS, the Borough of Bound Brook recognizes and supports the philosophy that maintenance of fiscal stability is important to the prudent operation of government; and

WHEREAS, fiscal stability is a determining factor in creditworthiness and the ability to adjust local government revenues during the budget year; and

WHEREAS, a fund balance represents an available resource that can be used to meet working capital requirements, emergency expenditures and allow for a manageable transition due to systemic changes in revenues and expenditures; and

WHEREAS, sufficient levels of unreserved fund balance can assure the continued orderly operation of government and the provision of services to taxpayers and the stability of the tax structure; and

WHEREAS, maintaining the stability of sufficient levels of unreserved fund balance is important for the Borough of Bound Brook;

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey hereby adopts a Fund Balance Policy, attached hereto, as a working guideline for fiscal policy.

BE IT FURTHER RESOLVED, the Fund Balance Policy be renewed by the Mayor and Borough Council annually by resolution at reorganization.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: August 25, 2020

BOROUGH OF BOUND BROOK

FUND BALANCE POLICY

Borough of Bound Brook recognizes and supports the philosophy that maintenance of fiscal stability is important to the prudent operation of government. Fiscal stability is a determining factor in creditworthiness and the ability to adjust local government revenues during the budget year. A fund balance represents an available resource that can be used to meet working capital requirements, emergency expenditures and allow for a manageable transition due to systemic changes in revenues and expenditures. Sufficient levels of unreserved fund balance can assure the continued orderly operation of government and the provision of services to taxpayers and the stability of the tax structure. Maintaining the stability of sufficient levels of unreserved fund balance is important for the Borough of Bound Brook. So that the Fund Balance Policy will be meaningful and effective, the following shall be adopted as a working guideline for fiscal policy:

1. The Borough of Bound Brook may establish or maintain a target fund balance of 4% to 8% of the previous year's operating expenditures (the "Target").
2. In case of a need to drawdown of the fund balance, without the reasonable expectation of regenerating such amounts drawn down during the budget year -a plan shall be developed to restore fund balance to the Target balance within a five-year period.
3. If the year-end available fund balance, based upon unaudited figures, is for any reason below the Target, then, to rebuild the fund balance toward the Target, no more than 80% of the surplus generated in the prior fiscal year shall be appropriated as revenue in the succeeding year's budget.
4. This policy will be renewed by the Mayor and Borough Council annually in the general business resolution at reorganization.

BOROUGH OF BOUND BROOK
RESOLUTION 2020-171

APPROVAL OF VOUCHERS

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Bound Brook, County of Somerset, and State of New Jersey that vouchers are approved for the following funds in the amount of \$ 1,859,570.97

<u>FUND</u>	<u>AMOUNT</u>
CURRENT	\$1,477,397.52
GRANT FUND	\$ 240.86
GENERAL CAPITAL FUND	\$ 315,718.99
GENERAL TRUST FUND	\$ 19,494.53
RECREATION TRUST FUND	\$ 9,009.07
TAX COLLECTOR TRUST	\$3,500.00.
TAX TITLE LIEN REDEMPTIO	\$1,166.10
DEVELOPERS ESCROW	\$ 6,008.00
UNEMPLOYMENT TRUST FUND	\$27,035.90
TOTAL	<u>\$1,859,570.97</u>

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: August 25, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-172

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Borough of Bound Brook has deemed it necessary to go into closed session to discuss matters which are exempted from the public; and

WHEREAS, the regular meeting of the Borough of Bound Brook will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Borough Council will go into closed session for the following reasons as outlined in NJSA 10:4-12; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Borough of Bound Brook hereby declares that the discussion of subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated as the time of said matter.

NOW THEREFORE BE IT FINALLY RESOLVED that the Borough is excluded from the portion of the meeting during which the discussion(s) shall take place and hereby directs the Municipal Clerk to take the appropriate action to effectuate the terms of this resolution.

Reason for Closed Session – Fire Department Contract Negotiations

Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer. Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: August 25, 2020