

Borough of Bound Brook
Regular Meeting – October 13, 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:

September 22, 2020 Regular Meeting

Motion: Second: Discussion: All in Favor:

Advertised hearings or special presentations

- Covid-19 Update
- Census 2020 Update
- Proclamation Recognizing the Outstanding Service of Adriano Vigni
- Proclamation Celebrating the Life of Dr. George Daniel
- Sewer Cost Analysis Presentation

Presentation of communications, petitions, etc.

Greetings for comments and invitation for discussion

Introduction of ordinances -First Reading

Ordinance 2020-30 An Ordinance Creating Chapter 28-4, "Installation and Maintenance of Grease Traps", in the Revised 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 October 27, 2020.

Second:

Roll Call:

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

Ordinance 2020-31 An Ordinance to Create the Borough of Bound Brook Sanitary Sewer Utility

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on October 27, 2020.

Second:

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 2020-26 Bond Ordinance Providing for the Acquisition and Installation of a Trunk Radio System for the Police Department, in and by the Borough of Bound Brook, in the County of Somerset, State of New Jersey; Appropriating \$203,000.00 therefor and Authorizing the Issuance of \$193,000.00 Bonds or Notes to Finance Part of the Cost Thereof

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 2020-27 An Ordinance Amending and Supplementing Chapter 32, Flood Fringe Areas, of the Revised General Ordinances to Amend the Referenced State Statute

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 2020-28 An Ordinance Appropriating \$86,000.00 from the Capital Improvement Fund for the Purchase and Installation of the Generator in the Municipal Building in and by the Borough of Bound Brook, in the County of Somerset

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 2020-29 An Ordinance Amending and Supplementing Chapter 2, Article VI, “Boards, Commissions, Committees and Agencies” of the General Revised 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___

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:
2020-191		Resolution Authorizing the Submission of an Application to the New Jersey Department of Transportation’s Transportation Alternatives Set-Aside Program 2020	
2020-192		Resolution Amending the Contract Award Amount for DeCotiis, Fitzpatrick & Cole, LLP	
2020-193		Resolution Rescinding the Issuance of a Temporary Permit to Cheers Sports Bar to Allow Service of Food and Beverages in an Outdoor Space in a Manner Consistent with Executive Order 150, The New Jersey Department of Health Directive 20-014 and, if Applicable, the New Jersey Alcoholic Beverage Control Special Permit Regarding Outdoor Service in Light of the COVID-19 Health Emergency	
2020-194		Resolution of Support from Bound Brook Council Authorizing Somerset County Cultural and Heritage Commission Grant Application	
2020-195		Resolution of Support from Bound Brook Council Authorizing State/County Partnership Local Arts Program Grant Application	

- 2020-196 Resolution of the Borough of Bound Brook, Somerset County, New Jersey, Authorizing the Use of Competitive Contracting for the Provision of Management and Administration of Police Extra Duty Detail
- 2020-197 Resolution Amending and Superseding Resolution 2020-21, as Amended, Providing for the Issuance of Temporary Permits to Allow Local Restaurants and Eating Establishments to Serve Food and/or Beverages in an Outdoor Space in a Manner Consistent with Executive Order 150, the New Jersey Department of Health Directive 20-014 and, if Applicable, the New Jersey Alcoholic Beverage Control, Special Permit Regarding Outdoor Service in Light of the COVID-19 Health Emergency
- 2020-198 Resolution Approving Relief of Moratorium on Verona Place for Water and Sewer Connections
- 2020-199 Resolution Appointing Dave Morris to the Recreation Commission as a Regular Member for an Unexpired Term

Unfinished Business

New Business

- Halloween 2020
- Holiday Season

Approval of Vouchers

2020- 200 Resolution Approving Vouchers in the Amount of \$2,024,176.12

Motion: Second: Discussion: All in favor:

Open to the public for comment

Authorize Executive Session

2020-201 Resolution Authorizing Executive Session- Fire Department Lease Agreement

Motion: Second: All in favor:

Adjournment

Motion: Second: Discussion: All in favor:

PROCLAMATION

RECOGNIZING THE OUTSTANDING SERVICE OF ADRIANO VIGINI Borough of Bound Brook, New Jersey

WHEREAS, Adriano Vigini, Bound Brook Police Department, served as the Parking Enforcement Officer for 4-1/2 years, from March 22, 2016 to September 25, 2020; and

WHEREAS, Adriano reliably discharged his duties no matter what the weather conditions were, monitoring the streets and parking lots of the Borough to ensure drivers followed local, county and state parking laws; and

WHEREAS, he exhibited stamina, patience and professionalism issuing necessary parking citations, communicating with the public and alerting Bound Brook Police Headquarters when community assistance was needed; and

WHEREAS, his honesty and integrity were exhibited while appearing in court on numerous occasions to successfully defend contested cases; and

WHEREAS, in his 4-1/2 years of service, he was responsible for writing 1,652 summonses, demonstrating his outstanding service to the Borough of Bound Brook.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bound Brook recognize Adriano Vigini for his devotion to duty and professionalism in support the Borough of Bound Brook.

PROCLAIMED this thirteenth day of October in the year two thousand twenty

Robert P Fazen
Mayor

PROCLAMATION

CELEBRATING THE LIFE OF *Dr. George Daniel* Bound Brook, New Jersey

Dr. George Daniel, 90 passed away in Bound Brook, New Jersey.

Dr. Daniel, a devoted husband and father for 63 years dedicated his professional life to promoting learning as a way for others to improve their lives. Coming from humble beginnings in Hartford Kentucky, he was able through the help of a varsity basketball scholarship to attend Kentucky Wesleyan College. He then furthered his education at Murray College where he obtained his Master's degree and the got his Doctorate in Education at Teachers College, Columbia University. He also served in the military from 1953 to 1955 at Fort Knox, KY and Fort Hood, TX.

Dr. Daniel was Superintendent of School in Bound Brook for 29 years from 1964 through 1993. He was responsible for the success of thousands of successful Bound Brook School District graduates More than two thirds of the students at Bound Brook went on to attend two- and four-year colleges with representation at many top-rated colleges.

He was a leader in statewide educational issues and served as President of the New Jersey School Administrators Association from 1977 - 1978. He also worked for the State of New Jersey Department of the Treasury as the Team Leader of the Local Budget Review from 1997 - 2002. George has always been involved in the local Bound Brook community. He was a 50-year member of the Bound Brook Rotary Club and was active in the United Way and the Twin Boro Scholarship Fund. As a volunteer Master-Gardener, he wrote and edited many articles. At home, George was always continuing his own learning, researching articles, reading voluminous non-fiction books, and watching PBS shows on history and science. He was quick to laugh at small everyday things and always willing to lend a helping hand.

Now, Therefore, I, Robert Fazen, Mayor of the Borough of Bound Brook, do hereby express my personal gratitude and the gratitude of the people of Bound Brook to Dr. George Daniel and his family for the unsurpassed service to the Borough of Bound Brook.

In Witness Whereof, I have hereunto set my hand this twelfth day of October, in the year of our Lord two thousand twenty.



Robert Fazen, Mayor, Bound Brook, New Jersey

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2020- 30

AN ORDINANCE CREATING CHAPTER 28-4, “INSTALLATION AND MAINTENANCE OF GREASE TRAPS”, IN THE REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK

WHEREAS, in an effort to prevent blockages, obstructions and backups in the sanitary sewer system of the Borough Bound Brook (“Borough”), the Borough wishes to create a new Borough Ordinance to provide for and address this issue as well as related issues with the Borough’s sanitary sewer system; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Bound Brook, County of Somerset, State of New Jersey, as follows:

SECTION ONE. Chapter 28-4, “Installation and Maintenance of the Grease Traps” of the Revised Ordinances of the Borough of Bound Brook is hereby established as follows:

CHAPTER 28-4

- Chapter 28-4.1– Purpose
- Chapter 28-4.2– Definitions
- Chapter 28-4.3– Installation and Maintenance of Grease Traps
- Chapter 28-4.4– Best Management Practices
- Chapter 28-4.5– Access
- Chapter 28-4.6– Inspections
- Chapter 28-4.7– Additives
- Chapter 28-4.8– Enforcement, Fees, Violations and Penalties
- Chapter 28-4.9– Non-Repealer

AN ORDINANCE GOVERNING THE INSTALLATION AND MAINTENANCE OF GREASE TRAPS

28-4.1 Purpose

The purpose of this chapter is to aid in the prevention of sanitary wastewater system blockages, back-ups and obstructions from contributions and accumulation of fats, oils, and greases into the sanitary wastewater system from commercial and residential properties.

28-4.2 Definitions – as used in this section the following terms shall have the meanings set forth below:

- a. Borough - Borough of Bound Brook.

- b. Brown Grease - Waste vegetable oil, animal fat, grease, etc., that is recovered from the wastewater drain and grease trap.
- c. Fats, Oils, and Greases - Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations, (40 CFR 136), as maybe amended from time to time. All are sometimes referred to herein as “grease” or “greases”.
- d. Food/Food Service Establishment - Any permanently fixed location that produces, prepares, processes, handles and/or serves food as part of its retail business and/or business activity. The term shall also be given its normal industry definition. This term shall not include those establishments that sell only pre-packaged food/drink that do not require that food/food service establishment to produce, prepare, process, handle and/or serve the food/drink within that establishment.
- e. Grease Trap - Device that separates and collects oil, grease and settable solids at the entrance of the sanitary wastewater system, thereby preventing them from traveling through the wastewater pipes and treatment system.
- f. Inspecting Official - Employee and/or representative of the Borough of Bound Brook Code Enforcement Department, Department of Public Works and/or Health Department.
- g. Manufacturer, Processor or Distributor - Any business that manufactures, processes and/or distributes food and/or food products as part of its wholesale business.
- h. User - Any person, property owner, commercial, industrial, educational or residential, who contributes, causes or permits the discharge of wastewater into the sanitary wastewater systems within the Borough’s boundaries.
- i. Yellow Grease - Grease derived from used cooking oil from the food industry as typically found in frying oils from deep fryers.

28-4.3 Installation and Maintenance of Grease Traps.

- a. All existing, proposed, or newly remodeled food establishments within the Borough shall be required to install, at the user’s expense, an approved, properly operated and maintained grease trap or acceptable grease recovery system.
- b. The inspecting official shall require that a grease trap in a food establishment be upgraded to the current-day industry standards.

- c. All new construction and/or installation shall require that waste disposals and commercial dishwashers do not discharge into the grease trap(s).
- d. Food waste, including fat, oil, and grease, cannot be discarded into a slop sink, floor drain, toilet or any other plumbing fixture not connected to a grease trap.
- e. The grease trap shall be in proper operation and efficiency, at the owner's expense, at all times.
- f. Cleaning of grease trap shall be done at a minimum biweekly or more often as required to assure proper operation and efficiency. Cleaning of grease traps shall include the complete removal of all contents, including floating materials, wastewater, bottom sludge and solids. The decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited.
- g. Disposal of waste material from the grease trap shall be discarded in accordance with all applicable federal, state, county and local laws, rules, code provisions and/or regulations. Contents of the grease trap shall be disposed by a licensed, private waste hauler firm hired by the food establishment, with written documentation of waste hauler name, address, phone number, dates waste removed and volume in gallons, type of grease (yellow or brown), and such records shall be maintained on premises for a period not less than 24 months and made available to the inspecting official upon request. In no event shall the waste material removed from the grease trap be returned to any private or public portion of the Borough's sanitary sewer system.
- h. A maintenance log shall be kept up-to-date and include the time, date and signature of person performing the biweekly or more often maintenance/cleaning. Such log shall be maintained on premises for a period not less than 24 months and made available to the inspecting official upon request.

28-4.4 Best Management Practices

- a. All food establishments regulated under/pursuant to this Ordinance shall adhere to best management practices dealing with fat, oil and grease disposal and shall educate their employees to these practices. Best management practices include, but are not limited to the following:
 - i. Training staff on grease handling practices and procedures;
 - ii. Hanging/Displaying grease handling posters in all applicable areas;
 - iii. Instructing employees that food waste shall not be disposed/discharged into the sanitary sewer system.

- iv. Providing appropriate paper towel dispensers for dry-wiping grease from spills, pots, frying, grilling equipment, and other surfaces saturated with fat, oils and grease residue.
- v. Using strainer baskets in sinks to catch food waste.
- vi. Directing all drains from grease producing surfaces to a properly sized grease trap.
- vii. Ensuring that the hot water in food establishments is less than 139° F.

28-4.5 Access

- a. The inspecting official shall have the authority to perform periodic inspections of those establishments generating fat, oil or grease in their operations and shall notify the user of any additional required maintenance or repairs within a stated time period. The user may be required to install, at his sole cost and expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the sanitary wastewater system.
- b. Access to grease traps by an inspecting official shall be provided during normal business hours, unless an emergency situation requires access during off-business hours, then access shall be provided to the inspecting official immediately upon request. Access shall include the ability to open the trap.

28-4.6 Inspections

- a. All food establishments must contact the Borough to set up an annual inspection of their grease traps and connecting wastewater lines to ensure that waste fat, oil and grease are being adequately removed from the wastewater before being discharged into the sanitary wastewater system, and that wastewater temperature does not exceed 139°F. The cost of the annual inspection is \$100 and will run concurrent with annual health license. The Borough shall provide a formal inspection report to the food establishment within two (2) weeks of the inspection. The inspection report shall include, but not be limited to, the maintenance and efficiency of the grease trap, amount of oil and grease found in connecting wastewater lines, percentage of oil and grease being removed from wastewater being discharged into the sanitary wastewater system, and temperature of the wastewater.
- b. In addition to the mandatory annual inspection set forth above, the inspection official shall have the authority to conduct inspections pursuant to a complaint, in response to new construction or installation, and such other periodic inspections that the inspection official deems necessary and appropriate.
- c. A formal inspection report by a licensed plumber is required for the issuance of an annual food license by the health department for all food establishments that produce, serve, handle and/or prepare oil, fat and/or grease in the course of business.

d. Upon written notification by the inspecting official, the User shall be required to perform the maintenance and/or repair within the time period set forth by the inspecting official. Upon inspection by the inspecting official, the User may be required to install, at his sole cost and expense, additional controls to provide a grease trap system which prevents discharges of any and all grease(s) as defined herein.

28-4.7 Additives

Any biological additive(s) placed into the grease trap or building discharge line, including, but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils and/or grease, shall not be considered an acceptable substitute for the installation and maintenance of a grease trap as required herein.

28-4.8 Residential Users

All Users, whether residential, commercial or other, contributing wastewater to the Borough's wastewater system shall be prohibited from discharging fats, oils and greases in quantities that result in obstruction, damage, or any other impairment to the treatment works sewer system, or causes any expense, fine, penalty, or damage of any nature whatsoever to the Borough wastewater system and/or the residential property wastewater lateral.

28-4.9 Enforcement, Fees, Violations and Penalties

a. When the discharge from any user (property owner, commercial, industrial, educational or residential) causes an obstruction, damage, or any other impairment to the sewer system, or causes any expense, fine, penalty, or damage of any nature whatsoever to the Borough, the inspecting official shall invoice the owner/User for same incurred by the Borough. If the invoice is not paid within seven (7) days of receipt, the inspecting official shall notify the Borough Attorney to take any and all actions as shall be appropriate to seek reimbursement.

b. An inspection fee shall be imposed for all grease trap inspections performed by an inspecting official as a result of a complaint and/or violation against a food establishment and/or manufacturer, distributor or processor, or a lateral or wastewater system inspection by an inspecting official as a result of a complaint, in the amount of \$100.00.

c. For each re-inspection carried out pursuant to an unresolved complaint and/or violation, a fee of \$100.00 shall be imposed.

d. Any person who violates any section of this Chapter is subject to the following fines:

- i. First Offense: up to \$250.00 per day until the violation is corrected, plus reimbursement of costs and damages;
- ii. Second Offense: up to \$500.00 per day until the violation is corrected, plus reimbursement of costs and damages; and
- iii. Third or More Offenses: \$1,000.00 per day until the violation is corrected, plus reimbursement of costs and damages. In addition, the Borough may terminate/close the Users ability/access to the Borough sanitary sewer system.

28-4.10 Non-Repealer

All other sections of the Borough Ordinances not specifically amended by the provisions of this Ordinance shall remain in full force and effect.

SECTION TWO. All Ordinances of the Borough of Bound Brook which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

ATTEST:

BOROUGH OF BOUND BROOK

Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2020- 31

AN ORDINANCE TO CREATE THE BOROUGH OF BOUND BROOK
SANITARY SEWER UTILITY

WHEREAS, the Borough of Bound Brook is engaged in the construction, development, operation and maintenance of sanitary sewer facilities within the Borough; and

WHEREAS, it is the desire and intention of the Borough that all such sewage facilities be part of a single operating system; and

WHEREAS, it is the intention of the Borough to create a utility to administer said sewage facilities, including all contractual relationships relating to same, within the Borough Government, such utility hereafter to be known as the Borough of Bound Brook Sanitary Sewer Utility.

WHEREAS, the Borough of Bound Brook is a member of the Middlesex County Sewerage Authority which annually charges the Borough of Bound Brook for the removal of sewerage to the Middlesex County Utilities Authority for treatment; and

WHEREAS, the Borough of Bound Brook has an ongoing need to implement various capital improvement projects in order to maintain the sewer system in peak condition; and

WHEREAS, the Mayor and Council of the Borough of Bound Brook have determined that the most equitable manner of funding the expense of wastewater collection and treatment, the infrastructure improvements necessary, and administrative expenses associated therewith is the imposition of a "user fee"; and

WHEREAS, the Mayor and Council of the Borough of Bound Brook have determined that such a usage system has significant benefits for those that conserve water, particularly senior citizens, and imposes the costs associated with wastewater treatment on its users not based on the value of their property but on the amount of wastewater generated.

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

SECTION 1. Creation of the Borough of Bound Brook Sanitary Sewer Utility. The Governing Body of the Borough of Bound Brook in the County of Somerset and State of New Jersey in accord with the enabling legislation provided by Title 40A, Chapter 4 of the New Jersey Revised Statutes hereby creates for and in the Borough of Bound Brook a sewer utility hereinafter known as "The Borough of Bound Brook Sanitary Sewer Utility."

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2020-26

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF A TRUNK RADIO SYSTEM FOR THE POLICE DEPARTMENT, IN AND BY THE BOROUGH OF BOUND BROOK, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY; APPROPRIATING \$203,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$193,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BOUND BROOK, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Bound Brook, in the County of Somerset, State of New Jersey (the "Borough") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$203,000, said sum being inclusive of a down payment in the amount of \$10,000 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Borough for down payment or capital improvement purposes in a previously adopted budget or budgets of the Borough.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$203,000 appropriation not provided for by application hereunder of said \$10,000 down payment, negotiable bonds of the Borough are hereby authorized to be issued in the aggregate principal amount of \$193,000 pursuant to, and within the limitations prescribed by,

the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in an aggregate principal amount not exceeding \$193,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition and installation of a trunk radio system for the Police Department of the Borough, including, but not limited to, as applicable, the purchase and installation of radio equipment, radio programming, mobile radios, consoles, antennas, and Qwik Ports.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental reports and remediation, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued by the Borough for said improvements and purposes is \$193,000.

(d) The estimated cost of said improvements and purposes to the Borough is \$203,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$10,000 available for such improvements and purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Somerset make a contribution or grant in aid to the Borough for the improvements and purposes authorized in Section 3 hereof, and the same shall be received by the Borough prior to the

issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Somerset. In the event that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Somerset shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is seven (7) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$193,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$3,000 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of the obligations of the Borough authorized herein and to execute such

disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of the obligations of the Borough authorized herein and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended the interest on all tax-exempt bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

ATTEST:

BOROUGH OF BOUND BROOK

Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: September 22, 2020

Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2020-27

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 32, SECTION 6.9,
SEWAGE DISPOSAL REQUIREMENTS UNDER REGULATED USES, TO AMEND THE
REFERENCED NEW JERSEY STATUTE

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 32, “Flood Fringe Areas”, Section 6.9, “Sewage disposal requirements under regulated uses”, 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:

32-6.9 Sewage disposal requirements under regulated uses.

Individual sewage disposal systems within the flood fringe area shall be constructed in accordance with the New Jersey State's Standards for the Construction of Individual Subsurface Sewage Disposal Systems, N.J.A.C. **[7:9-2] 7:9A.**

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: September 22, 2020
Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2020-28

ORDINANCE APPROPRIATING \$86,800.00 FROM THE CAPITAL IMPROVEMENT FUND FOR THE PURCHASE AND INSTALLATION OF THE GENERATOR IN THE MUNICIPAL BUILDING IN AND BY THE BOROUGH OF BOUND BROOK, IN THE COUNTY OF SOMERSET, NEW JERSEY

NOW THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BOUND BROOK, IN THE COUNTY OF SOMERSET, NEW JERSEY AS FOLLOWS:

Section 1. \$86,800.00 is hereby appropriated from the Capital Improvement Fund of the Borough of Bound Brook, in the County of Somerset, New Jersey (the "Borough") for the purchase and installation of the generator, and further including all related costs and expenditures incidental thereto.

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

ATTEST:

BOROUGH OF BOUND BROOK

Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: September 22, 2020

Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK

ORDINANCE 2020-29

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ARTICLE VI,
“BOARDS, COMMISSIONS, COMMITTEES AND AGENCIES” OF THE GENERAL
REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK

WHEREAS, there exists in the Borough of Bound Brook a Board of Recreation Commissioners established pursuant to N.J.S.A. 40:12.1 et seq.; and

WHEREAS, N.J.S.A. 40:12.1.1 provides the governing body with the ability to appoint not more than two alternate members to the Board of Recreation Commissioners for a term which shall match the length of terms of the regular members of the Board of Recreation Commissioners; and

WHEREAS, the Mayor and Council wish to amend the General Revised Ordinances of the Borough of Bound Brook to increase the term of the alternate members to the Board of Recreation Commission to match the length of terms of the regular members of the Board of Recreation Commissioners.

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

SECTION 1: That Chapter 2, Article VI, Boards, Commissions, Committees and Agencies, of the Revised General Ordinances of the Borough of Bound Brook, County of Somerset, 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:

§ 2-33.3 Alternates.

The **[Mayor] Governing Body** may appoint two alternate members who shall have the right to attend all meetings of the Commission and to participate in discussions of any proceedings. **[Such alternate members shall serve for a term of one year or until the appointment and qualification of a successor.]** The alternate members shall be designated as First Alternate and Second Alternate and in such order may vote in the event of the absence or disability of one or both of the regular representatives. **The length of the terms of the alternate members shall be the same as the length of the terms of the regular members of the Board of Recreation Commissioners. If two alternates are appointed, their terms shall be staggered by the appointment of one of the alternates for an initial term that is a year less than the regular term.** No alternate member shall automatically succeed to a regular representative position upon a vacancy occurring in a regular position.

SECTION 2: 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.

SECTION 3: In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Bound Brook, the provisions hereof shall be determined to govern. All other parts, portions, and provisions of the Revised General Ordinances of the Borough of Bound Brook are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4: This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

Jasmine D. Mathis
Borough Clerk

BOROUGH OF BOUND BROOK

By: _____

Mayor Robert Fazen

Date of Introduction: September 22, 2020

Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-191

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION
ALTERNATIVES SET-ASIDE PROGRAM 2020

WHEREAS, the Borough of Bound Brook, State of New Jersey desires to apply to the New Jersey Department of Transportation for funding under the Transportation Alternatives Set-Aside Program; and,

WHEREAS, the Borough of Bound Brook has designed the Hamilton Street Plaza Project to meet all criteria necessary to receive funding under the Transportation Alternatives Set-Aside Program, and to maximize accessibility of multiple modes of surface transportation within the Borough of Bound Brook (to be known as Project Area); and,

WHEREAS, the primary activities within this Project Area will be to improve pedestrian access to the Bound Brook Train Station and create a community green space through the creation of a pedestrian-only plaza; and,

WHEREAS, the maximum amount of grant funds available is \$1 million, and the Borough of Bound Brook will provide additional funds to fully fund the project; and

WHEREAS, this primary activity involves land that is owned by the Borough of Bound Brook, and the Borough of Bound Brook hereby commits to maintain the Project Area once developed; and,

WHEREAS, responsibilities for administering the proposed project in accordance with federal and state guidelines (to be known as the Responsible Charge) will be Hector Herrera, full-time Borough Administrator in the Borough of Bound Brook; and,

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Bound Brook as follows:

- A. The Mayor and Council of the Borough of Bound Brook formally authorize submission of the electronic grant application identified as TA-2020-Hamilton Street Plaza Project-00040 to the New Jersey Department of Transportation for funding under the Transportation Alternatives Set-Aside Program on behalf of the Borough of Bound Brook; and,
- B. The Mayor and Council of the Borough of Bound Brook hereby authorizes submission of the grant application identified as TA-2020-Hamilton Street Plaza Project-00040 to the New Jersey Department of Transportation for a requested amount not to exceed \$1 million; and,

- C. The Borough of Bound Brook alone will assume maintenance responsibility over all improvements completed with grant funding awarded under the FY2020 Transportation Alternatives Set-Aside Program; and,
- D. In accordance with 23 CFR § 635.105(a)(4) the Borough of Bound Brook hereby designates Hector Herrera as the responsible charge for this program. Hector Herrera is a full-time employee of the Borough of Bound Brook in the role of Borough Administrator and will be responsible charge for the proposed project.
- E. This resolution shall take effect immediately upon passage.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-192

RESOLUTION AMENDING THE NOT TO EXCEED AMOUNT FOR PROFESSIONAL
SERVICES CONTRACTS

WHEREAS, Resolution 2020-25 awarded one year contracts for professional services, ending on December 31, 2020; and

WHEREAS, the funds authorized for DeCotiis, Fitzpatrick & Cole, Municipal Attorney, were not to exceed \$150,000; and

WHEREAS, due to unforeseen circumstances additional work is needed; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, that DeCotiis, Fitzpatrick & Cole are authorized to continue work not to exceed an amount of \$350,000.00.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-193

RESOLUTION RESCINDING THE ISSUANCE OF A TEMPORARY PERMIT TO CHEERS SPORTS BAR TO ALLOW SERVICE OF FOOD AND BEVERAGES IN AN OUTDOOR SPACE IN A MANNER CONSISTENT WITH EXECUTIVE ORDER 150, THE NEW JERSEY DEPARTMENT OF HEALTH DIRECTIVE 20-014 AND, IF APPLICABLE, THE NEW JERSEY ALCOHOLIC BEVERAGE CONTROL SPECIAL PERMIT REGARDING OUTDOOR SERVICE IN LIGHT OF THE COVID-19 HEALTH EMERGENCY

WHEREAS, in response to the COVID-19 Pandemic, Governor Murphy has issued executive orders which declared a State of Emergency and Public Health Emergency within the State of New Jersey, and that have imposed restrictions imposing social distancing requirements and limiting gatherings of people; 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, paragraph 5, on page 7, of Executive Order 150 further provides that: “Municipalities are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks;” and

WHEREAS, in recognition of the economic repercussions suffered by various local businesses as a result of the Covid-19 health emergency, the Borough Bound Brook determined that it was in the best interest of the Borough to temporarily permit outdoor dining at local retail food establishments to extend outdoor dining into public rights of way (including sidewalks) and to provide for additional space for outdoor dining through use of private property and private parking lots for outdoor dining under specific terms and conditions consistent with Executive Order 150, the DOH’s Directive 20-014 and, if applicable, the ABC’s special permit requirements, upon application and approval by the Administrative Officer and/or his designee; and

WHEREAS, all Establishments granted a Temporary Outdoor Dining Permit shall comply with the requirements of Executive Order 150, the New Jersey Department of Health’s (DOH) Directive 20-014 and, if applicable, the New Jersey Division of Alcoholic Beverage Special Permit allowing reasonable expansion of licensed premises to facilitate social distancing requirements and

WHEREAS, Applicants for Temporary Outdoor Dining Permit must acknowledge and agree to full compliance with all current and any newly imposed safety and precautionary measures and guidelines established by the State of New Jersey relating to COVID-19.

WHEREAS, Cheers Sports Bar (“Cheers”) applied for, and was granted a Temporary Outdoor Dining Permit; and

WHEREAS, multiple incidences have occurred at Cheers which are not in compliance with precautionary measures and guidelines established by the State of New Jersey relating to COVID-19, including exceeding capacity and patrons not complying with social distancing and mask requirements; and

WHEREAS, it is the recommendation of the Administration and of the Bound Brook Police Department that the Temporary Outdoor Dining Permit granted to Cheers be revoked due to non-compliance with COVID-19 safety measurerequirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey the Temporary Outdoor Dining Permit issued to Cheers Sports Bar, located at 13 Hamilton Street, Bound Brook, New Jersey, is hereby immediately revoked.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-194

RESOLUTION OF SUPPORT FROM THE MAYOR AND COUNCIL OF THE BOROUGH
OF BOUND BROOK AUTHORIZING SOMERSET COUNTY CULTURAL AND
HERITAGE COMMISSION GRANT APPLICATION

WHEREAS, the Borough of Bound Brook seeks approval to apply to the Somerset County Cultural and Heritage Commission for a grant in the amount of \$4,600.00 for the County History Partnership Program (CHPP) Grant; and

WHEREAS, the grant would support downtown Bound Brook's historic site walking tour accompanying the 2021 Battle of Bound Brook re-enactment;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council authorize the submission of the Somerset County History Partnership Program Grant.

Approved: _____

Robert P. Fazen, Mayor

I, Jasmine Mathis, do hereby certify that the foregoing is a true copy of a resolution adopted by the Bound Brook Borough Council at a meeting held on the 13th day of October, 2020.

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-195

RESOLUTION OF SUPPORT FROM BOUND BROOK COUNCIL AUTHORIZING
STATE/COUNTY PARTNERSHIP LOCAL ARTS PROGRAM GRANT APPLICATION

WHEREAS, the Bound Brook Cultural Arts Committee seeks approval to apply to Somerset County Cultural and Heritage Commission for a grant in the amount of \$3,500.00 for the Local Arts Program Grant; and

WHEREAS, the grant would support a diverse array of visual and performing arts components for RiverFest, an annual street fair held in downtown Bound Brook;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council authorize the submission of the Somerset County and Heritage Commission Local Arts Program Grant.

Approved: _____

Robert P. Fazen, Mayor

I, Jasmine Mathis, do hereby certify that the foregoing is a true copy of a resolution adopted by the Bound Brook Borough Council at a meeting held on the 13th day of October, 2020.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-196

RESOLUTION OF THE BOROUGH OF BOUND BROOK, SOMERSET COUNTY,
NEW JERSEY, AUTHORIZING THE USE OF COMPETITIVE CONTRACTING
FOR THE PROVISION OF MANAGEMENT AND ADMINISTRATION OF
POLICE EXTRA DUTY DETAIL

WHEREAS, the Borough of Bound Brook, Somerset County, New Jersey (“Borough”) requires services related to the management and administration of Police Extra Duty Detail (the “Services”); and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (LPCL), the Services constitute a concession, which may be procured through the use of the competitive contracting provisions of the LPCL, specifically, N.J.S.A. 40A:11-4.1 *et seq.* (“Competitive Contracting”); and

WHEREAS, the LPCL requires that the Borough adopt a resolution authorizing the use of Competitive Contracting for procurement of the Services,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bound Brook, Somerset County, New Jersey, hereby authorizes the Borough Administrator/Purchasing Agent to take all steps necessary to solicit competitive proposals for the Services pursuant to the Competitive Contracting provisions of the LPCL; 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: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-197

RESOLUTION AMENDING AND SUPERSEDING RESOLUTION 2020-121, AS AMENDED, PROVIDING FOR THE ISSUANCE OF TEMPORARY PERMITS TO ALLOW LOCAL RESTAURANTS AND EATING ESTABLISHMENTS TO SERVE FOOD AND/OR BEVERAGES IN AN OUTDOOR SPACE IN A MANNER CONSISTENT WITH EXECUTIVE ORDER 150, THE NEW JERSEY DEPARTMENT OF HEALTH DIRECTIVE 20-014 AND, IF APPLICABLE, THE NEW JERSEY ALCOHOLIC BEVERAGE CONTROL SPECIAL PERMIT REGARDING OUTDOOR SERVICE IN LIGHT OF THE COVID-19 HEALTH EMERGENCY

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, as follows:

- Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations;
- Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;
- Satisfy all standards issued by the New Jersey Department of Health;
- Ensure that tables seating individual groups are six feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions;
- Prohibit patrons from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom;
- Require patrons to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age;
- Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages; 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, 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, the Mayor and Council have determined that it is in the best interest of the Borough to temporarily permit outdoor dining at local retail food establishments to extend outdoor dining into public rights of way (including sidewalks) and to provide for additional space for outdoor dining through use of private property and private parking lots for outdoor dining under specific terms and conditions consistent with Executive Order 150, the DOH’s

Directive 20-014 and, if applicable, the ABC's special permit requirements, upon application and approval by the Administrative Officer and/or his designee,

WHEREAS, the Mayor and Council, by adoption of Resolution 2020-121, as amended by Resolution 2020-168 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 revisit the submission requirements for a Temporary Outdoor Dining Permit in order allow for permit holders and applicants to amend site plans to include outdoor heating devices, and the safe review of same, in order to continue provide the option to Establishments in the coming, colder months.

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. A restaurant or sidewalk café, as those terms are defined in Chapter 21, Land Use (an "Establishment"), of the Revised General Ordinances of the Borough of Bound Brook, located within the NB/R, B/R, OB, MU/2 and RB-1 zoning district, may apply to the Administrative Officer, or his designee, for a Temporary Outdoor Dining Permit to create a dining area to serve food and/or beverages in outdoor areas, including public sidewalks, private decks, patios, parking lots, excluding spaces marked as handicapped parking spots, or other areas that are (i) adjacent or contiguous to the Establishment, with the consent of the adjoining property owner and adjoining business.
3. The Establishment seeking a Temporary Outdoor Dining Permit shall apply to the Administrative Officer using forms available from the Code Enforcement Office.
4. The Administrative Officer and/or his designee is hereby granted the authority and discretion to approve Outdoor Dining Permit Applications pertaining to existing Establishments, subject to the review and approval of Zoning, Office of Emergency Management, Fire Prevention, Health Department, the Bound Brook Police Department, and Administration. The application will be reviewed for public safety, sidewalk passage, traffic and parking lot flow along with compliance with New Jersey COVID-19 guidelines and regulations.
5. All Establishments granted a Temporary Outdoor Dining Permit shall comply with the requirements of all pertinent Executive Orders, including but not limited to E.O 150 and E.O 183, the New Jersey Department of Health's (DOH) Directive 20-014 and, if applicable, the

New Jersey Division of Alcoholic Beverage Special Permit allowing reasonable expansion of licensed premises to facilitate social distancing requirements.

6. Establishments applying for a Temporary Outdoor Dining Permit shall be required to submit an application and a drawing depicting the proposed layout and location of tables/seating outside of the Establishment, and shall also include an illustration, rendering, and/or photograph of all proposed furniture, umbrellas, heating devices, and trash receptacles intended to be located at or near the outdoor dining area. The applicant shall also describe how the proposed plan conforms to the requirements of Executive Order 150 and DOH Directive 20-014. Approval of any Temporary Outdoor Dining Permit application shall be subject to the following conditions:

(a) Applicants may be permitted to relocate existing approved tables/seats and/or to locate newly acquired tables/seats to other locations on site, including a Borough right-of-way (except that no Temporary Outdoor Dining Permits shall be issued for use of any public street). Notwithstanding anything contained herein, no tables/seats shall encroach on or obstruct the free flow of pedestrian traffic on the pedestrian walkways or any of its approaches. In addition, notwithstanding the provisions of this Resolution, the outdoor seating area may not exceed 1,000 square feet or the maximum inside seating capacity, whichever is less.

(b) Applicants may be permitted to utilize the public right of way (i.e., sidewalks) of an adjacent property owner for outdoor dining with the express written consent and approval of the adjacent property owner, which must be submitted with the Application.

(c) Tables/seats may be permitted to be located in the Borough right-of-way (i.e., sidewalk) provided a minimum six (6) feet pedestrian walkway is maintained and provided for the general public, subject to applicable ADA requirements.

(d) An Establishment holding an Outdoor Dining Permit may not serve outdoor dining customers after 11:00 PM.

(e) Applicants must submit a Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining area, and the frequency with which the outdoor dining area will be surveyed for litter in order to control the accumulation of trash/recycling.

(f) Applicants who intend to use outdoor heating devices must submit an outdoor heating plan. The outdoor heating plan must identify the number of proposed heating devices, the type of device and the heating source for the device (i.e., propane tanks). Any outdoor heating must be approved by the Borough Fire Marshall.

(g) Applicants must also acknowledge and agree to full compliance with all current and any newly imposed safety and precautionary measures and guidelines established by the State of New Jersey relating to COVID-19.

(h) The sale/service of alcoholic beverages shall be permitted, subject to compliance with any and all applicable ABC regulations/statutes, including but not limited to a special

permit issued by the ABC to allow the temporary expansion of premises, and subject to the review and approval of the Borough Clerk and Chief of Police. The approval of any extension of premises application to temporarily permit the sale/consumption of alcoholic beverages in outdoor dining areas shall automatically terminate upon the earlier of (i) expiration or revocation of the Temporary Dining Permit issued pursuant to this Resolution or (ii) November 30, 2020.

(i) Temporary Dining Permits issued in accordance with this Resolution shall expire upon the rescission or expiration of Executive Order 150 or on December 31, 2020, whichever shall occur first, except that the Borough Administrator or the Administrative Officer shall have the right to immediately revoke the Temporary Dining Permit of any Establishment that fails to comply with the outdoor dining requirement set forth in this Resolution or that otherwise violates applicable law.

(i) Applicants proposing to relocate existing tables/seats to the Borough right-of-way (i.e., public sidewalks) shall defend, indemnify and hold harmless the Borough of Bound Brook, its officers, employees and/or agents, from all claims, losses, liens, expenses, suits and attorney's fees arising out of the placement, operation, and maintenance of the Outdoor Dining Area. Applicants must name the Borough of Bound Brook as an additional insured under the Applicant's general liability insurance, bodily injury, property damage, and personal injury insurance policies, with a minimum limit of one million (\$1,000,000.00) dollars, and provide proof of same to the Borough Administrator and Administrative Officer, and proof that said policies have been amended to reflect coverage for the proposed outdoor dining area; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advise current permittees of the amendments and supplements to Resolution 2020-121. Current Permittees shall be allowed to supplement a prior, approved application with the submission of an updated site plan and heating plan, rather than being required to submit an application de novo.

BE IT FURTHER RESOLVED that, notwithstanding anything herein to the contrary, the Borough hereby reserves the right to 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 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 the Administrative Official, Borough Administrator, Zoning Officer and Police Department are hereby authorized and empowered to enforce this Resolution and the several provisions hereof as well as the conditions of approval for a Temporary Outdoor Dining Permit; and

BE IT FURTHER RESOLVED that that the Borough Administrator and Administrative Officer are hereby further empowered to enforce the discretionary powers that are considered necessary in order to implements the provisions of this Resolution; and

BE IT FURTHER RESOLVED that any applicant who is denied a Temporary Outdoor Dining Permit by the Administrative Officer and/or his designee may appeal such denial to the Borough Council by filing a notice of appeal with the Borough Clerk within ten (10) days of such denial. Upon receipt of any such notice of appeal, the Council will hear the appeal at a subsequent public meeting, at which time the Establishment's duly authorized representative and any other interested persons will be afforded the opportunity to be heard. At the conclusion of said hearing, the Council will either uphold or overturn the Administrative Officer and/or his designee's decision; 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: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-198

RESOLUTION APPROVING RELIEF OF MORATORIUM ON VERONA PLACE FOR
WATER AND SEWER CONNECTIONS

WHEREAS, pursuant to Planning Board resolution 2020-09, the Property owner of 223 Thompson Avenue was approved to construct a single-family; and

WHEREAS, the dwelling will be constructed on a vacant lot with no current utility connections; and

WHEREAS, the connections for water and sewer services are proposed to be made to the respective existing mains located on Verona Place; and

WHEREAS, the connection for gas service will be made to the existing gas main located on Thompson Avenue; and

WHEREAS, Verona Place was recently resurfaced in 2019 and therefore is currently under a five (5) year moratorium; and

WHEREAS, Thompson Avenue was recently reconstructed in 2017 and therefor is currently under a five (5) year moratorium; and

WHEREAS, the road opening and associated road work is pending the approval of the Superintendent of Public Works; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, that the moratorium be relieved during this work and subject to the approval by the Superintendent of Public Works including but not limited to an infrared pavement repair of all utility patches on both roadways.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2020-199

RESOLUTION APPOINTING DAVE MORRIS TO RECREATION COMMISSION AS A
REGULAR MEMBER FOR AN UNEXPIRED TERM

WHEREAS, Resolution 2020-92 accepted the resignation of Rena Shivers as a Recreation Commission Member; and

WHEREAS, Rena Shivers was appointed for a term to expire on December 31, 2022; and

WHEREAS, Dave Morris has been recommended to fill the unexpired term ending on December 31, 2022;

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Bound Brook, Dave Morris be appointed to the Recreation Commission for the unexpired term ending on December 31, 2020.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 13, 2020

BOROUGH OF BOUND BROOK
RESOLUTION 2020-200

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 \$ 2,024,176.12:

<u>FUND</u>	<u>AMOUNT</u>
CURRENT	\$ 1,755,354.86
GRANT FUND	\$ 11,153.40
GENERAL CAPITAL	\$ 61,292.66
GENERAL TRUST FUND	\$ 36,080.00
RECREATION TRUST	\$ 4,764.00
TAX COLLECTOR TRUST	\$ 51,700.00
TAX TITLE LIEN REMPTION	\$ 82,035.92
DEVELOPERS ESCROW	\$ 16,819.49
PAYROLL FUND	\$ 4,975.79
TOTAL	<u>\$ 2,024,176.12</u>

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 13, 2020

BOROUGH OF BOUND
County of Somerset

RESOLUTION 2020-201

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 Lease Agreement

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: October 13, 2020