

Borough of Bound Brook  
Regular Meeting – October 27, 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.

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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:

October 13, 2020 Regular Meeting

Roll Call:

C. Jake Hardin\_\_C. Richard Jannuzzi\_\_C. President Elizabeth Jannuzzi\_\_

C. Brad Galeta\_\_C. Abel Gomez\_\_C. Vinnie Petti\_\_

October 13, 2020 Executive Session

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

- Covid-19 Update
- Census 2020 Update
- 2019 Audit Presentation- Andrew Hodulik, PKF O'Connor Davies, LLP
- 2020 General Election Update

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 on Final Reading and Consideration - Second 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 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 2020-31 An Ordinance to Create the Borough of Bound Brook Sanitary Sewer Utility

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:
2020-202		Chapter 159, Municipal Alliance- State portion \$907.04	
2020-203		Resolution Authorizing Modifying Cash Management Plan and Authorizing Borough of Bound Brook to Enter into Cash Sweep Agreement with Provident Bank	
2020-204		Resolution of Certification of the 2019 Annual Audit	
2020-205		Resolution Approving the Corrective Action Plan for 2019	
2020-206		Resolution Approving Property Tax Exemption for the Devereux Foundation	
2020-207		Resolution Approving a Refund to the Devereux Foundation for 2020 1 <sup>st</sup> and 2 <sup>nd</sup> Quarter Tax Overpayment	
2020-208		Resolution Authorizing the Purchase of a Caterpillar Emergency Generator System from New Jersey State Co-Op Educational Services Commission of New Jersey #65MCESSCCPS in the amount of \$109,241.00	
2020-209		Resolution Authorizing a Change Order to the Professional Services Contract with Decotiis, Fitzpatrick & Cole, LLP for Municipal and Labor Attorney Services	
2020-210		Resolution of the Borough of Bound Brook Authorizing the Development, Issuance and Administration of a Request for Bids to Sell or Lease the Borough's Wastewater Collection System	
2020-211		Resolution Authorizing the Submission of the Local Government Emergency Fund (CRF) Grant	
2020-212		A Resolution of the Borough of Bound Brook Adopting Standard Procedures and Requirements for Public Comment Made During a Remote Public Meeting as Well as for Public Comments Submitted in Writing Ahead of a Remote Public Meeting	
2020-213		Resolution Approving a Refund to Lereta Tax Services for 2020 4 <sup>th</sup> Quarter Tax Overpayment	
2020-214		Resolution Hiring Tyler Roller as Part-Time Parking Enforcement Officer	

2020-215 Resolution of the Mayor and Council of the Borough of Bound Brook Amending the Meeting Schedule for Calendar Year 2020

Unfinished Business

New Business

- Somerset County Human Services Advisory

Approval of Vouchers

2020-216 Resolution Approving Vouchers in the Amount of \$2,024,176.12

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

2020-217 Resolution Authorizing Executive Session- Fire Department Lease Agreement

Motion: Second: All in favor:

Adjournment

Motion: Second: Discussion: All in favor:

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

Date of Adoption: October 27, 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."

SECTION 2. Purpose. The utility as defined hereinabove shall be responsible for the operation and maintenance of the Borough of Bound Brook's sewerage system; shall be empowered to make such improvements as may be necessary thereto and issue bonds in connection therewith; shall have the authority to establish, charge and collect fees for connections, usage and services for direct or indirect use of the sewerage system and shall have all such other powers and duties as may be specified and prescribed in the enabling legislation heretofore referenced and in such other applicable law.

SECTION 3. Establishment of usage rates. Rates for connections, user fees and services shall be set by separate ordinance which is herein incorporated by reference. Such rates, including but not limited to connections, meters, and usage may be subject to periodic review and change as determined by the Borough of Bound Brook Sanitary Sewer Utility.

SECTION 4. Inconsistent Ordinances. Any ordinances inconsistent with the foregoing are hereby repealed to the extent of such inconsistency.

SECTION 5. Invalidity. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the remainder of this Ordinance shall be deemed severable and shall remain in full force and effect.

SECTION 6. Effect. This Ordinance shall take effect on January 1, 2021.

ATTEST:

BOROUGH OF BOUND BROOK

\_\_\_\_\_  
Jasmine D. Mathis  
Borough Clerk

By: \_\_\_\_\_  
Mayor Robert Fazen

Date of Introduction: October 13, 2020

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-202

PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)

Municipal Alliance –State portion \$907.40 ( 5<sup>th</sup> quarter)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Bound Brook hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2020, in the amounts listed below, which item is now available as a revenue from the State of New Jersey

Municipal Alliance, Other Expenses \$907.40

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Approved:

\_\_\_\_\_  
Mayor Robert P. Fazen

Attest:

\_\_\_\_\_  
Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-203

RESOLUTION AUTHORIZING MODIFYING CASH MANAGEMENT PLAN AND  
AUTHORIZING BOROUGH OF BOUND BROOK TO ENTER INTO CASH SWEEP  
AGREEMENT WITH PROVIDENT BANK

WHEREAS, the Borough of Bound Brook approved cash management plan for 2020, and

WHEREAS, the Borough municipal funds are protected under GUDPA agreement in accordance with the state law, and

WHEREAS, the Borough desires to enter into an agreement with bank of record for additional fund protection under FDIC guidelines, and

WHEREAS, this service will be provided at no cost to the Borough

NOW THEREFORE, the Borough Council authorizes the Borough Administrator and Chief Financial Officer to enter into the agreement for this service and modify Cash Management plan accordingly.

Approved:

\_\_\_\_\_  
Mayor Robert P. Fazen

Attest:

\_\_\_\_\_  
Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-204

A RESOLUTION OF CERTIFICATION OF THE 2019 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Bound Brook, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit



R2020-204

a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Approved:

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Mayor Robert P. Fazen

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON October 27, 2020.

Attest:

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Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-205

A RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR 2019

WHEREAS, the Division of Local Government Services requires that a Corrective Action Plan be formulated to address recommendations reported in the Annual Report of the Audit for the year 2019; and

WHEREAS, the Chief Financial Officer has prepared the plan for the Borough of Bound Brook and is hereto made a part hereof and attached hereto; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey that the Corrective Action Plan is hereby approved; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to forward one (1) copy of the Corrective Action Plan to the Division of Local Government Services.

Approved:

\_\_\_\_\_  
Mayor Robert P. Fazen

Attest:

\_\_\_\_\_  
Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

## **CORRECTIVE ACTION PLAN**

Borough of Bound Brook Audit Report for the Year Ended 12/31/2019

### **Finding # 1**

Recommendation: We recommend the Borough review the use of confirming orders for compliance with respect to the requirements for budgetary accounting.

Corrective Action: Procedures were implemented that ensures that purchase orders are open in advance of received invoices. Additional procedures will be implements to ensure that encumbrance system in followed.

Implementation : on-going

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-206

RESOLUTION APPROVING PROPERTY TAX EXEMPTION FOR THE DEVEREUX  
FOUNDATION

WHEREAS, the Devereux Foundation, located at 780 Watchung Road, filed for property tax exemption with the Somerset County Tax Board and Borough Tax Assessor; and

WHEREAS, Somerset County Tax Board has reviewed and approved Property Tax Exemption Appeal# 04-2000021A; and

WHEREAS, the 2020 taxes for 780 Watchung Road, Block 95, Lot 30.01, are \$13,036.40;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that the property located at 780 Watchung Road, Block 95, Lot 30.01 be tax exempt pursuant to Somerset County Property Tax Exemption Appeal 04-2000021A.

Approved:

\_\_\_\_\_  
Mayor Robert P. Fazen

Attest:

\_\_\_\_\_  
Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-207

RESOLUTION APPROVING A REFUND TO DEVEREUX FOUNDATION FOR 2020 TAX  
OVERPAYMENT

WHEREAS, the records of the Tax Collector of the Borough of Bound Brook reflect an overpayment of 2020 1<sup>st</sup> and 2<sup>nd</sup> quarter taxes; and

WHEREAS, the property is located at 780 Watchung Road, Block 95, Lot 30.01;

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 \$6,740.00 to Devereux Foundation for the overpayment of taxes.

Approved:

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Mayor Robert P. Fazen

Attest:

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Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-208

RESOLUTION AWARDING CONTRACT TO FOLEY POWER SYSTEMS UNDER NEW JERSEY STATE APPROVED CO-OP #65MCESCCPS, EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY, FOR CATERPILLER EMERGENCY GENERATOR IN THE AMOUNT OF \$109,241.00

WHEREAS, the need exists to replace the emergency generator located at Borough Hall; and

WHEREAS, Foley Power Systems, 855 Centennial Avenue, Piscataway, New Jersey has been awarded New Jersey State approved Educational Services Commission of New Jersey CO-OP# 65MCESCCPS for this product; and

WHEREAS, the amount is \$109,241.00 and the Chief Financial Officer has certified the availability of funds in the following accounts-

Account 02-2020-240-730-0-0	\$38,200.00
Account 04-2020-202028-0-4-0	\$71,041.00

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Bound Brook that Foley Power Systems be awarded the contract for the aforementioned generator.

BE IT FURTHER RESOLVED that the Finance Department shall issue the appropriate purchase order in the amount of \$109,241.00

Approved:

\_\_\_\_\_  
Mayor Robert P. Fazen

Attest:

\_\_\_\_\_  
Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-209

RESOLUTION AUTHORIZING A CHANGE ORDER TO THE PROFESSIONAL SERVICES  
CONTRACT WITH DECOTIIS, FITPATRICK & COLE, LLP CONTRACT FOR  
MUNICIPAL AND LABOR ATTORNEY SERVICES

WHEREAS, Resolution 2020-25 awarded a professional services contract to Decotiis, Fitzpatrick & Cole, LLP for Municipal and Labor Attorney services; and

WHEREAS, the Borough set a not to exceed amount of \$166,000 for the contract award;

WHEREAS, due to unforeseen circumstances requiring additional work, there is a need to increase the 2020 professional services contract award by the amount of \$84,000.00; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that a change order be authorized to increase the contract by \$84,000.00, for a total contract value of \$250,000.00.

Approved:

\_\_\_\_\_  
Mayor Robert P. Fazen

Attest:

\_\_\_\_\_  
Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-210

AUTHORIZING THE DEVELOPMENT, ISSUANCE AND ADMINISTRATION OF A REQUEST FOR BIDS TO SELL OR LEASE THE BOROUGH'S WASTEWATER COLLECTION SYSTEM

WHEREAS, the Borough of Bound Brook (the "Borough") owns, operates and maintains a wastewater collection system servicing the residents and businesses of the Borough as well as certain facilities located in Bridgewater Township (the "System"); and

WHEREAS, a Borough team consisting of Council members, Borough staff and legal and financial professionals (the "Project Team") has prepared a report entitled Sewer Cost Alternatives, dated October 13, 2020 (the "Report"), which evaluates several options for the continued operation of the System; and

WHEREAS, the Report recommends, among other things, that the Borough Mayor and Council undertake a procurement process for the long-term lease or sale of the System to a third-party public or private operator; and

WHEREAS, N.J.S.A. 40:62-4 et. seq. (the "Act"), authorizes municipalities to procure bids for the long-term lease or sale of a municipally wastewater system following the development of a report analyzing various options and approval of a resolution of the governing body authorizing a procurement process; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook:

1. That the Report and the recommendations contained therein be and is/are hereby accepted by the Mayor and Council;
2. That, in satisfaction of the requirements of the Act, the Council authorizes the Project Team to develop and administer a procurement process designed to solicit bids for the long-term lease and/or sale of the System to a third-party public or private entity;
3. That the Project Team is hereby authorized and directed to include in any procurement document (a) the Borough's ability to limit user rate increases for a period of up to five years and (b) the Borough's ability to retain any connection fees derived from new or redevelopment within the Borough; and
4. This Resolution shall take effect immediately.

Attest:

\_\_\_\_\_  
Jasmine D. Mathis, Borough Clerk  
Date of Adoption: October 27, 2020

Approved:

\_\_\_\_\_  
Mayor Robert P. Fazen



BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-211

RESOLUTION AUTHORIZING THE SUBMISSION OF THE LOCAL GOVERNMENT  
EMERGENCY FUND (CRF) GRANT

WHEREAS, as the public health emergency associated with the COVID-19 pandemic continues, the most significant negative financial impacts faced by county and municipal governments throughout New Jersey result from extreme economic contraction, deficits in tax and fee revenues, and extraordinary increases in public safety and health and human services expenditures; and

WHEREAS, severe fiscal stress limits the ability of counties and municipalities to maintain essential services and take the steps necessary to fight COVID-19; and

WHEREAS, without substantial federal assistance, residential taxpayers would absorb the primary impact of meeting these extraordinary needs and closing any associated operating deficits; and

WHEREAS, the Department of Community Affairs (“DCA”), through the Division of Local Government Services (“DLGS” or “Division”), has been deemed the lead agency for the distribution of the Local Government Emergency Fund (the “LGEF” or “Program”), provided through an allocation of the State of New Jersey’s CARES Act Coronavirus Relief Fund (CRF Funds); and

WHEREAS, counties and municipalities excluded from the federal government’s direct CRF allocation plan, as well as those counties and municipalities that are currently the most impacted by COVID-19 in comparison to their available resources, are eligible for LGEF funds pursuant to a maximum distribution determined by formula; and

WHEREAS, a total of \$60 million is currently being made available under the Program, with a potential \$60 million more to be allocated; and

WHEREAS, LGEF Grants exist to support costs incurred as part of a local unit’s response to COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, that the Borough of Bound Brook will apply for a LGEF Grant in the amount of \$176,617.00.

Approved:

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Mayor Robert P. Fazen

**CERTIFICATION**

I, Jasmine D. Mathis, Borough Clerk of the Borough of Bound Brook in the County of Somerset, and the State of New Jersey do hereby Certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Mayor and Council at its meeting of October 27, 2020.

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Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-212

A RESOLUTION OF THE BOROUGH OF BOUND BROOK ADOPTING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENT MADE DURING A REMOTE PUBLIC MEETING AS WELL AS FOR PUBLIC COMMENTS SUBMITTED IN WRITING AHEAD OF A REMOTE PUBLIC MEETING

WHEREAS, the Governing Body of the Borough of Bound Brook constitutes a public body pursuant to the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 to -20, and, as such, it is required to provide adequate notice of its meetings and activities in the manner provided in N.J.S.A. 10:4-8(d); and

WHEREAS, the Legislature authorized the Director of the Division of Local Government Services, pursuant to P.L. 2020, c.34, to promulgate regulations establishing standard protocols for remote public meetings held by a local public body during a Governor-declared emergency such as the Covid-19 pandemic; and

WHEREAS, the Director of the Division of Local Government Services promulgated emergency regulations codified as N.J.A.C. 5:39-1.1 through 1.7 in accordance with P.L. 2020, c.34; and

WHEREAS, the Governing Body of the Borough of Bound Brook is a local public body subject to the emergency regulations; and

WHEREAS, the emergency regulations set forth that a local public body shall adopt by resolution standard procedures and requirements for public comment made during a remote public meeting as well as for public comments submitted in writing ahead of the remote public meeting,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bound Brook as follows:

1. The following procedures are hereby adopted for public comments at remote public meetings:
  - a. Public comment shall be allowed at a remote public meeting, by audio, or by audio and video (if the meeting is held with audio and video).
  - b. The public shall be advised at the beginning of a remote public meeting that the meeting is being recorded.
  - c. The Governing Body of the Borough of Bound Brook may require members of the public to state, prior to providing public

comment, whether they wish to speak and to identify themselves prior to speaking.

- d. In advance of a remote public meeting, the Governing Body of the Borough of Bound Brook shall allow public comments to be submitted to the Borough Clerk by email and in written letter form by a reasonable deadline set forth on the meeting notice. Such comments shall be read aloud and addressed during the remote meeting in a manner audible to all meeting participants and the public. If time limits are imposed on public comments made during the meeting, the same time limit may be placed on the reading of written comments; in which case, comments must be read from the beginning until the time limit is reached. Duplicate comments may be skipped but noted for the record with the content summarized; however, all duplicative comments shall be treated the same, i.e., certain duplicative comments cannot be summarized while others are read in their entirety.
- e. The Governing Body of the Borough of Bound Brook has the discretion to accept text-based public comment received during a remote public hearing held through an electronic communications platform or Internet-accessible technology.
- f. Capacity in a remote public meeting “room” will be consistent with the reasonable expectation of Governing Body of the Borough of Bound Brook for public meetings of the type being held, but not fewer than 50 participants.
- g. The Governing Body of the Borough of Bound Brook shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology.
- h. If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Mayor shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.
- i. A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while

other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting or removed from the remote public meeting.

- j. Regulation of conduct by members of the public on a remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting.
2. The Borough Clerk is he hereby authorized and directed to take all actions necessary to satisfy the requirements of the Open Public Meetings Act and the Emergency Regulations codified as N.J.A.C. 5:39-1.1 through 1.7 in accordance with P.L. 2020, c.34; and

BE IT FURTHER RESOLVED that this Resolution of the Governing Body of the Borough of Bound Brook shall take effect immediately.

Approved:

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Mayor Robert P. Fazen

Attest:

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Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-213

RESOLUTION APPROVING A REFUND TO LERETA TAX SERVICES FOR 2020 4<sup>TH</sup>  
QUARTER TAX OVERPAYMENT

WHEREAS, the records of the Tax Collector of the Borough of Bound Brook reflect an overpayments of 2020 4<sup>th</sup> quarter taxes; and

WHEREA, the property is located at 524 Washington Avenue, Block 84, Lot 15;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook, County Somerset, State of New Jersey that the Tax Collect is hereby authorized and directed to refund \$2,039.91 to Lereta Tax Service for the overpayment of 2020 4<sup>th</sup> quarter taxes.

Approved:

\_\_\_\_\_  
Mayor Robert P. Fazen

Attest:

\_\_\_\_\_  
Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-214

RESOLUTION HIRING TYLER ROLLER AS PART-TIME PARKING ENFORCEMENT  
OFFICER

WHEREAS, due to the resignation of Adriano Vigni the need exists for a part-time parking enforcement officer; and

WHEREAS, the part-time position was posted and interviews were held; and

WHEREAS, the Borough Administrator and Police Chief have recommended the hiring of Tyler Roller to fill said position.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey that Tyler Roller be hired to fill said position effective November 1, 2020.

BE IT FURTHER RESOLVED, the hourly rate is \$20.00 per hour, not to exceed twenty (20) hours per week.

Approved:

\_\_\_\_\_  
Mayor Robert P. Fazen

Attest:

\_\_\_\_\_  
Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2020-215

RESOLUTION OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF BOUND BROOK AMENDING THE MEETING  
SCHEDULE FOR CALENDAR YEAR 2020

WHEREAS, The Open Public Meetings Act (P.L. 1975, Chapter 231) of the Laws of the State of New Jersey, Section 13 thereof, requires the public body, at least once each year within seven (7) days following the Annual Organization or Reorganization meeting of the public body, or by January 10<sup>th</sup> to provide notice of a schedule of regular meeting of said public body to be held during the succeeding year; and

WHEREAS, the Governing Body of the Borough of Bound Brook constitutes a "public body", as such term is defined in the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.) ("OPMA") and, as such, is required to provide "adequate notice" of any meetings and/or activities of the Governing Body in the manner provided in the OPMA; and

WHEREAS, the Governing Body adopted on January 2, 2020, by Resolution No. 2020-03 its 2020 Meeting Schedule for the period from January 14, 2020 through December 31, 2020, in accordance with the Act; and,

WHEREAS, the 2020 Meeting Schedule indicated the meetings were to be held in Council Chambers, at 230 Hamilton Street, Bound Brook, NJ; and

WHEREAS, Due to the COVID-19 pandemic and Governor Murphy's declaration of a Public Health Emergency and State of Emergency via Executive Orders, the Governing Body desires to revise the annual notice of meetings to indicate meetings will be held remotely.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BOUND BROOK, SOMERSET COUNTY, NEW JERSEY, as follows:

Section 1. The Governing Body of the Borough of Bound Brook hereby amends its 2020 Meeting Schedule and announces that due to the ongoing COVID-19 pandemic and Governor Murphy's declaration of a Public health Emergency and State of Emergency via ongoing Executive Orders, the meetings on November 10, 2020, November 24, 2020, December 8, 2020 and December 22, 2020, will be held remotely beginning at 7:00 p.m.

Section 2. This amendment to the 2020 Meeting Schedule will be advertised in accordance with the Open Public Meetings Act, N.J.S.A. § 10:4-6 et seq. and the Emergency Remote Meeting Protocol for Local Public Bodies at N.J.A.C. 5:39-1 et. seq. and shall include, at a minimum, clear and concise instructions for accessing these remote public meetings, the means for making public comment, and where relevant documents, if any, will be made available.



Section 3. The Borough Clerk is hereby authorized by adoption of this Resolution to take all actions as are required in order to satisfy the requirements of the OPMA at N.J.S.A. 10:4-18 and the Emergency Remote Meeting Protocol for Local Public Bodies at N.J.A.C. 5:39-1.5.

Approved:

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Mayor Robert P. Fazen

Attest:

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Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND BROOK  
RESOLUTION 2020-216

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 \$ 1,228,379.97

<u>FUND</u>	<u>AMOUNT</u>
CURRENT	\$ 1,189,531.01
GRANT FUND	\$ 1,593.30
GENERAL CAPITAL	\$ 10,922.00
GENERAL TRUST	\$ 999.37
RECREATION TRUST	\$ 4,028.30
DOG TRUST	\$ 10.20
TAX COLLECTOR TRUST	\$ 1,400.00
TAX TITLE LIEN REDEMPTION	\$ 1,486.65
DEVELOPERS ESCROW	\$ 13,433.35
PAYROLL FUND	\$ 4,975.79
TOTAL	<u>\$ 1,228,379.97</u>

Approved:

\_\_\_\_\_  
Mayor Robert P. Fazen

Attest:

\_\_\_\_\_  
Jasmine D. Mathis, Borough Clerk

Date of Adoption: October 27, 2020

BOROUGH OF BOUND  
County of Somerset

RESOLUTION 2020-217

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 pending or anticipated litigation or contract negotiation as outlined in NJSA 10:4-12.b.7; 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

R2020-217

Date of Adoption: October 27, 2020