

BOROUGH COUNCIL REGULAR MEETING AGENDA January 26, 2021 AT 7:00 P.M.

CALL TO ORDER

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 Council President Abel Gomez C. Jake Hardin C. Richard Jannuzzi C. Brad Galeta C. Vinnie Petti C. Anthony Pranzatelli

APPROVAL OF MINUTES

January 12, 2021 Regular Meeting

Motion: Second:

Roll Call:

C. Abel Gomez____ C. Jake Hardin____ C. Richard Jannuzzi____

C. Brad Galeta_____ C. Vinnie Petti____ C. Anthony Pranzatelli____



ADVERTISED HEARING OR SPECIAL PRESENTATION

Covid-19 Update

CDBG-CV3 Project Presentation / Public Comments

PRESENTATION OF COMMUNICATIONS, PETITIONS, ETC.

GREETINGS FOR COMMENTS AND INVITATIONS FOR DISCUSSION

OPENING OF BIDS

ENGINEER'S REPORT- DALE LEUBNER, SUPERINTENDENT OF PUBLIC WORKS

COMMITTEE REPORTS

Chair of Finance – C. Anthony Pranzatelli Liaison Committees: Architectural Review Advisory Committee, Bound Brook Seniors

Chair of Public Works, Bldgs., Grounds & Utilities – C. Vinnie Petti Liaison Committees:

Chair of Public Safety (Police & Fire) – Council President Abel Gomez Liaison Committees: Board of Engineers, Board of Education, Historic Preservation Commission, 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, Shade Tree Commission

Chair of Economic Development C. Jake Hardin Liaison Committees: Planning Board, Special Improvement District

Chair of Zoning, Construction & Code Enforcement - C. Richard Jannuzzi Liaison Committees: Board of Health, Library Advisory Committee



INTRODUCTION OF ORDINANCES – FIRST READING

Ordinance 2021-02 ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVIII, WATER AND SEWER, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK TO SET A NON-BOUND-BROOK-RESIDENTIAL RATE FOR USERS OF THE BOUND BROOK SANITARY SEWER SYSTEM

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on February 9, 2021.

Second:

Roll Call:

C. Abel Gomez	C. Jake Hardin	C. Richard Jannuzzi
C. Brad Galeta	C. Vinnie Petti	C. Anthony Pranzatelli

ORDINANCE ON FINAL READING AND CONSIDERATION- SECOND READING

Ordinance 2021-01 ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ADMINISTRATION, SECTION 21, POLICE DEPARTMENT, TO CREATE THE POSITION OF DEPUTY POLICE CHIEF

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: Disc

Discussion:

Roll Call:

C. Abel Gomez___C. Jake Hardin___C. Richard Jannuzzi___C. Brad Galeta___C. Vinnie Petti___C. Anthony Pranzatelli___



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:	Roll Call:	
2021-015	Resolution Awarding 2021 Professional Contracts			
2021-016	Resolution Awarding Contract to Brown & Brown for Risk Management Service			
2021-017	Resolution Appointing Erik Michelson as Fire Marshal			
2021-018	Resolution Cancelling a Portion of the Special Emergency Ordinance 2020-32 Declared Under P.L. 2020 C.74 in the Amount of \$529,120.15			
2021-019	Resolution Approving a Subo	ordination Agreement f	for 22 West 2nd Street	
2021-020	Resolution Approving the Hi Basketball Season	re of Recreation Seaso	nal Employees for the 2021	
2021-021	Resolution Approving the Hi as a Labor D	ring Ryan Seiler to the	Department of Public Works	
2021-022	Resolution Authorizing Changer Order No.3- Topline Construction Corporation in the Amount of \$16,127.93			
2021-023	Resolution Authorizing Progr	ram Year 2019 CDBG-	CV3 Project	
2021-024	Resolution Memorializing Co Jersey State Firemen's Assoc Brook Fire Department	-		

UNFINISHED BUSINESS

NEW BUSINESS



APPROVAL OF VOUCHERS

2021-025 Resolution Approving Vouchers in the Amount of \$1,337,413.01

Motion: Second:

Roll Call:

C. Abel Gomez___C. Jake Hardin___C. Richard Jannuzzi___C. Brad Galeta___C. Vinnie Petti___C. Anthony Pranzatelli___

OPEN TO THE PUBLIC FOR COMMENT

AUTHORIZE EXECUTIVE SESSION

2021-026 Resolution Authorizing Executive Session

Motion: Second: All in favor:

ADJOURNMENT

Motion: Second: All in favor:

ORDINANCE NO. 2021-02

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVIII, WATER AND SEWER, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK TO SET A NON-BOUND-BROOK-RESIDENTIAL RATE FOR USERS OF THE BOUND BROOK SANITARY SEWER SYSTEM

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

SECTION 1. Section 28-3.4, "Sewer Usage Charges," of Chapter XXVIII, "Water and Sewer," of the Revised General 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:

28-3.4 Sewer Usage Charges.

a. Users shall pay a set fee per thousand (1,000) gallons of sewage discharged. User classes and the rate for each user class are established for 2021 as follows:

10. Non-Bound-Brook Residential users\$7.50 per 1,000 gallons

SECTION 2. Severability Clause.

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

SECTION 3. Repealer.

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

SECTION 4. Effective Date.

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

First Reading Ordinance 2021-02

SECTION 5: Codification.

This ordinance shall be a part of the Code of Borough of Bound Brook as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

Jasmine D. Mathis Borough Clerk By:

Mayor Robert Fazen

Date of Introduction: January 26, 2021

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE BOROUGH OF BOUND BROOK AMENDING CHAPTER II, ADMINISTRATION, ARTICLE IV, DEPARTMENTS ESTABLISHED, SECTION 2-21, "POLICE DEPARTMENT" OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK TO CREATE THE POSITION OF DEPUTY POLICE CHIEF AND ELIMINATE THE POSITION OF CAPTAIN

WHEREAS, the Borough of Bound Brook ("Borough") has a need to create the position of so as to eliminate the position of Captain and replace with the position of Deputy Police Chief; and

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

SECTION 1. That Chapter 2, <u>Administration</u>, Article IV, <u>Departments Established</u>, Section 2-21, "Police Department," of the Code 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 <u>underlined and marked in bold</u> to read as follows:

2-21.4 Composition of department; membership.

The Police Department shall consist of a minimum complement of one Chief of Police, <u>one</u> <u>Deputy Chief of Police</u> [one Captain], two Lieutenants, five Sergeants, two Detectives, and 13 Patrolmen. The existing complement shall not fall below the minimum of 24 police officers without formal resolution of authorization having been adopted by the Mayor and Council nor shall any vacancy in a superior officer rank be filled without a formal resolution.

2-21.5 Chain of command and rank.

The chain of command and rank within the Police Department shall descend in the following order:

Chief of Police <u>Deputy Chief of Police</u> [Captain] Lieutenant Sergeant Detective Patrolman

2-21.10 Eligibility for promotion.

d. Promotion to the rank of <u>Deputy Chief of Police</u> [Captain] will be by recommendation of the Chief of Police to the Mayor with the advice and consent of Council.

SECTION 2: Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof, and to this end, the provisions of this Ordinance are hereby declared severable.

SECTION 3. All other ordinances, codes or parts thereof that are 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 Borough ordinances, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Borough's ordinances are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon passage and publication as required by law.

By:

Mayor Robert Fazen

Jasmine D. Mathis Borough Clerk

Date of Introduction: January 12, 2021 Date of Adoption: January 26, 2021

RESOLUTION 2021-015

RESOLUTION AWARDING 2021 PROFESSIONAL CONTRACTS

WHEREAS, the Borough of Bound Brook solicited qualifications through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et. seq. for the following municipal professionals:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Bound Brook that the following professionals are hereby appointed to the following positions for the designated appointment term:

Municipal Assistant Prosecutor & Tax Appeal Attorney Eric M. Bernstein & Associates, LLC 1 year agreement – January 1, 2021 to December 31, 2021 Amount not to exceed: \$15,000

Municipal Tax Appeal Attorney-Shain Schaffer, Bernardsville, NJ 1 year agreement – January 1, 2021 to December 31, 2021 Amount not to exceed: \$10,000

Municipal Borough Engineer T&M Associates, Bloomfield, NJ 1 year agreement – January 1, 2021 to December 31, 2021 Amount not to exceed: \$15,000.00

Municipal Planning Board Attorney McElroy Deutsch, Morristown, NJ 1 year agreement – January 1, 2021 to December 31, 2021 Amount not to exceed: \$5,000.00

Municipal Planning Board Engineer Maser Consulting, Hampton, NJ 1 year agreement – January 1, 2021 to December 31, 2021 Amount not to exceed: \$5,000.00

Municipal Planning Board Planner T&M Associates, Bloomfield, NJ 1 year agreement – January 1, 2021 to December 31, 2021 Amount not to exceed: \$5,000.00 BE IT FURTHER RESOLVED, the not to exceed amount shall not be inclusive of escrow payments.

Attest:

Jasmine D. Mathis, Borough Clerk Date of Adoption: January 26, 2021 Approved:

Mayor Robert P. Fazen

RESOLUTION 2021-016

RESOLUTION AWARDING CONTRACT TO BROWN & BROWN METRO INC. FOR RISK MANAGEMENT CONSULTANT SERVICES

WHEREAS, there exists a need for Risk Management Consultant Services, as required by the by-laws of the Middlesex County Municipal Joint Insurance Fund (the "Fund,") of which the Borough is a member, and of general insurance consulting services as may be requested by the Borough from time to time (collectively, the "Services"); and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(1)(m), the Services are exempt from public bidding but are subject to the requirements of extraordinary unspecifiable services (EUS); and

WHEREAS, the Borough has worked extensively with Brown & Brown Metro, Inc. in the past; and

WHEREAS, the Business Administrator/Qualified Purchasing Agent has provided the standard certification in support of awarding the contract for these services as an EUS to Brown & Brown Metro, Inc., 56 Livingston Avenue, Roseland, New Jersey, which contract shall be substantially in the form attached hereto as Exhibit A; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, in the County of Somerset and State of New Jersey, that a contract for the Services described herein be and is hereby awarded to Brown & Brown Metro, Inc.; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to publish notice of the award of the contract in the official newspaper of the Borough, in accordance with N.J.S.A. 40A:11-5(1)(ii).

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

RESOLUTION 2021-017

RESOLUTION APPOINTING ERIK MICHELSON AS FIRE MARSHAL

WHEREAS, the Borough of Bound Brook is required to appoint a Fire Marshal annually;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey that Erik Michelson be appointed as Fire Marshal for 2021.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

RESOLUTION 2021-018

RESOLUTION CANCELLING A PORTION OF THE SPECIAL EMERGENCY ORDINANCE 2020-32 DECLARED UNDER P.L. 2020 C.74 IN THE AMOUNT OF \$529,120.15

WHEREAS, Borough of Bound Brook declared special emergency in November of 2020 in the amount of \$887,035.00, and;

WHEREASE, Local Finance Notice Required actual analysis of the revenue collected as of December 31, 2020 and cancellation of any overestimated shortages, and

WHEREAS, the Borough of Bound Brook completed 2020 operations; and

WHEREAS, actual shortage of revenue is \$357,914.85, and

WHEREAS, Borough of Bound Brook desires to cancel special emergency in the amount of \$529,120.15.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Bound Brook, County of Somerset, that the Chief Financial Officer is authorized to cancel the Special Emergency in the amount of \$529,120.15.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

RESOLUTION 2021-019

RESOLUTION AUTHORIZING A SUBORDINATION AGREEMENT FOR 22 WEST SECOND STREET

WHEREAS, Bound Brook Home Improvement Program Case BB18-72, 22 West Second Street has submitted a subordination request; and

WHEREAS, the program mortgage is \$20,000.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey the subordination agreement for 22 West Second Street be authorized.

BE IT FURTHER RESOLVED, Community Grants, Planning and Housing be authorized to execute the subordination agreement.

Approved:

Attest:

Mayor Robert P. Fazen

Jasmine D. Mathis, Borough Clerk

RESOLUTION 2021-020

RESOLUTION APPROVING THE HIRE OF RECREATION SEASONAL EMPLOYEES FOR THE 2021 BASKETBALL SEASON

WHEREAS, there is a need for supervisors and clock operators during the 2021 basketball season; and

WHEREAS, the games have been scheduled between January 16, 2021 and March 2021; and

WHEREAS, the Recreation Director has recommended to hire the following for the 2021 basketball season:

Sabria Glasgow Natasha Rojas Jordan Todaro Lacey Meyer

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook the seasonal employees above be hired at an hourly rate of \$12.00.

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

RESOLUTION 2021-021

RESOUTION APPROVING THE HIRE OF RYAN SEILER TO THE DEPARTMENT OF PUBLIC WORKS AS A LABORER D

WHEREAS, Resolution 2020-186 approved the hire of Ryan Seiler as a seasonal laborer for the Department of Public Works; and

WHEREAS, the Superintendent of Public Works has recommended to hire Ryan Seiler for a full-time position as Laborer D;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook that Ryan Seiler be hired as Laborer D at \$15.39 per hour, per the ASFME Contract.

BE IT FURTHER RESOLVED, the effective date of hire for the position of Laborer D shall be January 29, 2021.

Approved:

Attest:

Mayor Robert P. Fazen

Jasmine D. Mathis, Borough Clerk

RESOLUTION 2021-022

RESOLUTION AUTHORIZING CHANGE ORDER NO. 3- TOPLINE CONSTRUCTION CORPORATION IN THE AMOUNT OF \$16,127.93

WHEREAS, the Borough of Bound Brook awarded Topline Construction Corporation the 2019 road improvement project; and

WHEREAS, there is an increase in the overall project in the amount of \$16,127.93; and

WHEREAS, the total contract price is now \$1,160,699.18.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Bound Brook, Somerset County, State of New Jersey that Change Order No. 3 for Topline Construction Corporation is approved.

Approved:

Attest:

Mayor Robert P. Fazen

Jasmine D. Mathis, Borough Clerk

RESOLUTION 2021-023

RESOLUTION AUTHORIZING PROGRAM YEAR 2019 CDBG-CV3 PROJECT

WHEREAS, the Borough of Bound Brook was notified by Somerset County on December 21, 2020 that it will receive a special allocation of Community Development Block Grant-CV funds in the amount of \$125,410.82 that must be used to prevent, prepare for or respond to the coronavirus through the CARES Act;

WHEREAS, the Borough of Bound Brook plans to use \$63,000 of these funds for the buildings at Codrington Park and \$62,410.82 for the library building.

WHEREAS, the proposed project was discussed at a public meeting that was held on January 26, 2021. Comments were received at this meeting;

WHEREAS, it may be necessary to execute a subgrant agreement, and other such documents as required in order to satisfy conditions and requirements associated with the receipt of said funds.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Bound Brook does hereby authorize submission of these projects for inclusion in Somerset County's Program Year 2019 CDBG-CV3 Action Plan Amendment; and

BE IT FURTHER RESOLVED that the Mayor and Council does hereby authorize and direct the Borough Administrator to execute a subgrant agreement, and any other documents related to said project(s).

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: January 26, 2021

I, Jasmine D. Mathis, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough of Bound Brook at its regularly convened meeting on January 26, 2021.

RESOLUTION 2021-024

RESOLUTION MEMORIALIZING CONFIRMATION OF ACCEPTANCE OF PETER BARNOSKI'S NEW JERSEY STATE FIREMEN'S ASSOCIATION APPLICATION FOR MEMBERSHIP TO THE BOUND BROOK FIRE DEPARTMENT

WHEREAS, Peter Barnoski has applied to become a volunteer firefighter in the Borough of Bound Brook Fire Department, Bound Brook Hose Company No. 1; and

WHEREAS, evidence of physical fitness has been produced and a background check has been performed.

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 New Jersey State Firemen's Association Application for Member for Peter Barnoski to the Bound Brook Hose Company No. 1 is hereby accepted.

Approved:

Attest:

Mayor Robert P. Fazen

Jasmine D. Mathis, Borough Clerk

BOROUGH OF BOUND BROOK RESOLUTION 2021-025

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 \$1,337,413.01.

FUND	AMOUNT
CURRENT	\$ 1,198,659.88
GENERAL CAPITAL	\$ 20,226.35
GENERAL TRUST	\$ 33,185.00
TAX COLLECTOR TRUST	\$ 17,900.00
TAX TITLE LIEN REDEMPTION	\$ 67,441.78
TOTAL	\$ 1,337,413.01

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

RESOLUTION 2021-026

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 –

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