



**BOROUGH COUNCIL  
REGULAR MEETING AGENDA  
May 11, 2021 AT 7:00 P.M.**

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**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**

April 27, 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**

Public Hearing – 2021 Special Improvement Budget

**PRESENTATION OF COMMUNICATIONS, PETITIONS, ETC.**

**GREETINGS FOR COMMENTS AND INVITATIONS FOR DISCUSSION**

**OPENING OF BIDS**

Main Pool Liner Replacement Bid- No submissions received April 28, 2021

RFB Sale of Wastewater Collection System- Submissions received May 4, 2021

**INTRODUCTION OF ORDINANCES – FIRST READING**

Ordinance 2021-014 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIV, BUILDING AND CONSTRUCTION, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK TO PERMIT THE USE OF CHAIN LINK FENCING WITH SLATS TO ENCLOSE REFUSE DUMPSTERS

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on May 25, 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 2021-011 An Ordinance of the Borough of Bound Brook Amending Chapter 2, Administration, Article 3, Departments Established, of the General Revised Ordinances of the Borough of Bound Brook to Create Section 2-29, Department of Recreation

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

Ordinance 2021-012 An Ordinance of the Borough of Bound Brook, County of Somerset, New Jersey Approving the Pilot Application and Authorizing the Mayor and Borough Clerk Pursuant to N.J.S.A. 40a:20-1 et seq. to Execute a Financial Agreement by and Between the Borough of Bound Brook and West Main Bound Brook Urban Renewal, LLC for Property located on Block 1, Lots 38.02, 39, 39.01, 40 and 41 as shown on the Official Tax Map of the Borough of Bound Brook and Located in the Downtown Redevelopment Area

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



Ordinance 2021-013 Ordinance Amending and Supplementing Chapter 7, Traffic of the General Revised Ordinances of the Borough of Bound Brook Section 39.2, “Handicapped Parking on Street for Private Residences”

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

#### INTRODUCTION/DISCUSSION OF RESOLUTIONS

2021-081 Resolution Adopting the 2021 Special Improvement District Budget in the Amount of \$186,315.84

Motion: Second:

Roll Call:

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

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:

2021-082 Resolution Establishing an Appeal Process for Sanitary Sewer Flow Calculations

2021-083 Resolution Authorizing Application to the New Jersey Library Construction Bond Act



- 2021-084 Resolution Authorizing the Certification of Matching Funds for the New Jersey Library Construction Bond Act in the Amount of \$256,040.16
- 2021-085 Resolution Authorizing Refund for Construction Permit Fee for 226 Franklin Street
- 2021-086 Resolution Memorializing Confirmation of Acceptance of Eric Gersick's New Jersey State Firemen's Association Application for Member to the Bound Brook Fire Department
- 2021-087 Resolution Memorializing Confirmation of Acceptance of Matthew Mcdermott's New Jersey State Firemen's Association Application for Member to the Bound Brook Fire Department
- 2021-088 Resolution Memorializing Confirmation of Acceptance of Luis Cruz's New Jersey State Firemen's Association Application for Member to the Bound Brook Fire Department
- 2021-089 Resolution Supporting Participation in the Sustainable Jersey Municipal Certification Program
- 2021-090 Resolution Authorizing Submission of a Grant Application and Execute a Grant Agreement with the United States Department of Agriculture (Rural Development) for the Purchase of Police Body Cameras
- 2021-093 Resolution Amending Plenary Retail Consumption Licensee Name

**UNFINISHED BUSINESS**

- 2021-076 Resolution Approving and Authorizing the Execution of a Redevelopment Agreement with West Main Bound Brook Urban Renewal, LLC as Redeveloper for Property Known as Tax Block 1, Lots 38.02, 39, 39.01, 40 and 41 Located on West Main Street in the Downtown Redevelopment Area for Redevelopment of a Mixed-Use Project

**NEW BUSINESS**

Rescheduled Council Meeting on June 8, 2021



**APPROVAL OF VOUCHERS**

2021-091 Resolution Approving Vouchers in the Amount of \$1,857,916.24

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**

2021-092 Resolution Authorizing Executive Session

Motion: Second: All in favor:

**ADJOURNMENT**

Motion: Second: All in favor:

BOROUGH OF BOUND BROOK  
County of Somerset

ORDINANCE NO. 2021-014

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIV, BUILDING AND CONSTRUCTION, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK TO PERMIT THE USE OF CHAIN LINK FENCING WITH SLATS TO ENCLOSE REFUSE DUMPSTERS

WHEREAS, it is the desire of the Mayor and Council to permit chain link fencing with slats to enclose refuse dumpsters

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

**SECTION 1:** CHAPTER XIV, Building and Construction, of the General Revised Ordinances of the Borough of Bound Brook, Section 7.3 “Requirements for refuse containers” is hereby amended by inserting the text **chain link (with green or black slats through 100% of fencing)** to read as follows:

- c. Any person who controls, owns, leases or operates a trash dumpster shall house such dumpster inside a fence or barrier made of **chain link (with green or black slats through 100% of fencing)**, wood, vinyl, or masonry materials.

**SECTION 2: REPEAL OF INCONSISTENT PROVISIONS**

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**SECTION 3: SEVERABILITY**

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon passage and publication as provided by law.

**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  
Date of Introduction: May 11, 2021

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



BOROUGH OF BOUND BROOK  
County of Somerset

ORDINANCE NO. 2021-011

AN ORDINANCE OF THE BOROUGH OF BOUND BROOK AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE 3, DEPARTMENTS ESTABLISHED, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK TO CREATE SECTION 2-29, DEPARTMENT OF RECREATION

WHEREAS, there is a need to memorialize the creation of the Department of Recreation; and

WHEREAS, the Personnel Committee recommend to create the position of Assistant Recreation Director;

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, Administration, Article III, Departments Established, of the General Revised Ordinances of the Borough of Bound Brook, is hereby amended and supplement to create section 2-29, Department of Recreation to read as follows:

**Section 2-29 RECREATION DEPARTMENT ESTABLISHED**

There is hereby established in the Borough a recreation department, which shall administer all Borough approved programs and activities.

**Section 2-29.1 RECREATION DIRECTOR**

The recreation director shall have the responsibility for overall supervision of the recreation programs and activities. The recreation director shall direct and supervise all employees assigned to the recreation direction and shall have the authority and responsibility for the assignment of employees to all functions within the department. The recreation director shall be under the direction of the Borough Administrator and Recreation Commission.

**Section 2-29.2 ASSISTANT RECREATION DIRECTOR**

There shall be an Assistant Recreation Director appointed by the Mayor and Council. The Assistant Recreation Director shall be an assistant to the Recreation Director and shall perform such duties of the Recreation Director as may be assigned by the Borough Administrator, Recreation Director, Recreation Commission, Mayor or Borough Council, so far as permitted by law.

**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.

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

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

Date of Introduction: April 27, 2021  
Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

ORDINANCE NO. 2021-012

**AN ORDINANCE OF THE BOROUGH OF BOUND BROOK, COUNTY OF SOMERSET, NEW JERSEY APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND BOROUGH CLERK PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF BOUND BROOK AND WEST MAIN BOUND BROOK URBAN RENEWAL, LLC FOR PROPERTY LOCATED ON BLOCK 1, LOTS 38.02, 39, 39.01, 40 AND 41 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BOUND BROOK AND LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA**

**WHEREAS**, in January 2000, the Borough Council of the Borough of Bound Brook designated various properties in its downtown along the Main Street corridor as an area need of redevelopment (“**Redevelopment Areas 1 & 2**”) and adopted a redevelopment plan for Redevelopment Areas 1 & 2 in February 2000 and subsequently adopted an Amended Redevelopment Plan for Redevelopment Area 2 on August 11, 2015, which was amended on October 23, 2018 and December 30, 2019; and

**WHEREAS**, Block 1, Lots 38.02, 39, 39.01, 40 and 41 (the “**Property**”) is located in Redevelopment Area 2; and

**WHEREAS**, on March 9, 2021, the Borough approved a redevelopment agreement (the “**Redevelopment Agreement**”) for the redevelopment of Block 1, Lots 38.02, 39, 39.01, 40 & 41 with West Bound Brook Urban Renewal, LLC, an approved urban renewal entity (the “**Redeveloper**” or “**Entity**”); and

**WHEREAS**, the Entity is the owner of Block 1, Lot 39.01 and contract purchaser of Block 1, Lots 38.02, 39, 40 & 41, which makes up the Property; and

**WHEREAS**, the Entity is proposing the construction of a 64-unit multi-family residential building with 2,000 square feet of commercial space and 70 parking spaces subject to site plan approval by the Borough Planning Board (the “**Project**”); and

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

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

**WHEREAS**, on February 25, 2021, the Entity submitted an application for the approval of a Project, as such term is used in the Long-Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the “**Exemption Application**”, a copy of which is attached hereto as Exhibit B); and

**WHEREAS**, the Exemption Application requested a 20-year term for a financial agreement and an annual service charge based on 11% of annual gross revenues for years 1 through 10; 12% of annual gross revenues for years 11 through 15; and 13% of annual gross revenues for years 16 through 20; and

**WHEREAS**, the Borough agrees to a 20-year term for a financial agreement and an annual service charge based on 11% of annual gross revenues for years 1 through 10; 12% of annual gross revenues for years 11 through 15; and 13% of annual gross revenues for years 16 through 20; and

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

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

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

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

**Section 1.** The Borough acknowledges that by effectuating the redevelopment of the Project, West Main Bound Brook Urban Renewal, LLC will significantly limit its profits due to the extraordinary costs to be borne by the Entity, which will provide significant and long-term benefits to the Borough.

**Section 2.** The Borough makes the following findings:

- A. Relative benefits of the Project when compared to the costs:
  - 1. The Property currently generates approximately \$46,653 in real estate tax revenue to the Borough as the Property is underutilized with residential and commercial uses, and vacant land. The projected Annual Service Charge over the 20-year term will generate an average annual revenue to the Borough of approximately \$195,565.
  - 2. It is estimated that the Project will create jobs during construction and permanent jobs;

3. The Project should stabilize and contribute to the economic growth of existing local business and to the creation of new business, which will serve the new residents and attract additional people to the Borough;

4. The Project will further the redevelopment objectives of the Redevelopment Plan for Redevelopment Area 2; and

5. The redevelopment of the Property will greatly improve the downtown neighborhood.

6. The Borough has determined that the benefits of the Project significantly outweigh the costs to the Borough.

B. Assessment of the importance of the tax exemption defined in obtaining development of the Project and influencing the locational decisions of probable occupants:

1. The relative stability and predictability of the Annual Service Charge will make the Project more attractive to investors and lenders needed to finance the Project; and

2. The relative stability and predictability of the Annual Service Charge will allow stabilization of the Project operating budget, allowing a high level of urban design and aesthetics as well as the use of high quality materials which will maintain the appearance of the building over the life of the Project, which will insure the likelihood of the success of the Project and insure that it will have a positive impact on the surrounding area.

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

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

**Section 4.** The Financial Agreement shall be for a twenty (20) year term with an annual service charge starting at eleven percent (11%) of annual gross revenues for years 1 through 10; twelve percent (12%) of annual gross revenues for years 11 through 15; and thirteen percent (13%) of annual gross revenues for years 16 through 20, all in accordance with the Long-Term Tax Exemption Law.

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

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

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

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

Date of Introduction: April 27, 2021  
Date of Adoption: May 11, 2021

**EXHIBIT A**

**EXEMPTION APPLICATION**

**EXHIBIT B**

**FORM OF FINANCIAL AGREEMENT**



BOROUGH OF BOUND BROOK  
County of Somerset

ORDINANCE NO. 2021-013

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII, TRAFFIC, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK SECTION 7-39.2, “HANDICAPPED PARKING ON STREET FOR PRIVATE RESIDENCES”.

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

SECTION 1. Chapter VII, Traffic, Section 7-39.2, “Handicapped Parking on Street for Private Residences” of the General Revised Ordinances of the Borough of Bound Brook are hereby amended and supplemented by deleting the text [**marked in bold and enclosed in brackets**] and inserting the text **underlined and marked in bold**, to read as follows:

7-39.2 Handicapped Parking on Streets for Private Residences.

In accordance with the provisions of N.J.S.A 39:4-197.6 and 39:4-197.7, the following on-street locations are designated as handicapped parking spaces in front of private residences occupied by handicapped persons. Such spaces are for use by persons who have been issued special identification cards or placards by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No person, other than the permit-holder of the permit identified below, shall be permitted in these spaces.

| Street   | Side  | Permit Number | Location   |
|--|-------|---------------|--|
| East High Street [Added 2-27-2018 by Ord. No. 2018-04]                                       | North | HY2224        | Beginning at a point 81 feet of the protracted northwestern curbline of John Street and East High Street ending 101 feet west of the same curbline |
| John Street [Ord. No. 2015-27 § 2; repealed 2-27-2018 by Ord. No. 2018-04]                   |       |               |  |
| North Street [Amended 2-27-2018 by Ord. No. 2018-04; repealed 11-7-2018 by Ord. No. 2018-29] |       |               |  |

|                           |              |                  |   |
|---------------------------|--------------|------------------|---|
| <u>East Second Street</u> | <u>South</u> | <u>#P1813261</u> | <u>Beginning at a point 140 feet of the protracted southeastern curb line of East St. and East Second St. ending 160 feet East of the same curb line</u>    |
| <u>West Second Street</u> | <u>North</u> | <u>#HX7266</u>   | <u>Beginning at a point 60 feet of the protracted northeastern curb line of Vosseller Ave and West Second St. ending 80 feet East of the same curb line</u> |
| <u>Linden Avenue</u>      | <u>North</u> | <u>#C16HUZ</u>   | <u>Beginning at a point 200 feet of the protracted northeastern curb line of Drake St. and Linden Ave. ending 220 feet West of the same curb line</u>       |

Attest:

Approved:

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

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

Date of Introduction: April 27, 2021  
Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-081

RESOLUTION ADOPTING THE 2021 SPECIAL IMPROVEMENT DISTRICT BUDGET IN  
THE AMOUNT OF \$186,315.84

WHEREAS, the Bound Brook Revitalization Partnership (Special Improvement District) has submitted their annual budget, January 1, 2021 to December 31, 2021, in the amount of \$186,315.84 attached hereto and made a part hereof; and

WHEREAS, in accordance with the procedures set forth in N.J.S.A. 40:56-84 the 2021 Budget of the Bound Brook Revitalization Partnership (Special Improvement District) was introduced on March 23, 2021, advertised in the Courier News and public hearing held on May 11, 2021; and

WHEREAS, the budget of Special Improvement District shall be adopted by not less than a majority of the full membership of the Governing Body

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, County of Somerset that the 2021 Special Improvement District budget be adopted.

Approved:

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

Attest:

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

Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-082

RESOLUTION ESTABLISHING AN APPEAL PROCESS FOR SANITARY SEWER FLOW  
CALCULATIONS

Whereas, Chapter 28 of the Borough Code of the Borough of Bound Brook, entitled Water and Sewer, section 3.5 entitled Flow Measurement, states, “credit for water not discharged into the sanitary sewer may be given to the user by the Borough if the user presents proof satisfactory to the Borough establishing the volume of water not discharged into the sanitary sewer”, and

Whereas, the Borough of Bound Brook is desirous in establishing a procedure whereby users can submit an appeal of their sanitary sewer flow calculation, the Borough can research said appeal and provide a credit to the user if warranted.

**NOW THEREFORE**, BE IT RESOLVED, the Tax Collector is hereby authorized to provide a credit to the account of a Borough of Bound Brook sanitary sewer system user providing the following:

1. Appeal is filed be filed within 60 days of dispatch of such billing.
2. The account of user who is filing the appeal is paid in full, including any disputed amounts, and does not have an outstanding balance.
3. The Borough Superintendent of Public Works certifies a credit is warranted.

Approved:

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

Attest:

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

Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-083

The BOROUGH OF BOUND BROOK and the SOMERSET COUNTY LIBRARY COMMISSION hereby certify that permission has been granted to apply for the project entitled the New Jersey Library Construction Bond Act, in the amount of:

\$512,080.32 (total construction project); which includes a match of  
\$256,040.16 (50% of the total construction costs)

The filing of this application was authorized at the official meeting of the governing body of the Municipality/Library/Nonprofit Agency held on:

May 11, 2021

Date

**For the Municipality:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Certification Signature

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**For the Library/Non-Profit Agency:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Certification Signature

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Date

Approved:

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

Attest:

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

Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-084

RESOLUTION AUTHORIZING THE CERTIFICATION OF MATCHING FUNDS FOR THE  
NEW JERSEY LIBRARY CONSTRUCTION BOND ACT IN THE AMOUNT OF \$256,040.16

Whereas, the Borough of Bound Brook and the Somerset County Library Commission hereby certify that permission has been granted to apply for the project entitled the New Jersey Library Construction Bond Act in the amount of: \$512,080.32 (total construction project).

Now, therefore be it resolved that the Borough of Bound Brook hereby certifies to provide the 50% match (256,040.16) for this project to any awarded grant funding through the New Jersey Library Construction Bond Act grant program.

Approved:

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

Attest:

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

Date of Adoption: May 11, 2021

The match required for this application was authorized at the official meeting of the governing body of the Borough of Bound Brook held on: May 11, 2021.

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-085

RESOLUTION AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEE FOR 226  
FRANKLIN STREET

WHEREAS, Donald Vollmer applied for a construction permit for 226 Franklin Street and made payment in the amount of \$75.00 for said permit; and

WHEREAS, upon review of the construction permit, the Construction Official has determined the permit is not required.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Finance Department is authorized to issue a refund in the amount of \$75.00 to Donald Vollmer for the construction permit.

Approved:

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

Attest:

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

Date of Adoption: May 11, 2021



BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-086

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

WHEREAS, Eric Gersick has applied to become a volunteer firefighter in the Borough of Bound Brook Fire Department Relief Fire Company No. 4; and

WHEREAS, evidence of physical fitness has been produced and 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 Membership for Eric Gersick to Relief Fire Company No. 4 is hereby accepted.

Approved:

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

Attest:

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

Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-087

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

WHEREAS, Matthew McDermott has applied to become a volunteer firefighter in the Borough of Bound Brook Fire Department Relief Fire Company No. 4; and

WHEREAS, evidence of physical fitness has been produced and 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 Membership for Matthew McDermott to Relief Fire Company No. 4 is hereby accepted.

Approved:

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

Attest:

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

Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-088

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

WHEREAS, Luis Cruz has applied to become a volunteer firefighter in the Borough of Bound Brook Fire Department Relief Fire Company No. 4; and

WHEREAS, evidence of physical fitness has been produced and 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 Membership for Luis Cruz to Relief Fire Company No. 4 is hereby accepted.

Approved:

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

Attest:

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

Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-089

**RESOLUTION SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY®  
MUNICIPAL CERTIFICATION PROGRAM**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Bound Brook strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Borough of Bound Brook hereby acknowledges that the residents of the Borough of Bound Brook desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Borough of Bound Brook wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Borough of Bound Brook is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Borough of Bound Brook, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within the Borough of Bound Brook on matters of sustainability, the Borough of Bound Brook wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Bound Brook that we do hereby authorize the Borough of Bound Brook Borough Administrator Hector A. Herrera to serve as the Borough of Bound Brook agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf of the Borough of Bound Brook.

Attest:

Approved:

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

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

Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-090

AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND EXECUTE A  
GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF  
AGRICULTURE (RURAL DEVELOPMENT) FOR THE PURCHASE OF POLICE BODY  
CAMERAS

**WHEREAS**, the Borough of Bound Brook desires to apply for and obtain a grant from the United States Department of Agriculture through the Rural Development to purchase police body cameras; and

**WHEREAS**, the United States Department of Agriculture through the Rural Development Program to provide funding to the Borough of Bound Brook of the total cost of 59,109.00 to purchase police body cameras; and

**WHEREAS**, this resolution is subordinate to CFO approval that said money is available;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Bound Brook in the County of Somerset, State of New Jersey, hereby approves the submission of the grant application with the USDA Rural Development for the purchase of purchase of police body cameras.

Approved:

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Mayor Robert P. Fazen

**CERTIFICATION**

I, Jasmine D. Mathis, Clerk of the Borough of Bound Brook do hereby certify that the above is a true copy of a resolution adopted on May 11, 2021.

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Jasmine D. Mathis, Borough Clerk

Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-093

RESOLUTION AMENDING PLENARY RETAIL CONSUMPTION LICENSEE NAME

WHEREAS, Resolution 2020-187 approved liquor license renewals for the 2020-2021 license year; and

WHEREAS, there is a need to amend the Plenary Retail Consumption licensee name for license number 1804-33-012-003;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey that Venue 518 be amended to Star Banquet Group LLC for license number 1804-33-012-003 located at 1 North Vosseller Avenue (518 Vosseller Avenue).

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Approved:

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Mayor Robert P. Fazen

Attest:

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

Date of Adoption: May 11, 2021

BOROUGH OF BOUND BROOK  
County of Somerset

RESOLUTION 2021-076

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH WEST MAIN BOUND BROOK URBAN RENEWAL LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 1, LOTS 38.02, 39, 39.01, 40 AND 41 LOCATED ON WEST MAIN STREET IN THE DOWNTOWN REDEVELOPMENT AREA FOR REDEVELOPMENT OF A MIXED-USE PROJECT

**WHEREAS**, in January 2000, the Borough Council of the Borough of Bound Brook designated various properties in its downtown along the Main Street corridor as an area need of redevelopment (“Redevelopment Areas 1 & 2”) and adopted a redevelopment plan for Redevelopment Areas 1 & 2 in February 2000 and subsequently adopted an Amended Redevelopment Plan for Redevelopment Area 2 on August 11, 2015, which was amended on October 23, 2018 and December 30, 2019; and

**WHEREAS**, the Borough of Bound Brook (the “Borough”) has been promoting the redevelopment of public and privately-owned properties in Redevelopment Areas 1 & 2; and

**WHEREAS**, Block 1, Lots 38.02, 39, 39.01, 40 and 41 are located in Redevelopment Area 2 and are privately owned (referred to as the “Properties”); and

**WHEREAS**, West Main Bound Brook Urban Renewal, LLC (“West Main” or the “Redeveloper”) owns Block 1, Lot 39.01 and is the contract purchaser of Block 1, Lots 38.02, 39, 40 and 41; and

**WHEREAS**, West Main made a presentation to the Borough Council on November 26, 2019 regarding its concept proposal to redevelop the Properties for mixed use project with commercial on ground floor and multi-family residential on the upper floors; and

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

**WHEREAS**, on November 26, 2019, the Borough adopted a resolution conditionally designating West Main as redeveloper of the Properties for a period of 120 days subject to certain conditions, which designation was extended by the Borough for a period of 120 days on October 10, 2019; and

**WHEREAS**, the Borough and West Main entered into an escrow agreement, which requires West Main to pay any and all costs incurred by the Borough from the date of the conditional designation to execution of a redevelopment agreement or termination of the redeveloper designation regarding the redevelopment of the Properties; and

**WHEREAS**, the Borough and Redeveloper have agreed to the terms and conditions with

respect to the redevelopment of the Properties, the construction of the improvements and the payment of certain costs in connection; and

**WHEREAS**, the Borough believes that the redevelopment of the Properties in the manner proposed by the Redeveloper is in the vital and best interests of the community and promotes the health, safety, morals and welfare of the Borough's residents and is in accord with the public purpose and provisions of the Local Redevelopment and Housing Law and all other applicable laws; and

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Bound Brook that it hereby approves and authorizes the execution of a redevelopment agreement with West Main Bound Brook Urban Renewal, LLC c/o Philly Capital Group, 1199 Ludlow Street, Unit 1412, Wilmington, Delaware 19807 as redeveloper for the redevelopment of Tax Block 1, Lots 38.02, 39, 39.01, 40 and 41.

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

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

Approved:

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Mayor Robert P. Fazen

Attest:

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Jasmine D. Mathis, Borough Clerk

Date of Adoption: April 27, 2021



BOROUGH OF BOUND BROOK  
RESOLUTION 2021-091

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 \$ 1,857,916.24

| <u>FUND</u>             | <u>AMOUNT</u>          |
|-------------------------|------------------------|
| CURRENT                 | \$ 1,565,989.93        |
| GRANT FUND              | \$ 2,000.00            |
| RECREATION TRUST        | \$ 2,850.00            |
| DEVELOPERS ESCROW       | \$ 510.00              |
| UNEMPLOYMENT TRUST FUND | \$ 15,252.72           |
| SEWER                   | \$ 271,313.59          |
| TOTAL                   | <u>\$ 1,857,916.24</u> |

Approved:

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Mayor Robert P. Fazen

Attest:

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Jasmine D. Mathis, Borough Clerk

Date of Adoption: May 11, 2021

BOROUGH OF BOUND  
County of Somerset

RESOLUTION 2021-092

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:

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Jasmine D. Mathis, Borough Clerk

Date of Adoption: May 11, 2021