



**BOROUGH COUNCIL
REGULAR MEETING AGENDA
AUGUST 10, 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

July 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

Covid-19 Update

PRESENTATION OF COMMUNICATIONS, PETITIONS, ETC.

GREETINGS FOR COMMENTS AND INVITATIONS FOR DISCUSSION

OPENING OF BIDS

INTRODUCTION OF ORDINANCES – FIRST READING

ORDINANCE ON FINAL READING AND CONSIDERATION- SECOND READING

Ordinance 2021-018 An Ordinance of the Municipal Council of the Borough of Bound Brook Adopting an Amended Redevelopment Plan for Redevelopment Area 2 Pursuant to N.J.S.A. 40A:12A-1 et seq. which will Supersede and Replace the Current Redevelopment Plan for Redevelopment Area 2

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 2021-021 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 New Financial Agreement by and Between the Borough of Bound Brook and Hamilton Street Urban Renewal, LLC for Properties Located on Block 12, Lots 2.01, 3, 4, 5, 5.01 and 10.02 as Shown on the Official Tax Map of the Borough of Bound Brook and Located in the Downtown Redevelopment Area



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:
2021-170	Resolution Rejecting All Bids for Solid Waste Collection and Disposal		
2021-171	Resolution Authorizing the Hire of Tyler Roller as Patrol Officer in the Police Department		
2021-172	Resolution Authorizing a Refund to Corelogic for the Overpayment of 2021 3 rd Quarter Taxes		

UNFINISHED BUSINESS

Resolution 2021-165 Resolution of the Borough Council of the Borough of Bound Brook Authorizing and Directing the Planning board of the Borough of Bound Brook to Undertake a Preliminary Investigation to Examine Whether Certain Properties, in Particular Block 10, Lots 4,5,9, 10, 18, 19 and 20, Including the Adjacent Public Alley, All as Shown on the Borough Tax Maps, Located on Mountain Avenue, Maiden Lane and East Main Street in the Borough of Bound Brook, New Jersey, Qualify to Be Determined an Area in Need of Redevelopment, Condemnation Area, Pursuant to N.J.S.A. 40A:12A-1 et seq

Motion:	Second:	Discussion:
Roll Call:		
C. Abel Gomez____	C. Jake Hardin____	C. Richard Jannuzzi____
C. Brad Galeta____	C. Vinnie Petti____	C. Anthony Pranzatelli____

MU- 2 Zone Discussion

NEW BUSINESS



APPROVAL OF VOUCHERS

2021-173 Resolution Approving Vouchers in the Amount of \$3,531,065.85

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

2021-174 Resolution Authorizing Executive Session

Motion: Second: All in favor:

ADJOURNMENT

Motion: Second: All in favor:

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2021-018

AN ORDINANCE OF THE GOVERNING BODY OF THE BOROUGH OF BOUND BROOK ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 2 PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ. WHICH WILL SUPERCEDE AND REPLACE THE CURRENT REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 2

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

SECTION I Pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et seq.), the Bound Brook Borough Council (“Borough Council”), by a Resolution adopted in February 2000, determined that a significant portion of the Borough of Bound Brook including its downtown was an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 6 (the “Redevelopment Area”).

SECTION II Subsequently, the Redevelopment Area was divided into two (2) parts, known as Redevelopment Area 1 (the eastern portion) and Redevelopment Area 2 (the western portion).

SECTION III On February 17, 2000, the Borough Council adopted a Redevelopment Plan for Redevelopment Areas 1 and 2.

SECTION IV In November 2009, the Borough Council adopted an amendment to the Redevelopment Plan creating a separate redevelopment plan for Redevelopment Area 2 (the “Redevelopment Plan”).

SECTION V On August 11, 2015, the Borough Council adopted an ordinance amending the Redevelopment Plan, which was prepared by Carlos Rodrigues, FAICP/PP and subsequently adopted amendments to the Redevelopment Plan in 2018 and 2019.

SECTION VI The Borough Planning Board adopted the 2017 Master Plan Reexamination report which it prepared concluding that it would be advantageous to reconcile and streamline the development standards applicable to the various subareas, and specifically for sub-areas 2.4 and 2.5, the plans for these sub-areas should be closely examined to determine whether changes are required to attract reinvestment.

SECTION VII At the Borough’s direction as a result of the 2017 Master Plan Reexamination report noted in Section VI above, further amendments to the Redevelopment Plan have been prepared by Carlos Rodrigues, FAICP/PP, and are attached

hereto and made part of this Ordinance in a document entitled “Amended Redevelopment Plan - Redevelopment Area 2: Sub-Areas 2.1, 2.2 and 2.3, dated June 2021” (the “2021 Amended Redevelopment Plan”).

SECTION VIII Upon introduction of this Ordinance, the 2021 Amended Redevelopment Plan shall be referred to the Borough Planning Board (the “Planning Board”) for its review and consideration pursuant to N.J.S.A. 40A:12A-7.e.

Section IX Prior to the adoption of the 2021 Amended Redevelopment Plan, the Planning Board shall, within 45 days after referral by the Borough Council, transmit to the Borough Council, a report containing its recommendations concerning the 2021 Amended Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

SECTION X Upon receipt of the Planning Board’s recommendation, the Borough Council may act upon this Ordinance regarding the 2021 Amended Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.f.

SECTION XI The Borough Council hereby adopts the Amended Redevelopment Plan - Redevelopment Area 2: Sub-Areas 2.1, 2.2 and 2.3, dated June 2021.

SECTION XII Upon adoption of this Ordinance, the Amended Redevelopment Plan - Redevelopment Area 2: Sub-Areas 2.1, 2.2 and 2.3 shall include the date of adoption of this Ordinance.

SECTION XIII This Ordinance shall take effect after publication in accordance with applicable law.

Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: June 22, 2021
Date of Adoption: August 10, 2021

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2021-021

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 NEW FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF BOUND BROOK AND HAMILTON STREET URBAN RENEWAL, LLC FOR PROPERTIES LOCATED ON BLOCK 12, LOTS 2.01, 3, 4, 5, 5.01 AND 10.02 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 (the “Borough”) 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

WHEREAS, Block 12, Lots 2.01, 3, 4, 5, 5.01 and 10.02, are located in Redevelopment Area 1 and Redeveloper intends to develop Block 12, Lots 2.01, 3, 4, 5, 5.01 and part of Lot 10.02 (the “Properties”); and

WHEREAS, on December 10, 2019, the Borough approved a redevelopment agreement with Redeveloper and the parties executed a redevelopment agreement dated December 30, 2019, as amended by First Amendment to Redevelopment Agreement dated May 12, 2020 (the “Original Redevelopment Agreement”) for the redevelopment of the Properties and certain other properties in the Redevelopment Area (the “Original Project”); and

WHEREAS, the Borough and Redeveloper have separated the Original Project components under the Original Redevelopment Agreement into two separate but coordinated projects each with a redevelopment agreement on substantially the same terms as the Original Redevelopment Agreement and have replaced the Original Redevelopment Agreement with two separate redevelopment agreements; and

WHEREAS, the Borough has or will approve a separate redevelopment agreement with the Redeveloper to be executed by the parties prior to execution of the new financial agreement (the “Redevelopment Agreement”) for the redevelopment of the Properties; and

WHEREAS, the Entity is an approved urban renewal entity; and

WHEREAS, the Entity’s affiliates own Lots 2.01 and 10.02, an affiliate is contract purchaser of Lot 5, and the Entity is contract purchaser of Lot 5.01; and

WHEREAS, the Entity has proposed to construct a mixed-use development consisting of: (1) the new construction of approximately two hundred forty (240) market-rate residential rental units and commercial/retail space in phases, the first phase being 140 market rate residential units

and between 2,000 and 15,000 square feet of commercial and retail space; and (2) the construction of related parking, site improvements and amenities (the “Project”). The residential use will consist of a mix of studio, one-bedroom, two-bedroom units, as well as townhouse-style ground-floor units. The Parties recognize that the Project may be modified as a result of Governmental Approvals. Moreover, the Parties agree that the above project description is the Redeveloper's best estimate at the time of execution of this Agreement and that the Redeveloper may change and modify: (1) the number, mix and arrangement of dwelling units, (2) the number and arrangement of parking spaces, and (3) the amount and configuration of commercial retail square footage; so long as such changes are not substantial as defined by the Redevelopment Agreement; 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 Properties and the Project; and

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

WHEREAS, the Entity submitted an application, dated on or about November 7, 2019, for the approval of a payment in lieu of taxes for the Original Project, as such term is used in the Long-Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the “Exemption Application”, a copy of which is attached hereto as Exhibit A); and

WHEREAS, the Exemption Application requested a twenty-five (25) year term for a financial agreement and an annual service charge based on 10% of annual gross revenues; and

WHEREAS, the Borough agrees to a 25-year term for a financial agreement and an annual service charge based on 10% of annual gross revenues for years 1 through 10, 11% of annual gross revenues for years 11 through 15, 12% of annual gross revenues for years 16-20 and 13% of annual gross revenues for years 21 through 25.

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; and

WHEREAS, the Borough Council adopted Ordinance No. 2019-51 on December 30, 2019, pursuant to which the Borough Council approved a long term the tax exemption for the Original Project and a financial agreement and the parties entered into a financial agreement dated December 30, 2019, (the “Original Financial Agreement”); and

WHEREAS, in connection with the separation of components of the Original Project under the Original Redevelopment Agreement, the parties are separating the Original Financial Agreement into two separate financial agreements for each project on substantially the same terms

as the Original Financial Agreement and the Original Financial Agreement is being replaced by the two separate financial agreements; and

WHEREAS, the Entity has requested that the Borough enter into a new financial agreement for payment of an annual service charge for municipal services in lieu of taxes for the Project; and

WHEREAS, the Borough and the Entity have reached agreement with respect to a new financial agreement and the terms and conditions relating to the Annual Service Charges remain the same as the Original Financial Agreement and the parties desire to execute a new financial agreement, attached hereto and made part of this Ordinance.

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, Hamilton Street 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 Properties currently generates approximately \$158,903.77 in real estate tax revenue to the Borough as the Properties is underutilized with a small storage facility and vacant land. The projected Annual Service Charge over the 15-year term will generate an average annual revenue to the Borough of approximately \$389,330.00.

2. It is estimated that the Project will create between 400 and 450 jobs during construction and 10 to 12 new permanent full-time 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 1; and

5. The redevelopment of the Properties 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 previously submitted is hereby accepted and approved.

Section 4. The Financial Agreement shall be for a twenty-five (25) year term with an annual service charge based on 10% of annual gross revenues for years 1 through 10, 11% of annual gross revenues for years 11 through 15, 12% of annual gross revenues for years 16-20 and 13% of annual gross revenues for years 21 through 25 of the term, all in accordance with the Long-Term Tax Exemption Law.

Section 5. The new 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 new financial agreement by the Mayor and to affix the corporate seal of the Borough to the new 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: July 27, 2021
Date of Adoption: August 10, 2021

EXHIBIT A

EXEMPTION APPLICATION

EXHIBIT B

FORM OF FINANCIAL AGREEMENT

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2021-022

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 NEW FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF BOUND BROOK AND MORECRAFT BROWNSTONE URBAN RENEWAL, LLC FOR PROPERTIES LOCATED ON BLOCK 12, LOTS 11, 12, 13 AND A PORTION OF 10.02 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 (the “Borough”) 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

WHEREAS, Block 12, Lots 10.02, 11, 12 and 13 are located in Redevelopment Area 1 and Redeveloper intends to develop Block 12, Lots 11, 12, 13 and a portion of Lot 10.02 (the “Properties”); and

WHEREAS, on December 10, 2019, the Borough approved a redevelopment agreement with Redeveloper and the parties executed a redevelopment agreement dated December 30, 2019, as amended by First Amendment to Redevelopment Agreement dated May 12, 2020 (the “Original Redevelopment Agreement”) for the redevelopment of the Properties and certain other properties in the Redevelopment Area (the “Original Project”); and

WHEREAS, the Borough and Redeveloper have separated the Original Project components under the Original Redevelopment Agreement into two separate but coordinated projects each with a redevelopment agreement on substantially the same terms as the Original Redevelopment Agreement and have replaced the Original Redevelopment Agreement with two separate redevelopment agreements; and

WHEREAS, the Borough has or will approve a separate redevelopment agreement with the Redeveloper to be executed by the parties prior to execution of the new financial agreement (the “Redevelopment Agreement”) for the redevelopment of the Properties; and

WHEREAS, the Entity is an approved urban renewal entity; and

WHEREAS, prior to construction, the Entity shall own or ground lease all of the Properties; and

WHEREAS, the Entity has proposed to construct a mixed use project in phases consisting of (1) the renovation and incorporation of the existing 12,745 square foot two-story commercial building located on Block 12, a portion of Lot 10.02 (fronting on Hamilton Street) and (2) the exterior renovation, common area renovation, mechanical upgrade and incorporation of the

existing buildings located on Block 12, Lots 11, 12 and 13 for residential use (the “Project”). Thereafter, the Entity shall also renovate the individual residential units as they become vacant. The Parties recognize that the Project may be modified as a result of Governmental Approvals. Moreover, the Parties agree that the above project description is the Redeveloper's best estimate at the time of execution of this Agreement and that the Redeveloper may change and modify: (1) the number, mix and arrangement of dwelling units, and (2) the number and arrangement of parking spaces, and (3) the amount and configuration of commercial retail square footage; so long as such changes are not substantial as defined by the Redevelopment Agreement; 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 Properties and the Project; and

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

WHEREAS, the Entity submitted an application, dated on or about November 7, 2019, for the approval of a payment in lieu of taxes for the Original Project, as such term is used in the Long-Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the “Exemption Application”, a copy of which is attached hereto as Exhibit A); and

WHEREAS, the Exemption Application requested a twenty-five (25) year term for a financial agreement and an annual service charge based on 10% of annual gross revenues; and

WHEREAS, the Borough agrees to a 25-year term for a financial agreement and an annual service charge based on 10% of annual gross revenues for years 1 through 10, 11% of annual gross revenues for years 11 through 15, 12% of annual gross revenues for years 16-20 and 13% of annual gross revenues for years 21 through 25.

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; and

WHEREAS, the Borough Council adopted Ordinance No. 2019-51 on December 30, 2019, pursuant to which the Borough Council approved a long term the tax exemption for the Original Project and a financial agreement and the parties entered into a financial agreement dated December 30, 2019, (the “Original Financial Agreement”); and

WHEREAS, in connection with the separation of components of the Original Project under the Original Redevelopment Agreement, the parties are separating the Original Financial Agreement into two separate financial agreements for each project on substantially the same terms as the Original Financial Agreement and the Original Financial Agreement is being replaced by the two separate financial agreements; and

WHEREAS, the Entity has requested that the Borough enter into a new financial agreement for payment of an annual service charge for municipal services in lieu of taxes for the Project; and

WHEREAS, the Borough and the Entity have reached agreement with respect to a new financial agreement and the terms and conditions relating to the Annual Service Charges remain the same as the Original Financial Agreement and the parties desire to execute a new financial agreement, attached hereto and made part of this Ordinance.

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, Morecraft Brownstone 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 Properties currently generates approximately \$57,382.30 in real estate tax revenue to the Borough as the Properties is underutilized with a small storage facility and vacant land. The projected Annual Service Charge generated over the 25-year term will be significantly greater than the current real estate tax revenue paid to the Borough.

2. It is estimated that the Project will create jobs during construction.

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

4. The Project will further the redevelopment objectives of the Redevelopment Plan for Redevelopment Area 1; and

5. The redevelopment of the Properties 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 previously submitted is hereby accepted and approved.

Section 4. The Financial Agreement shall be for a twenty-five (25) year term with an annual service charge based on 10% of annual gross revenues for years 1 through 10, 11% of annual gross revenues for years 11 through 15, 12% of annual gross revenues for years 16-20 and 13% of annual gross revenues for years 21 through 25 of the term, all in accordance with the Long-Term Tax Exemption Law.

Section 5. The new 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 new financial agreement by the Mayor and to affix the corporate seal of the Borough to the new 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: July 27, 2021
Date of Adoption: August 10, 2021

EXHIBIT A

EXEMPTION APPLICATION

EXHIBIT B

FORM OF FINANCIAL AGREEMENT

Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: July 27, 2021

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021- 170

RESOLUTION REJECTING ALL BIDS FOR SOLID WASTE COLLECTION AND
DISPOSAL WASTE

WHEREAS, the Borough of Bound Brook (the “Borough) duly advertised a Notice to Bidders for Solid Waste Collection and Disposal Services in the Courier News and the Star Ledger and posted to the Borough website; and

WHEREAS, the Borough opened bids on July 14, 2021 at 11 a.m. for Solid Waste Collection and Disposal Services; and

WHEREAS, the Borough received four (4) sealed bids in response to its solicitation:

Interstate Waste Services, Teaneck, New Jersey

Option #1	\$3,287,695.87
Option #2	\$2,739,751.87
Option #3	\$2,739,751.87

Recycle Track Systems NJ, Inc., New York, New York

Option #1	\$2,904,393.00
Option #2	\$2,882,334.00
Option #3	\$2,882,334.00

Dave’s Suburban Disposal Services, LLC, Flagtown, New Jersey

Option #1	\$3,489,758.00
Option #2	\$3,284,763.00
Option #3	\$3,148,099.00

Republic Services, New Brunswick, New Jersey

Option #1	\$4,420,405.00
Option #2	\$3,666,640.00
Option #3	\$3,666,640.00

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2c, the governing body of the contracting unit decides to abandon the project for provision or performance of the goods or services;

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, as follows:

1. The bids received from Interstate Waste Services, Recycle Track Systems, Dave's Suburban Disposal Services and Republic Services are hereby rejected.
2. The Borough Clerk is hereby directed to return the bid security together with a copy of this Resolution.
3. This resolution shall take effect immediately.

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: August 10, 2021

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-171

WHEREAS, there is a need for a Patrolman in the Police Department; and

WHEREAS, Tyler Roller was hired as a part-time Parking Enforcement Officer in 2020 and has graduated from Cape May County Police Academy; and

WHEREAS, the Deputy Chief has made the recommendation that Tyler Roller be hired as Patrolman pending the successful completion of background investigation, physical evaluations and psychological evaluations;

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 as Patrolman for the Bound Brook Police Department at an annual salary of \$49,085.11, as specified in the PBA contract, effective August 29, 2021.

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: August 10, 2021

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021- 172

RESOLUTION AUTHORIZING A REFUND TO CORELOGIC FOR THE OVERPAYMENT
OF 2021 3RD QUARTER TAXES

WHEREAS, the records of the Tax Collector of the Borough of Bound Brook reflect an overpayment of 2021 3rd Quarter Property Taxes on the following property:

<u>Refund To:</u>	<u>Property Location</u>	<u>Blk/Lot/Qual</u>	<u>Amount</u>
Corelogic	356 TALMAGE	004/006	\$1,628.00
	159 LINDEN	022/012.01	\$1,350.00
	24 EAST FRANKLIN	049/003 C0002	\$1,568.00
	621 HANKEN	053/019	\$1,962.00
	433 WEST MAPLE	080/016	\$1,860.10
	617 THOMAS	104/003.01	\$1,379.00

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 Property Tax overpayment be refunded as per the list above.

Attest:

Approved:

Jasmine D. Mathis, Borough Clerk

Mayor Robert P. Fazen

Date of Adoption: August 10, 2021

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-165

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BOUND BROOK AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE BOROUGH OF BOUND BROOK TO UNDERTAKE A PRELIMINARY INVESTIGATION TO EXAMINE WHETHER CERTAIN PROPERTIES, IN PARTICULAR BLOCK 10, LOTS 4, 5, 9, 10, 18, 19 AND 20, INCLUDING THE ADJACENT PUBLIC ALLEY, ALL AS SHOWN ON THE BOROUGH TAX MAPS, LOCATED ON MOUNTAIN AVENUE, MAIDEN LANE AND EAST MAIN STREET IN THE BOROUGH OF BOUND BROOK, NEW JERSEY, QUALIFY TO BE DETERMINED AN AREA IN NEED OF REDEVELOPMENT, SPECIFICALLY A CONDEMNATION REDEVELOPMENT AREA, PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Mayor and Borough Council of the Borough of Bound Brook (the “Borough”) has previously adopted a resolution in January 2000 designating a certain area with the Borough, which includes Area 1, otherwise known as the Downtown Redevelopment Area, as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the basis of the January 2000 area in need of redevelopment designation is now 21 years old and needs to be reevaluated based on various factual and legal issues;

WHEREAS, the Borough has identified certain properties located at 209, 217 and 219 East Main Street; 11, 15 & 17 Maiden Lane and 16 & 18 Mountain Avenue, specifically Lots 4, 5, 9, 10, 18, 19 and 20 in Block 10, as delineated on the Borough tax map attached hereto and made part of this resolution (the “Properties”), to be reevaluated for designation as an area “in need of redevelopment”, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Borough Planning Board to undertake a preliminary investigation to determine whether the proposed area/properties meets the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Borough desires that the Borough Planning Board undertake an examination as to whether the Properties may be deemed “an area in need of redevelopment”; and

WHEREAS, the Borough hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, including the use of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area"); and

WHEREAS, the notice of any hearing to be conducted by the Borough Planning Board with regards to this Resolution shall specifically state that a Condemnation Redevelopment Area determination shall authorize the municipality to exercise the power of eminent domain to acquire the Properties.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that the Borough Planning Board is hereby directed and authorized to examine whether the properties located at 209, 217 and 219 East Main Street; 11, 15 & 17 Maiden Lane and 16 & 18 Mountain Avenue, specifically Lots 4, 5, 9, 10, 18, 19 and 20 in Block 10, as delineated on the tax map attached hereto and made part of this resolution, should be determined “an area in need of redevelopment” pursuant to Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

BE IT FURTHER RESOLVED THAT the Borough hereby states that any Condemnation Redevelopment Area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, including the use of eminent domain.

BE IT FURTHER RESOLVED THAT the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Condemnation Redevelopment Area determination shall authorize the municipality to exercise the power of eminent domain to acquire any properties in the delineated area.

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

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: July 27, 2021

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
RESOLUTION 2021-173

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 \$ 3,531,065.85

<u>FUND</u>	<u>AMOUNT</u>
CURRENT	\$ 3,413,912.13
GRANT FUND	\$ 39,600.01
GENERAL CAPITAL FUND	\$ 71,092.20
GENERAL TRUST FUND	\$ 263.02
RECREATION TRUST	\$ 91.21
SEWER	\$ 399.00
TAX COLLECTOR TRUST	\$ 1,400.00
TAX TITLE LIEN REDEMPTION	\$ 1,425.78
PAYROLL	\$ 2,882.50
TOTAL	<u>\$ 3,531,065.85</u>

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: August 10, 2021

BOROUGH OF BOUND
County of Somerset

RESOLUTION 2021-174

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

Date of Adoption: August 10, 2021