



**BOROUGH COUNCIL
REGULAR MEETING AGENDA
JANUARY 11, 2022 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 Jake Hardin
C. Richard Jannuzzi
C. Abel Gomez
C. Vinnie Petti
C. Anthony Pranzatelli
C. Dominic Longo

APPROVAL OF MINUTES

December 28, 2021 Regular Meeting

Motion: Second:

Roll Call:

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

C. Vinnie Petti____ C. Anthony Pranzatelli____ C. Dominic Longo____



December 28, 2022, Executive Session

Motion: Second:

Roll Call:

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

C. Vinnie Petti____ C. Anthony Pranzatelli____ C. Dominic Longo____

January 11, 2022, Reorganization Meeting

Motion: Second:

Roll Call:

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

C. Vinnie Petti____ C. Anthony Pranzatelli____ C. Dominic Longo____

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 2022-01 An Ordinance Amending and Supplementing the Revised General Ordinances of the Borough of Bound Brook, in the County of Somerset, Chapter XXI- Land Use, to Regulate the Location of Certain Cannabis Establishments within Certain Zoning Districts within the Municipality

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on February 22, 2022.



Second:

Roll Call:

C. Jake Hardin____ C. Richard Jannuzzi____ C. Abel Gomez____
C. Vinnie Petti____ C. Anthony Pranzatelli____ C. Dominic Longo____

ORDINANCE ON FINAL READING AND CONSIDERATION- SECOND READING

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:
2022-017		Resolution Conditionally Designating All Jersey Developers, LLC, as Redeveloper for Property Know as Tax Block 10, Lots 60 Through 67 Located in the Downtown Redevelopment Area for Mixed Use Redevelopment Project	
2022-018		Resolution Appointing Hector Herrera as Clean Communities and Recycling Coordinator	
2022-019		Resolution Designating Representatives to the Somerset Community Development Committee	
2022-020		Resolution Appointing Hector Herrera as the JIF Commissioner	
2022-021		Resolution Awarding 2022 Professional Contracts	

UNFINISHED BUSINESS

NEW BUSINESS



APPROVAL OF VOUCHERS

2022-022 Resolution Approving Vouchers in the Amount of 1,260,023.58

Motion: Second:

Roll Call:

C. Jake Hardin____ C. Richard Jannuzzi____ C. Abel Gomez____
C. Vinnie Petti____ C. Anthony Pranzatelli____ C. Dominic Longo____

OPEN TO THE PUBLIC FOR COMMENT

AUTHORIZE EXECUTIVE SESSION

ADJOURNMENT

Motion: Second: All in favor:

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-01

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK, IN THE COUNTY OF SOMMERSET, CHAPTER XXI -- LAND USE, TO REGULATE THE LOCATION OF CERTAIN CANNABIS ESTABLISHMENTS WITHIN CERTAIN ZONING DISTRICTS WITHIN THE MUNICIPALITY

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

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least twenty-one years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16 (N.J.S.A. 24:61-31 et seq), known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of cannabis by adults twenty-one years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 - Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 - Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 – Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 – Cannabis Distributer license, for business involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 – Cannabis Retailer license, for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 – Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

WHEREAS, section 31a of the ACT (N.J.S.A. 24:61-45a) authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors allowed to operate within their boundaries, as well as the location, manner and times of operation of such establishments; and

WHEREAS, the Mayor and Council recognize that a majority of Bound Brook’s voters were in favor of legalization of adult-use cannabis, and are committed to honoring the will of its residents in a reasonable fashion; and

WHEREAS, not every part of the Borough provides an appropriate location for cannabis-related establishments, nor does the Borough wish to host every class of cannabis establishments.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of Bound Brook as follows:

Section 1. Chapter XXI -- Land Use Regulations of the Borough of Bound Brook are hereby supplemented as follows (new language is underscored):

1. Amend Section 21-2 Definitions, to add the following:

“Cannabis Business” shall mean a business regulated under NJAC 17:30 by the New Jersey Cannabis Regulatory Commission or its successor, and shall include the following:

Class 1 - Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis.

Class 2 - Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items.

Class 3 – Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees.

Class 4 – Cannabis Distributer license, for business involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another.

Class 5 – Cannabis Retailer license, for locations at which cannabis items and related supplies are sold to consumers.

Class 6 – Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

“Cannabis Microbusiness” shall mean a business regulated under N.J.A.C. 17:30 by the New Jersey Cannabis Regulatory Commission or its successor, and that has no more than 10 employees, occupies no more than 2,500 square feet of gross leasable area, processes no more than 1,000 cannabis plants per month or 1,000 lbs. of dry cannabis products per month, and, for

wholesaler and retailer licenses, processes no more than 1,000 lbs. of cannabis products per month.

“Consumption Area” shall mean an enclosed, designated space within a Class 1 cannabis establishment, whether or not it constitutes a cannabis micro-business, that is set-aside for the purpose of on-premise consumption of cannabis products, and that meets or exceeds the Borough’s standards for internal and external ventilation”.

2. Amend Section 21-10.11 NB/R Neighborhood Business/Residential (NB/R), subsection a1, as follows:

Neighborhood business such as retail sales, and offices, including business offices of a Class 6 Cannabis Delivery license [..].

3. Amend Section 21-10.14 Mixed Use Two (MU-2) District, subsection 21-10.14b1c (Permitted Uses), as follows:

Retail, including grocery stores, including one establishment with a Class 5 Cannabis Retailer license with a designated consumption area, and offices, including business office of a Class 6 Cannabis Delivery license, limited to upper floors only [..]

4. Amend Section 21-10.15 Business Residential District (B-R), subsection 21-10.15 Figure 2 (Permitted and Prohibited Principal Uses in Main Street District), and Figure 16 (Principal Uses in Arts District) to allow as permitted uses:

Retail Sales, including establishments with a Class 5 Cannabis Retailer license, which also qualify as a cannabis microbusiness, but limited to one establishment.

Office, Professional, including business offices with a Class 6 Cannabis Delivery license, limited to upper floors only.

5. Amend Section 21-10.18 RB/R Regional Business/Residential District, subsection 21-10.18a1 Principal Permitted Uses to allow as a permitted use:

Retail Sales, including establishments with a Class 5 Cannabis Retailer license, which also qualify as a cannabis microbusiness, but limited to one establishment.

6. Amend Section 21-10.17 RC Riverfront Commercial District, subsection 21-10.17c Permitted Uses, to allow as permitted uses: (r) Class 1 and Class 2 cannabis establishments, limited to one (1) establishment in one (1) building.

7. No Class 5 cannabis retail establishment shall be located within 1,000 feet of any school property as shown on the Drug Free School Zone Map, which is adopted by reference.

Section 2. Referral to Borough Land Use Board.

Following its introduction on first reading, a copy of this ordinance shall be referred to the Bound Brook Land Use Board for review pursuant to N.J.S.A. 40A:55D-26a.

Section 3. 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 the Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Section 4. 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 other prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinance of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5. Effective Date.

This Ordinance shall take effect, following adoption and publication in accordance with the laws of the State of New Jersey.

Section 6. Applicability.

The provisions of this ordinance shall be applicable within the entire Municipality of Bound Brook upon final adoption and shall become a part of the Borough Code.

Attest: _____

Jasmine D. Mathis
Borough Clerk

By: _____

Mayor Robert Fazen

Date of Introduction: January 4, 2022

STATEMENT OF PURPOSE: The purpose of this ordinance is to authorize and regulate certain classes of cannabis businesses in certain locations and zoning designations within the Borough of Bound Brook pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (N.J.S.A. 24:61-31 et seq) and consistent with N.J.A.C. 17:30 -- the administrative rules adopted on August 19, 2021 by the New Jersey Cannabis Regulatory Commission.

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-017

RESOLUTION CONDITIONALLY DESIGNATING ALL JERSEY DEVELOPERS, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 10, LOTS 60 THROUGH 67 LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA FOR MIXED USE REDEVELOPMENT 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

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 10, Lots 9 and 10 are located on 217 and 219 East Main Street in Redevelopment Area 1 (referred to as the “Properties”); and

WHEREAS, the Properties are privately owned, are currently vacant and have been for a number of years; and

WHEREAS, All Jersey Developers, LLC (“All Jersey”) has been in the process of trying to acquire the Properties and continues its efforts to do so notwithstanding the lack of responsiveness by the current owners of the Properties; and

WHEREAS, All Jersey proposes to redevelop the Properties with approximately six (6) apartments and ground floor commercial space to be leased to local neighborhood businesses such as deli and cafe; and

WHEREAS, All Jersey has requested designation as conditional redeveloper for the Properties regarding its concept proposal to redevelop the Properties for a mixed-use redevelopment project, which designation it believes would assist in its efforts to acquire the Properties; and

WHEREAS, the concept proposal from All Jersey has been considered by the Borough and found consistent with the Borough's goals for redeveloping the downtown area; and

WHEREAS, the Borough is desirous of conditionally designating All Jersey as redeveloper of the Properties subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that All Jersey Developers, LLC of Basking Ridge, NJ is hereby conditionally

designated as redeveloper of Block 10, Lots 9 and 10 located in Redevelopment Area 1 for the redevelopment of the Properties for the reasons set forth herein.

BE IT FURTHER RESOLVED, that said conditional designation is subject to the following conditions:

1. That the conditional designation is limited to a 180-day period from the date of adoption of this resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted resolution of the Borough Council.
2. That All Jersey and/or an affiliated entity agrees 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, as set forth herein. The escrow deposit shall be in the amount of \$10,000.00.
3. Within fourteen (14) days of the adoption of this resolution, All Jersey and/or an affiliated entity and the Borough enter into an escrow agreement, the form of which is attached hereto and made part of this resolution.
4. That All Jersey and/or an affiliated entity and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
5. That All Jersey and/or an affiliated entity shall acquire the Properties which it does not currently own from the current owners in order for the redevelopment of the Properties as provided for in a redevelopment agreement.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a redevelopment agreement, the Borough Council of the Borough of Bound Brook shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

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

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: January 11, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-018

RESOLUTION APPOINTING HECTOR HERRERA AS THE CLEAN COMMUNITIES
COORDINATOR AND RECYCLING COORDINATOR

WHEREAS, New Jersey Clean Communities is a statewide comprehensive litter-abatement program created by the passage of the Clean Communities Act in 1986. The Act provides a funding source for the program and guidelines for the use of funds; and

WHEREAS, municipalities and counties receive Clean Communities grants in the form of state aid each year; and

WHEREAS, municipalities are required to appoint a Clean communities coordinator to file statistical reports for funding programs within their municipality; and

WHEREAS, the “Clean Communities and Recycling Act” of 1981 created the Municipal Recycling Tonnage Grant Program whereby municipalities could receive a grant for the amount of materials documented as being recycled during the previous calendar year; and

WHEREAS, each municipality is required by the Recycling Act to have mandatory annual recycling tonnage reports prepared by the Recycling Coordinator; and

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL of the Borough of Bound Brook that Hector Herrera is appointed the Clean Communities Coordinator and Recycling Coordinator for the Borough of Bound Brook.

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: January 11, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-019

RESOLUTION DESIGNATING REPRESENTATIVES TO THE SOMERSET COMMUNITY
DEVELOPMENT COMMITTEE

WHEREAS, the Somerset County Community Development Committee's purpose is to assess community development needs and objectives in Somerset County and to recommend to the Board of Chosen Commissioners annual Community Development Programs responsive to these community development needs; and

WHEREAS, the Somerset County Community Development Committee is comprised of two (2) representatives from each participating municipality, one appointed by the Chief Executive and one appointed by the Governing Body;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Bound Brook, County of Somerset, that the Borough representatives to the Somerset County Community Development Committee are as follows for 2022:

Hector Herrera, Borough Administrator
Dale Leubner, Superintendent of Public Works

BE IT FURTHER RESOLVED, a copy of this resolution be filed with Somerset County.

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: January 11, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-020

WHEREAS, the Borough of Bound Brook is a member of the Garden State Municipal Joint Insurance Fund for the purposes of securing types of insurance coverage; and

WHEREAS, during this period of membership the Borough Administrator is appointed the Commissioner for the Borough of Bound Brook; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook that Hector Herrera is appointed the JIF Commissioner for the term of membership expiring December 31, 2022.

Attest:

Approved:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: January 11, 2022

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-021

WHEREAS, the governing body of the Borough of Bound Brook has the need to acquire certain professionals; and

WHEREAS, the Borough of Bound Brook solicited qualifications for certain professional services for the calendar year 2022 through a fair and open process in accordance with N.J.S.A. 19:44a-20.5 et seq.;

WHEREAS, those professionals listed were appointed at the Reorganization Meeting of January 4, 2022;

WHEREAS, the Chief Finance Officer has certified the availability of funds from the 2022 budget;

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a notice of the resolution awarding contracts for professional services without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Bound Brook that the following professional services contracts are approved:

Municipal Attorney and Labor Attorney-
DeCotiis, Fitzpatrick, Cole & Giblin, LLP, Paramus, NJ
1 year agreement – January 1, 2022 to December 31, 2022
Combined amount not to exceed: \$300,000.00

Municipal Auditor-
Suplee, Clooney & Company, Westfield, NJ
1 year agreement – January 1, 2022 to December 31, 2022
Amount not to exceed: \$50,000.00

Municipal Bond Counsel-
McManimon, Scotland & Baumann, Roseland, NJ
1 year agreement – January 1, 2022 to December 31, 2022
Amount not to exceed: \$15,000.00

Municipal Grant Writer-
Millenium Strategies, Caldwell, NJ
1 year agreement – January 1, 2022 to December 31, 2022
Amount not to exceed: \$36,000.00

Municipal Prosecutor-
Law Offices of John E. Bruder, Bound Brook, NJ
1 year agreement – January 1, 2022 to December 31, 2022
Amount not to exceed: \$38,000.00

Municipal Public Defender-
Robert D. Spengler Attorney at Law, Bound Brook, NJ
1 year agreement – January 1, 2022 to December 31, 2022
Amount not to exceed: \$20,000.00

Municipal Tax Appeal Counsel
Shain Schaffer, Bernardsville, NJ
1 year agreement – January 1, 2022 to December 31, 2022
Amount not to exceed: \$10,000.00

Municipal Financial Advisor
NW Financial Group, Hoboken, NJ
1 year agreement – January 1, 2022 to December 31, 2022
Amount not to exceed: \$10,000.00

Municipal Planner
Design Solutions, Princeton, NJ
1 year agreement – January 1, 2022 to December 31, 2022
Amount not to exceed: \$15,000.00

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: January 11, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
RESOLUTION 2022-022

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 \$ 1,260,023.58.

<u>FUND</u>	<u>AMOUNT</u>
CURRENT	\$ 1,255,131.79
SEWER	\$ 3,000.00
PAYROLL FUND	\$ 1, 891.79
TOTAL	<u>\$ 1,260,023.58</u>

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: January 11, 2022