



**BOROUGH COUNCIL
REGULAR MEETING AGENDA
FEBRUARY 8, 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

January 25, 2022 Regular 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 2022-03 An Ordinance Amending and Supplementing Chapter XVIII, Fire Prevention and Protection, of the General Revised Ordinances of the Borough of Bound Brook to Update Permit Fees and Alarm Activations

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on March 8, 2022.

Second:

Roll Call:

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

Ordinance 2022-04 An Ordinance Amending and Supplementing Chapter 28, Water and Sewer, Section 28-3.4, Sewer Usage Charges, of the General Revised Ordinances of the Borough of Bound Brook to Increase Sewer Usage Fees

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on March 8, 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

2022-02 An Ordinance Amending Chapter 2, Administration, Article IV, Departments Established, Section 2-21.11, "Appointment of Chief of Police," of the General Revised Ordinances of the Borough of Bound Brook

Motion to open public comment: Second:

Public Comment:

Motion to close public comment: Second:

Motion: Movant: I move the ordinance be passed on second reading and advertised according to law.

Second: Discussion:

Roll Call:

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

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:

2022-034 Resolution Authorizing a Subordination Request for 626 Hanken Road

2022-035 Resolution Awarding 2022 Professional Contract to Assistant Prosecutor

2022-036 Resolution Authorizing a Person-to-Person Plenary Retail Consumption License Transfer from Bound Brook Hotel LLC to Bound Brook Cheers LLC

2022-037 Resolution Authorizing the Chief of Police Selection Process

2022-038 Resolution Authorizing Agreement with Somerset County Prosecutor's Office for the Use of Police Personnel

2022-039 Resolution Authorizing a Homeowner/Program Agreement for 729 Mountain Avenue



- 2022-040 Resolution Authorizing the 2022 Somerset County Recycling Agreement
- 2022-041 Resolution of the Borough of Bound Brook Authorizing an Application to the Complete Streets Technical Assistance Program
- 2022-042 Resolution Authorizing a Refund for the Overpayment of Taxes to 600 Hayward Street
- 2022-043 Resolution Authorizing a Refund for the Overpayment of Taxes to Corelogic
- 2022-044 Resolution of the Borough Council of the Borough of Bound Brook Requesting that the Planning Board of the Borough of Bound Brook Reconsider the 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
- 2022-045 Resolution Authorizing a Change Order for the Purchase of Police Body Cameras from Watchguard through New Jersey State Contract #T0106 in the Amount of \$6,810.00
- 2022-046 Resolution Approving the Transfer of Public Property to Somerset County for Public Auction
- 2022-047 Resolution Conditionally Designating All Jersey Developers, LLC as Redeveloper for Property Located at 408 East Main Street, Also Known as Tax Block 1, Lots 57 and 70 Located in the Downtown Redevelopment Area for a Commercial Redevelopment Project
- 2022-048 Resolution Promoting Ryan Seiler to Laborer C in the Department of Public Works
- 2022-049 Resolution Hiring Agatha Perez as Deputy Borough Clerk

UNFINISHED BUSINESS

NEW BUSINESS

February 22, 2022 Council Meeting is Cancelled



APPROVAL OF VOUCHERS

2022-050 Resolution Approving Vouchers in the Amount of \$319,003.05

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. 2022-03

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVIII, FIRE PREVENTION AND PROTECTION, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK TO UPDATE PERMIT FEES AND FIRE ALARM ACTIVATIONS

WHEREAS, the Department of Code Enforcement has conducted a survey of surrounding municipalities to determine comparative rates charged for fire permits; and

WHEREAS, updates to the Borough fire detection and alarm activations are required;

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 XVIII, Fire Prevention and Protection, of the General Revised Ordinances of the Borough of Bound Brook, Section 18-7.1 Permit Fees and Section 18-8.2 Installation of fire detection system required 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

18-7.1 Permit fees.

Type 1	[\$70] <u>\$115</u>
Type 2	\$258
Type 3	\$465
Type 4	\$685
Type 5	\$1,410

...

18-8.2 Installation of fire detection system [required] and fire alarm activations required.

a. **[Every building or structure constructed for single-family and two-family occupancy shall have installed therein and thereafter maintained an approved fire detection system. The detector shall be of the ionization or other approved type, sensitive to any of the products of combustion except that detectors sensitive to heat only are unacceptable. The detector shall be of the types operated by battery or electricity on a specific circuit. A minimum of one detector shall be required on each level and within 10 feet of any bedroom door. Alarm signaling devices shall be clearly audible in all bedrooms when all intervening doors are closed. For the purpose of installation and maintenance, only the applicable sections of National Fire Prevention Association (N.F.P.A.) No. 72, "Standard for the Installation, Maintenance, and Use of a House Fire Warning System,"**

shall constitute accepted practices.] Every rental property within the Borough of Bound Brook shall be equipped throughout with smoke detectors and carbon monoxide alarms compliant with the requirements of the New Jersey Uniform Construction Code and the New Jersey Uniform Fire Code. All Commercial establishments shall be equipped with a minimum of (1) 10 year internal sealed battery operated smoke detector. This requirement shall not be a substitute for any other fire detection or fire suppression system required by the New Jersey Uniform Construction Code or the New Jersey Uniform Fire Code.

b. In the case of rental properties, the occupants of the dwelling units shall be responsible for replacing batteries in fire detection devices whenever new batteries are required. **All fire detection devices exceeding 10 years of age shall be replaced using the following guidelines:**

<u>120 Volt hard wired detectors must be replaced with:</u>	<u>120 Volt hard wired detectors with 10 year internal battery back-up</u>
<u>Battery operated detectors must be replaced with:</u>	<u>10 year internal battery powered detectors</u>
<u>120 Volt hard wired interconnected detectors must be replaced with:</u>	<u>120 Volt hard wired interconnected detectors with 10 year internal battery back-up</u>

c. Failure to install and/or maintain a fire detection system as mandated by this section will subject the offender to a fine not to exceed \$500 per each location of violation.

d. Fire alarms activations shall be reported to the Fire Prevention Bureau by the Officers of the Bound Brook Fire Department. If the fire alarm activations are determined to be a nuisance alarm by the Fire Marshal a penalty shall be issued in accordance with following guidelines:

<u>1st alarm activation</u>	<u>No penalty issued</u>
<u>2nd alarm activation</u>	<u>No penalty issued</u>
<u>3rd alarm activation within 30 days</u>	<u>Penalty of \$1000</u>
<u>Additional alarm activations within 30 days</u>	<u>Penalty of \$500 per activation</u>

e. Fire alarm systems located in offices, places of assembly, multifamily dwellings and other commercial buildings that are monitored by a central station or other proprietary agency shall not be reset prior to the arrival and approval of the Fire Department or Fire Marshal.

f. All commercial properties that have fire alarm systems shall provide a list of twenty-four-hour contact persons. There shall be a minimum of two contacts. All emergency contacts must be capable of responding to the effected property within 30 minutes, have the authority to make proper notifications for emergency repairs and shall have access to all areas of the affected property.

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.

Attest: _____
Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: February 8, 2022

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-04

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, WATER AND SEWER, SECTION 28-3.4, SEWER USAGE CHARGES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK TO INCREASE SEWER USAGE FEES

WHEREAS, sewer usage fees are annually assessed to account for Middlesex County Utility Authority fees;

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

SECTION 1. Chapter 28, Water and Sewer, Section 28-3.4, Sewer Usage Charges, of the Revised General Ordinances of the Borough of Bound Brook is hereby amended and supplemented by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text **underlined and marked in bold**, to read as follows:

[From ~~[\$5.70]~~ to:]

1.	Residential users	[\$6.40] <u>\$6.53</u> per 1,000 gallons.
2.	Tax exempt users	[\$6.40] <u>\$6.53</u> per 1,000 gallons.
3.	Commercial users Class 1	[\$6.40] <u>\$6.53</u> per 1,000 gallons.
4.	Commercial users Class 2	[\$8] <u>\$8.16</u> per 1,000 gallons.
5.	Industrial users	[\$8] <u>\$8.16</u> per 1,000 gallons.
6.	Significant industrial users	[\$8] <u>\$8.16</u> per 1,000 gallons.
7.	Integrated health services and its successors	[\$8] <u>\$8.16</u> per 1,000 gallons.
8.	Mixed residential/commercial users (Class 2)	[\$8] <u>\$8.16</u> per 1,000 gallons.
9.	Multiple-dwelling user	[\$7.04] <u>\$7.18</u> per 1,000 gallons.
10.	Non-Bound Brook residential users	[\$7.50] <u>\$7.65</u> per 1,000 gallons <u>or if reading not provided by NJAW the billing shall be calculated based on the average residential billing plus \$100 administrative fee</u>

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.

Attest: _____
Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: March 8, 2022

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-02

**AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION,
ARTICLE IV, DEPARTMENTS ESTABLISHED, SECTION 2-21.11,
“APPOINTMENT OF CHIEF OF POLICE,” OF THE GENERAL
REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bound Brook, in the County of Somerset and State of New Jersey, that Chapter 2, Administration, Article IV, Departments Established, be and is hereby amended and supplemented as follows:

SECTION 1. That Section 2-21.11, “Appointment of Chief of Police,” be and is hereby amended and supplemented by inserting the text **underlined and marked in bold**, to read as follows:

2-21.11 **Appointment of Chief of Police.**

Any appointment to the office of Chief of Police shall be made and chosen from a list of eligible candidates holding the rank of Sergeant and above. In the event a minimum of four officers do not meet the length of service requirement for promotion, the years of service shall be reduced in increments of one year until there are four eligible candidates who are qualified by meeting all other criteria for promotion. Candidates shall be evaluated by a Committee formed by the Mayor for the purpose of recommending any appointees. The Committee shall be known as the Chief of Police Appointment Committee and shall consist of the Mayor, Borough Administrator, Public Safety Committee, and a Mayoral appointment of a Chief of Police of any Somerset County municipality or any other law enforcement official recommended by the Prosecutor of Somerset County. The Committee shall prescribe any testing to be required of candidates and shall conduct interviews of all eligible candidates. It shall recommend appointees to the Mayor and Council based upon the results of any testing and its evaluation of the candidates' general qualifications, appearance, speaking ability, comprehension and presentation of ideas, maturity of judgment, interest in law enforcement and knowledge of procedures and techniques thereof, and evidence of supervisory and administrative ability. Pursuant to N.J.S.A. 40A:14-129, due consideration shall be given to the length and merit of each officer's service and preference shall be given according to seniority in service. The Chief of Police shall be appointed in accordance with law upon nomination of the Mayor by and with the advice and consent of the Council, **except that, if the then-current Chief of Police is on terminal or other leave prior to the effective date of their retirement or resignation, the**

appointment of the new Chief of Police (the “Chief-Select”) shall not become effective until the effective date of the retirement or resignation of the then-current Chief of Police. However, in the interim period during which the then-current Chief of Police is on terminal or other leave and is not performing the duties and obligations of Chief of Police, the Chief-Select shall serve as Acting Police Chief. Upon the effective date of the retirement or resignation of the then-current Chief of Police, the Chief-Select’s appointment as Chief of Police shall become effective. The appointment procedure shall be communicated to the PBA 21 days prior to the commencement of the selection procedure.

SECTION 2. Severability Clause. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 3. Repealer. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon passage and publication in accordance with law.

Attest: _____
Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: January 25, 2022

Date of Adoption: February 8, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-034

RESOLUTION AUTHORIZING A SUBORDINATION AGREEMENT FOR 626 HANKEN
ROAD

WHEREAS, Bound Brook Home Improvement Program Case BB20-82, 626 Hanken Road, has submitted a subordination request; and

WHEREAS, the program mortgage is \$198,285.00;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bound Brook, County of Somerset, State of New Jersey the subordination agreement for 626 Hanken Road be authorized.

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

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-035

RESOLUTION AWARDING 2022 PROFESSIONAL CONTRACT TO MUNICIPAL
ASSISTANT PROSECUTOR

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 Assistant Prosecutor
Eric M. Bernstein & Associates
1 year agreement-- January 1, 2022 to December 31, 2022
Amount not to exceed: \$5,000.00

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-036

RESOLUTION AUTHORIZING A PERSON-TO-PERSON PLENARY RETAIL
CONSUMPTION LICENSE TRANSFER FROM BOUND BROOK HOTEL LLC TO BOUND
BROOK CHEERS LLC

WHEREAS, Bound Brook Cheers LLC has submitted an application to this body for the transfer of a pocket Plenary Retail Consumption License #1804-33-021-004 to them;

WHEREAS, said application has been accompanied by a transfer fee of \$250.00 and a \$250.00 filing fee for the Division of Alcoholic Beverage Control, proof of publication of a notice published in the Courier News for two consecutive weeks, calling attention to said transfer; and

WHEREAS, accompanying said application is a letter from Mark Mondrone consenting to the transfer of the license to Bound Brook Cheers LLC;

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Bound Brook that the Person to Person Transfer for the aforementioned Plenary Retail Consumption License #1804-33-021-004 is hereby transferred to Bound Brook Cheers LLC;

BE IT FURTHER RESOLVED, the effective date of the Person to Person Transfer for the aforementioned Plenary Retail Consumption License #1804-33-021-004 is effective February 14, 2022;

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to forward a copy of this resolution to the Division of Alcoholic Beverage Control.

Attest:

Approved:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-037

RESOLUTION AUTHORIZING THE CHIEF OF POLICE SELECTION PROCESS

WHEREAS, in accordance with Section 2-21.11, "Appointment of Chief of Police", of the Revised General Ordinances of the Borough of Bound Brook, any appointment to the office of Chief of Police shall be made and chosen from a list of eligible candidates holding the rank of Sergeant and above; and

WHEREAS, candidates shall be evaluated by a Committee formed by the Mayor for the purpose of recommending any appointees and shall recommend appointees to the Mayor and Council pursuant to the Borough Code;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook, the Borough Administrator is hereby authorized and directed to communicate to the PBA the appointment procedure for Chief of Police selection process.

BE IT FURTHER RESOLVED, the Chief of Police selection process shall commence 21 days after communication to the PBA.

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-038

RESOLUTION AUTHORIZING AGREEMENT WITH SOMERSET COUNTY
PROSECUTOR'S OFFICE FOR THE USE OF POLICE PERSONNEL

WHEREAS, Somerset County provides various services and functions which require the use of municipal police officers; and

WHEREAS, Somerset County uses additional trained police personnel including municipal police personnel for such programs and services as assistant and training at the Somerset County Police Academy; Somerset County Organized Crime and Narcotics Task Force; Somerset County Emergency Response Teams which includes the S.W.A.T. Team and Crisis Negotiation Team, Dive Rescue Team and the Somerset County Vehicular Homicide Task Force, Collision Analysis and Reconstruction Team and Arson Task Force; and

WHEREAS, the Borough of Bound Brook is willing to provide municipal police officers on an "as available" basis for use by the Somerset County Prosecutor's Office on an "as needed" basis subject to the terms and conditions of agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Bound Brook that this agreement is authorized between the County of Somerset and the Borough of Bound Brook.

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-039

RESOLUTION AUTHORIZING A HOMEOWNER/ PROGRAM AGREEMENT FOR 729
MOUNTAIN AVENUE

WHEREAS, the Borough of Bound Brook entered into an agreement with Somerset County Community Development Consortium; and

WHEREAS, the program provides substantial benefits to persons of low and moderate income including the elderly and disabled; and

WHEREAS, the Borough is in receipt of an application to the Improvement Program Manager for a Home Improvement Program loan; and

WHEREAS, the applicant has been income qualified and approved, as per the Eligibility Determination form and agree to the terms of the program;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook, County of Somerset, New Jersey, that the Home Improvement Program Agreement for 729 Mountain Avenue, Bound Brook, New Jersey is authorized.

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: February 8, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-040

RESOLUTION AUTHORIZING THE 2022 SOMERSET COUNTY RECYCLING
AGREEMENT

WHEREAS, the County of Somerset entered into negotiations regarding an Agreement between the County of Somerset and each of the twenty-one municipalities located within Somerset County; and

WHEREAS, the County of Somerset has continuously provided recycling services to the Borough over the years; and

WHEREAS, the County of Somerset has agreed that the County fee shall be based upon the number of households within the municipality, 3,421, as determined by the County Planning Board, at the rate of \$26.70 per household per year; and

WHEREAS, the Chief Financial Officer has certified the funds in account # 01-2022-126-301-2-99 in an amount not to exceed \$91,340.70; and

WHEREAS, the County of Somerset has determined that it is in the best interests of the County to execute an Agreement with each of the twenty-one municipalities formulated as a result of negotiations;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey, hereby authorize the Mayor and Borough Clerk to execute an agreement for Somerset County recycling pickup for the period of January 1, 2022 to December 31, 2022.

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-041

RESOLUTION OF THE BOROUGH OF BOUND BROOK AUTHORIZING AN
APPLICATION TO THE COMPLETE STREETS TECHNICAL ASSISTANT PROGRAM

WHEREAS, the New Jersey Department of Transportation Complete Streets Design Guide defines complete streets as follows: “Complete Streets are streets designed for all users, all modes of transportation, and all ability levels. They balance the needs of drivers, pedestrians, bicyclists, transit riders, emergency responders, and goods movement based on the local context”; and

WHEREAS, while the primary benefit of complete streets is improved safety, particularly for people who walk or bike who are the most vulnerable users of the street, there are other positive outcomes. Complete streets create better places to live, work, and do business. They can help improve the health of a community by encouraging people to walk and bike, bolster the local economy by generating foot traffic in business districts and provide greater mobility options for residents and visitors; and

WHEREAS, when streets are not complete, the negative impacts on public health, safety, equity and the economy and the environment are disproportionately borne by low-income and minority communities.

WHEREAS, through the North Jersey Transportation Planning Authority’s FY2022 *Complete Streets Technical Assistance Program*, Sustainable Jersey will coordinate and the Voorhees Transportation Center at Rutgers University will provide planning-level technical assistance services to municipalities for a specific project related to advancing a complete streets initiative in their communities; and

WHEREAS, although no direct funding is provided, selected municipalities will receive free direct technical assistance services to complete a specific task related to advancing a complete streets initiative in their communities.

THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Bound Brook authorizes the Borough Administrator to submit an application to the *Complete Streets Technical Assistance Program* to receive free direct technical assistance services to complete a walkable community workshop, and also commits pertinent municipal staff to coordinate and collaborate with Sustainable Jersey, Voorhees Transportation Center and the North Jersey Transportation Planning Authority to support the successful and timely delivery of technical assistance services.

Attest:

Approved:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-042

RESOLUTION AUTHORIZING A REFUND FOR THE OVERPAYMENT OF TAXES TO
600 HAYWARD STREET

WHEREAS, the records of the Tax Collector of the Borough of Bound Brook reflect an overpayment of 2022 1st Quarter Property Taxes on the following property:

<u>Refund To:</u>	<u>Property Location</u>	<u>Blk/Lot/Qual</u>	<u>Amount</u>
Lereta	600 Hayward St	107/005	\$2,258.00

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:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-043

RESOLUTION AUTHORIZING A REFUND FOR THE OVERPAYMENT OF TAXES TO
CORELOGIC

WHEREAS, the records of the Tax Collector of the Borough of Bound Brook reflect an overpayment of 2022 1st Quarter Property Taxes on the following property:

<u>Refund To:</u>	<u>Property Location</u>	<u>Blk/Lot/Qual</u>	<u>Amount</u>
Corelogic	236-238 West Franklin	047/005	\$2,452.00
	313 John St	065/003	\$1,864.00
	408 East Union	067/001	\$2,552.00
	326 West Maple	073/009	\$2,281.00
	131 West Union	076/008	\$2,171.10
	429 Church St	077/011	\$2,094.00
	217 East Union	079/010	\$2,398.00
	12 Village Ct	090/040.11	\$1,548.00
	275 Chestnut	101/038	\$2,649.00

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
Date of Adoption: February 8, 2022

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-044

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BOUND BROOK REQUESTING THAT THE PLANNING BOARD OF THE BOROUGH OF BOUND BROOK RECONSIDER THE 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 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;

WHEREAS, the Borough Planning Board did hold a duly noticed hearing on December 16, 2021, wherein only six of eleven Board members were in attendance at which meeting Carlos Rodrigues, FAICP/PP was sworn and testified that the Properties in his report, entitled “Area in Need of Redevelopment Study”, dated October 2021 met the statutory criteria for redevelopment pursuant to N.J.S.A. 40A:12A e, f and h; and

WHEREAS, the meeting was open to the public and the Board ultimately voted on the recommendation and there were three votes to recommend and three votes to not recommend with only one Board member providing any reasons not to recommend and one stating matter should be considered at a new hearing; and

WHEREAS, the Planning Board secretary provided the Mayor and Borough Council a memo dated December 20, 2021 summarizing the meeting outcome.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the Borough Planning Board reconsider 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: February 8, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-045

RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE PURCHASE OF POLICE
BODY CAMERAS FROM WATCHGUARD THROUGH NEW JERSEY STATE CONTRACT
#T0106 IN THE AMOUNT OF \$6,810.00

WHEREAS, the Borough Council adopted Resolution 2021-153, authorizing the purchase of police body cameras through New Jersey State contract #T0106; and

WHEREAS, additional body cameras are required; and

WHEREAS, a change order is required in the amount of \$6,810.00; and

WHEREAS, the Chief Financial Officer has certified the funds in account #04-2021-202110-211002-4- 00000;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bound Brook, County of Somerset, State of New Jersey, a change order is authorized to Watchguard in the amount of \$6,810.00 for a total contract amount of \$79,599.00 for the purchase of additional police body cameras.

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: February 8, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-046

RESOLUTION APPROVING THE TRANSFER OF PUBLIC PROPERTY TO SOMERSET
COUNTY FOR PUBLIC AUCTION

WHEREAS, there is various public property no longer needed for public use; and

WHEREAS, N.J.S.A. 40:11-36 requires that said sale take place at a public auction to the highest bidder; and

WHEREAS, the Borough of Bound Brook desires to participate in the 2021 Somerset County Auction;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook that the following items shall be transferred to Somerset County for public auction:

1960 Synchronous Generator

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-047

RESOLUTION CONDITIONALLY DESIGNATING ALL JERSEY DEVELOPERS, LLC AS REDEVELOPER FOR PROPERTY LOCATED AT 408 EAST MAIN STREET, ALSO KNOWN AS TAX BLOCK 1, LOTS 57 AND 70 LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA FOR A COMMERCIAL 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 1, Lots 57 and 70 are located on 408 East Main Street in Redevelopment Area 1 (referred to as the “Property”); and

WHEREAS, the Property is privately owned, has an existing building formerly used as a bank which is currently vacant and has been for a number of years; and

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

WHEREAS, All Jersey proposes to redevelop the Property with the rehabilitation of the building for a restaurant and lounge; and

WHEREAS, All Jersey has requested designation as conditional redeveloper for the Property regarding its concept proposal to redevelop the Property for a commercial redevelopment project, which designation it believes would assist in its effort to acquire the Property; 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 Property 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 the property located at 408 East Main Street, also known as Block 1, Lots 57 and 70 located in Redevelopment Area 1 for the redevelopment of the Property for commercial use 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: February 8, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-048

RESOLUTION PROMOTING RYAN SEILER TO LABORER C IN THE DEPARTMENT OF
PUBLIC WORKS

WHEREAS, the Superintendent of Public Works has recommended the promotion of Ryan Seiler to Laborer C within the department;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that Ryan Seiler be promoted to Laborer C at an hourly rate of \$17.08 per the AFSCME contract retroactive to January 29, 2022

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Approved:

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-049

RESOLUTION HIRING AGATHA PEREZ AS DEPUTY BOROUGH CLERK

WHEREAS, a vacancy exists in the position of Deputy Borough Clerk; and

WHEREAS, the position has been posted and interviews were held; and

WHEREAS, the Borough Clerk has recommended the hire of Agatha Perez to fill the vacancy;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook, that Agatha Perez is hereby appointed to the Deputy Clerk position effective February 28, 2022 at an annual salary of \$55,000.00.

Attest:

Approved:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022

Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
RESOLUTION 2022-050

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 \$ 319,003.05.

<u>FUND</u>	<u>AMOUNT</u>
CURRENT	\$ 225,949.72
GRANT FUND	\$ 3,810.00
GENERAL CAPITAL FUND	\$ 33.37
GENERAL TRUST FUND	\$ 67,080.54
DOG/CAT TRUST	\$ 2.40
HOUSING REHAB	\$ 753.10
UNEMPLOYMENT TRUST FUND	\$2,867.61
SEWER	\$ 5,866.33
DEVELOPERS ESCROW	\$ 4,091.05
PAYROLL	\$8,548.93
TOTAL	<u>\$ 319,003.05</u>

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk
Date of Adoption: February 8, 2022