



**BOROUGH COUNCIL
REGULAR MEETING AGENDA
JUNE 28, 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 Abel Gomez
C. Richard Jannuzzi
C. Jake Hardin
C. Vinnie Petti
C. Anthony Pranzatelli
C. Dominic Longo

APPROVAL OF MINUTES

June 28, 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

A/ Cheers Restaurant
Notice of Objection to 2022-2023 Liquor License Renewal

AUTHORIZE EXECUTIVE SESSION

2022-149 Resolution Authorizing Executive Session- Deliberations Regarding the 2022-2023 Liquor License Renewal of Cheers Restaurant

Motion: Second:

Roll Call:

C. Jake Hardin___ C. Richard Jannuzzi___ C. Abel Gomez___
C. Vinnie Petti___ C. Anthony Pranzatelli___ C. Dominic Longo___

PRESENTATION OF COMMUNICATIONS, PETITIONS, ETC.

GREETINGS FOR COMMENTS AND INVITATIONS FOR DISCUSSION

OPENING OF BIDS

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

COMMITTEE REPORTS

Chair of Finance – C. Dominic Longo

Liaison Committees: BB/SBB Municipal Alliance/ Youth Services Commission, Recreation Commission

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

Liaison Committees:

Chair of Public Safety (Police & Fire) – C. Abel Gomez

Liaison Committees: Board of Engineers, Board of Education, Historic Preservation Commission, Office of Emergency Management, Rescue Squad, Parking Commission, Shade Tree Commission

Chair of Personnel, Administration & Ordinances - C. Anthony Pranzatelli

Liaison Committees: Architectural Review Advisory Committee, Cultural Arts Committee



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

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

INTRODUCTION OF ORDINANCES – FIRST READING

Ordinance 2022-18 An Ordinance of the Governing Body of the Borough of Bound Brook Amending the Amending Redevelopment Plan for Redevelopment Area 1 Pursuant to N.J.S.A. 40A:12A-1 ET SEQ to Revise the Stepback Requirements

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on July 12, 2022.

Second:

Roll Call:

C. Jake Hardin___ C. Richard Jannuzzi___ C. Abel Gomez___

C. Vinnie Petti___ C. Anthony Pranzatelli___ C. Dominic Longo___

Ordinance 2022-19 An Ordinance of the Governing Body of the Borough of Bound Brook Amending the Amended Redevelopment Plan for Redevelopment Area 2 Pursuant to N.J.S.A. 40A: 12-1 et seq to Remove Block Lot 42

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on July 12, 2022.

Second:

Roll Call:

C. Jake Hardin___ C. Richard Jannuzzi___ C. Abel Gomez___

C. Vinnie Petti___ C. Anthony Pranzatelli___ C. Dominic Longo___

Ordinance 2022-20 An Ordinance Amending the Salary Ranges for 2022

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on July 12, 2022.



Second:

Roll Call:

C. Jake Hardin___ C. Richard Jannuzzi___ C. Abel Gomez___

C. Vinnie Petti___ C. Anthony Pranzatelli___ C. Dominic Longo___

Ordinance 2022-21 Ordinance of the Borough Council of the Borough of Bound Brook, Somerset County, New Jersey Authorizing the Acquisition by Negotiation or Condemnation of Property Identified on the Tax Map of the Borough of Bound Brook as Block 1, Lots 57 &70 Located at 408 East Main Street in Redevelopment Area 1 for a Public Purpose

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on July 12, 2022.

Second:

Roll Call:

C. Jake Hardin___ C. Richard Jannuzzi___ C. Abel Gomez___

C. Vinnie Petti___ C. Anthony Pranzatelli___ C. Dominic Longo___

Ordinance 2022-22 Ordinance Amending and Supplementing Chapter XXI, Land Use, Section 21-10.14.E "Parking" For the Mixed Use Two (MU-2) District of the Revised General Ordinances of the Borough of Bound Brook

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on July 12, 2022.

Second:

Roll Call:

C. Jake Hardin___ C. Richard Jannuzzi___ C. Abel Gomez___

C. Vinnie Petti___ C. Anthony Pranzatelli___ C. Dominic Longo___



ORDINANCES ON FINAL READING AND CONSIDERATION- SECOND READING

Ordinance 2022-15 An Ordinance Amending Chapter 2, Administration, Article IV, Departments Established, Section 2-21.14 “Special Law Enforcement Officers,” to Create the Position of Special Law Enforcement Officer Class Three

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___

Ordinance 2022-16 An Ordinance Amending and Supplementing Chapter 2, Administration, Article IV, “Departments Established,” Section 2-20, Department of Administration and Public Works of the Revised General Ordinances of the Borough of Bound Brook to Amend the Duties and Responsibilities of the Director of Public Works

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___



Ordinance 2022-17 An Ordinance Amending and Supplementing the Revised General Ordinances of the Borough of Bound Brook, Chapter 21, Land Use, to Regulate the Location of Certain Cannabis Establishments within the Borough and Establish License Fees for Such Establishments

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: All in Favor:

2022-150 Resolution Authorizing Change Order No. 1 to Sanitation Equipment, in the Amount of \$8,696.78

2022-151 Chapter 159, Recycling Grant in the Amount of \$6,156.28

2022-152 Chapter 159, Recycling Grant in the Amount of \$ 5,458.54

2022-153 Resolution Approving and Authorizing the Execution of a Redevelopment Agreement with All Jersey Developers as Redeveloper for Property Known as Tax Block 10, Lots 9 and 10, also known as 217 and 219 East Main Street in the Downtown Redevelopment Area



- 2022-154 Resolution Authorizing and Approving a Shared Services Agreement Between the Borough of Bound Brook and the Bound Brook Board of Education for the Provision of Class III Special Law Enforcement Officer for the 2022-2023 School Year
- 2022-155 Resolution of the Borough Council of the Borough of Bound Brook, County of Somerset, State of New Jersey Determining that the Area Generally Known as Tax Block 10, Lots 4, 5, 9, 10, 18, 19 and 20, Including the Adjacent Public Alley, All as Shown on the Tax Map of the Borough of Bound Brook, Meets the Statutory Criteria and is Determines as an Area in Need of Redevelopment, Specifically a Condemnation Redevelopment Area, Pursuant to the Provisions of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1et seq.)
- 2022-156 Resolution Approving and Authorizing the Execution of a First Amendment to Redevelopment Agreement and Covenants and Acknowledgement Agreement with Hamilton Urban Renewal, LLC as Redeveloper for Project Located in the Downtown Redevelopment Area
- 2022-157 Resolution Approving and Authorizing the Execution of a First Amendment to Financial Agreement with Hamilton Urban Renewal, LLC as Redeveloper for Project Located in the Downtown Redevelopment Area
- 2022-158 Resolution Authorizing the Hire of Sara Silva as Special Law Enforcement Officer II for the Bound Brook Police Department
- 2022-159 Resolution Authorizing Change No. 3- Reivax Construction for 2020 Road Program
- 2022-160 Resolution Approving Liquor License Renewals for 2022-2023
- 2022-161 Resolution Amending the Redevelopment Agreement with the View at 127 Urban Renewal, LLC as Redeveloper for Property Known as Tax Block 23, Lot 1.01 Also Known as 127 Talmage Avenue, Located in the Downtown Redevelopment Area

UNFINISHED BUSINESS

NEW BUSINESS



APPROVAL OF VOUCHERS

2022-162 Resolution Approving Vouchers in the Amount of \$619,449.39

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

ADJOURNMENT

Motion: Second: All in favor:

BOROUGH OF BOUND
County of Somerset

RESOLUTION 2022-149

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.b(9); 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 – Deliberations Regarding the 2022-2023 Liquor License Renewal of Cheers Restaurant

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: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-18

AN ORDINANCE OF THE GOVERNING BODY OF THE BOROUGH OF BOUND BROOK AMENDING THE AMENDED REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 1 PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ. TO REVISE THE STEPBACK REQUIREMENTS

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 April 2012, the Borough Council adopted an amendment to the Redevelopment Plan for Redevelopment Area 1, which was prepared by Carlos Rodrigues, FAICP/PP, creating a new Sub-district 1.1 and adopting an amended redevelopment plan for Sub-district 1.1.

SECTION V On August 11, 2015, the Borough Council adopted an ordinance further amending the Redevelopment Plan for Redevelopment Area 1, which was prepared by Carlos Rodrigues, FAICP/PP and is entitled "Amended Redevelopment Plan for Redevelopment Area 1: Sub-Areas 1.1, 1.2, 1.3 and 1.4. Additional amendments were adopted in 2017, 2018 and 2019.

SECTION VI

At the Borough's direction, further amendments (hereinafter referred to as the "Amendments") to the Amended Redevelopment Plan for Redevelopment Area 1, Sub-Area 1.4 have been prepared by Carlos Rodrigues, FAICP/PP. New language is underscored, while deleted language is indicated by a ~~strikethrough~~.

- (a) Section 1.1 - Introduction for Redevelopment Area 1: Sub-Areas 1.1, 1.2, 1.3 and 1.4, Page 3: Block 1, lots ~~43-49~~ 42.1, 44-49 [the rest of this section remains unchanged].

- (b) Section 5.6(a)- Bulk Standards, Page 48
Exemption from the requirements of Sections 21-10.15.E.5(b) and (c), Section 21.10.15.F.6 and Section 21.10.15.G.4:
Maximum building height is set at ~~six (6)~~ seven (7) stories or ~~70~~ 80 feet in the area West of the intersection of John Street and West Main Street, and four (4) stories or 50 feet in the area East of the intersection of John Street and West Main Street. Building stepbacks are not required along Main Street or East Street, given Main Street's East/West orientation, the width of the Main Street right of way, and the resulting ratios of building height to street width. The front elevation of buildings located on the South side of West Main Street, West of the intersection of John Street and West Main Street, shall observe a ten (10) foot stepback at level four (4), a ten (10) foot stepback at level five (5) and a ten-foot stepback at level six (6). No stepbacks are required in the rear elevation. The rear elevations of buildings located on the North side of West Main Street, West of the intersection of John Street and West Main Street, shall observe a ten (10) foot stepback at level four (4) and a ten (10) foot stepback at level five (5). No stepbacks are required in the front elevation of these buildings. The front elevation of buildings located on the South side of West Main Street, East of the intersection of John Street and West Main Street, shall observe a ten (10) foot stepback at level three (3). No

stepbacks are required in the rear elevation. No stepbacks are required for the front elevation of buildings located on the North side of West Main Street, East of John Street, but the rear elevations of these buildings shall observe a ten (10) foot stepback at level three (3). Along Hamilton Street, a 10-foot stepback is required above the fourth floor. Buildings that are setback 20 feet, or more, from the curb line, do not require a stepback above the fourth floor. [Note: the rest of this sub-section is left as is].

SECTION VII Upon introduction of this Ordinance, these Amendments 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 VIII Prior to the adoption of the Amendments, the Planning Board shall, within 45 days after referral by Borough Council, transmit to Borough Council a report containing its recommendation concerning the Amendments pursuant to N.J.S.A. 40A:12A-7.e.

SECTION IX Upon receipt of the Planning Board's recommendations, Borough Council shall act upon this Ordinance adopting, or not, these Amendments pursuant to N.J.S.A. 40A:12A-7.f. and no further review by the Borough Planning Board is required.

SECTION X Borough Council hereby adopts these Amendments.

SECTION XI Upon adoption of this Ordinance, the Amendments to the Redevelopment Plan for Redevelopment Area 1, Sub-Area 1.4 shall include the date of adoption of this Ordinance.

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

ATTEST

BOROUGH OF BOUND BROOK

Jasmine D. Mathis
Borough Clerk

Mayor Robert Fazen

Date of Introduction: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-19

AN ORDINANCE OF THE GOVERNING BODY OF THE BOROUGH OF BOUND BROOK AMENDING THE AMENDED REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 2 PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ. TO REMOVE BLOCK 1 LOT 42

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.

SECTION V On August 11, 2015, the Borough Council adopted an ordinance amending the Redevelopment Plan for Redevelopment Area 2, which was prepared by Carlos Rodrigues, FAICP/PP and is entitled "Amended Redevelopment Plan for Redevelopment Area 2: Sub-Areas 2.1, 2.2. and 2.3. Additional amendments were adopted in 2019.

SECTION V At the Borough's direction, further amendments to the Amended Redevelopment Plan for Redevelopment Area 2 have been prepared by Carlos Rodrigues,

FAICP/PP, and are hereinafter referred to as the "Amendments". New language is underscored, while deleted language is indicated by a ~~strikethrough~~.

(a) Amend Table 1 (page 7) to remove block 1 lot 42.

SECTION VII Upon introduction of this Ordinance, the Amendments 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 VIII Prior to the adoption of the Amendments, the Planning Board shall, within 45 days after referral by the Borough Council, transmit to the Borough Council, a report containing its recommendation concerning the Amendments pursuant to N.J.S.A. 40A:12A-7.e.

SECTION IX Upon receipt of the Planning Board's recommendation, the Borough Council shall act upon this Ordinance adopting the Amendments pursuant to N.J.S.A. 40A:12A-7.f. and no further review of the Borough Planning Board is required.

SECTION X The Borough Council hereby adopts the Amendments to the Amended Redevelopment Plan for Redevelopment Area 2.

SECTION XI Upon adoption of this Ordinance, the Amendments to the Amended Redevelopment Plan for Redevelopment Area 2 shall include the date of adoption of this Ordinance.

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

Attest:

Jasmine D. Mathis, Borough Clerk

By:

Mayor Robert Fazen

Date of Introduction: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-20

AN ORDINANCE AMENDING SALARY RANGES FOR 2022

WHEREAS, the salary ordinance for 2022 was already adopted; and

WHEREAS, there is a need to create additional positions for the recreation department;

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

SECTION 1. The salaries, wages or other compensation to be paid to the following officers and employees of the Borough of Bound Brook, in the County of Somerset, State of New Jersey, are hereby fixed and determined to be at amounts or rates hereinafter set forth.

| <u>RECREATION (SEASONAL)</u> | <u>PER HOUR</u> | |
|------------------------------|-----------------|-------|
| Camp Director | 13.00 | 27.00 |
| Assistant Camp Director | 13.00 | 27.00 |
| Camp Counselor | 13.00 | 14.00 |

| <u>POLICE DEPARTMENT</u> | <u>PER ANNUM</u> | |
|------------------------------|------------------|----------------|
| | <u>MINIMUM</u> | <u>MAXIMUM</u> |
| FT Special II Police Officer | 27,040.00 | 40,000.00 |

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:

Borough of Bound Brook

Jasmine D. Mathis
Borough Clerk

Mayor Robert Fazen

Date of Introduction: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-21

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF BOUND BROOK, SOMERSET COUNTY, NEW JERSEY AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF PROPERTY IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF BOUND BROOK AS BLOCK 1, LOTS 57 & 70 LOCATED AT 408 EAST MAIN STREET IN REDEVELOPMENT AREA 1 FOR A PUBLIC PURPOSE

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

1. Pursuant to the Local Redevelopment and Housing Law, specifically N.J.S.A. 40A:12A-8, the Borough Council of the Borough of Bound Brook (hereinafter the “Borough Council”), acting as the redevelopment entity, is authorized to acquire property located within a designated redevelopment area by negotiation or condemnation.
2. Pursuant to N.J.S.A. 40A:12A-5, Redevelopment Area 1 was determined to be an area in need of redevelopment by the Borough Council, and the Borough took further action to determine that certain property, specifically Block 1, Lots 57 & 70 (the “Property”) is a condemnation redevelopment area and complies with the 2013 amendments to the Local Redevelopment and Housing Law through the adoption of Resolution R-2015:108 on July 14, 2015.
3. The Borough provided notice of adoption of Resolution R-2015:108 to the Property owner, Anthony Todaro, 724 Amwell Road, Hillsborough, New Jersey 08844, by certified mail on July 22, 2015, and no challenge to the Borough’s action was filed.
4. Pursuant to N.J.S.A. 40A:12A-7, on August 11, 2015, an Amended Redevelopment Plan for Redevelopment Area 1 has been adopted by the Borough Council.
5. The Amended Redevelopment Plan for Redevelopment Area 1 identifies the Property as to be acquired and redeveloped.
6. The Borough has determined that it would serve the public purposes of the Borough and the Local Redevelopment and Housing Law for it to acquire the fee simple interest in the Property by negotiation or condemnation to facilitate the redevelopment of the Property for a commercial project.
7. The Property consists of a dilapidated former bank building that has been vacant for a number of years, thus the acquisition will not require any relocation.

1. The Borough anticipates entering into a redevelopment agreement with a redeveloper who will be required to fully fund the acquisition of the Property and if the Borough is unable to acquire the Property through negotiation, prior to the Borough commencing a condemnation action, the redeveloper is required to deposit the appraised value of the Property in escrow with the Borough's escrow agent.
8. The Borough retained an appraiser to conduct an appraisal of the Property and the appraised value of the Property is \$580,000.00, as of October 20, 2021, as reflected in a report dated February 23, 2022, prepared by Sockler Realty Services Group Inc.

BE IT FURTHER ORDAINED as follows:

1. The Borough authorizes the acquisition by negotiation and/or condemnation of the following property: Block 1, Lots 57 & 70, also known as 408 East Main Street, owned by 150 East Fourth St. Blk 836, Lot 18 LLC, 724 Amwell Road, Hillsborough, New Jersey 08844.
2. The Borough authorizes all actions necessary and convenient for the acquisition of the Property by negotiated purchase and/or condemnation in accordance with the Local Redevelopment and Housing Law and the Condemnation Law, N.J.S.A. 20:3-1 et seq.

BE IT FURTHER ORDAINED as follows:

1. 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.
2. 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.
3. This Ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

Attest: _____
Jasmine D. Mathis, Borough Clerk

By: _____
Mayor Robert Fazen

Date of Introduction: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-22

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXI,
LAND USE, SECTION 21-10.14.E “PARKING” FOR THE MIXED USE
TWO (MU-2) DISTRICT OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BOUND BROOK**

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

SECTION 1. Section 21-10.15.e., “Parking” for the Mixed Use Two (MU-2) District in Land Use of Revised General Ordinances of the Borough of Bound Brook is hereby amended by deleting [**marked in bold and enclosed in brackets**] and inserting the text **underlined and marked in bold** below in the chart as follows:

21-10.15.e. Parking

Delete Townhouse Use and Minimum Number of Spaces – Vehicular [**two (2) per unit**].

Add/Replace with Townhouse Use and Minimum Number of Spaces – Vehicular **In accordance with N.J.A.C. 5:21, Residential Site Improvement Standards, SUBCHAPTER 4.14 Parking: number of spaces.**

SECTION 2. Severability Clause.

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

SECTION 3. Repealer.

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

SECTION 4. Effective Date.

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

Attest: _____
Jasmine D. Mathis
Borough Clerk

By: _____
Mayor Robert Fazen

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-15

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE IV, DEPARTMENTS ESTABLISHED, SECTION 2-21.14 “SPECIAL LAW ENFORCEMENT OFFICERS,” TO CREATE THE POSITION OF SPECIAL LAW ENFORCEMENT OFFICER CLASS THREE

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 the Borough Code of the Borough of Bound Brook is hereby amended and supplemented as follows:

SECTION 1. That Chapter 2, Administration, Article IV, Departments Established, Section 2-21.14 “Special Law Enforcement Officers, be and is hereby amended and supplemented by inserting the text **marked in bold and underlined** and deleting the text **[bracketed in bold]**, as follows:

§ 2-21.14 Special Law Enforcement Officers

- A. Creation of position; statutory authority. There is hereby created the positions of Special Law Enforcement Officer Class Two (“SLEO II”) **and Class Three (“SLEO III”)** for the Borough of Bound Brook, Somerset County, New Jersey. The positions of SLEO II **and SLEO III** so created shall be subject to and governed by N.J.S.A. 40A:14-146.8 et seq (the “SLEO Act”).
- B. Limitation on number. **(1)** The number of SLEO IIs shall be limited to **two (2)**, which number may, from time to time as deemed necessary by the governing body, be increased by ordinance, except that, **pursuant to N.J.S.A. 40A:14-146.17**, in no event shall the number exceed 25% of the total number of regular police officers then members of the Bound Brook Police Department.
- (2) The number of SLEO IIIs shall be limited to two (2), which number may, from time to time as deemed necessary by the governing body, be increased by ordinance.**
- C. Appointment; term. Appointment to the position of SLEO II **or SLEO III** shall be for a term not to exceed one year, and an appointment may be revoked by the Borough after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein contained shall be construed to require reappointment upon the expiration of the term. A SLEO II **or SLEO III** so appointed shall not be a member of the Bound Brook Police Department, and their powers and duties as determined pursuant to the SLEO Act shall cease at the expiration of the term for which they were appointed.

D. The duties of a SLEO II and SLEO III shall be as set forth in the SLEO Act at N.J.S.A. 40A:14-146.11.

E. Oath of office. Every SLEO shall, before entering upon the performance of his/her duties, take and subscribe to an oath or affirmation to bear true faith and allegiance to the government established in this State under the authority of the people, to support the Constitution of the State of New Jersey and to enforce and obey all local ordinances and regulations of the Police Department, and to faithfully, impartially and justly discharge and perform all the duties of his/her office, which oath or affirmation shall be filed with the Municipal Clerk, and a copy thereof maintained in the Police Department personnel files. The oath or affirmation shall conform to the wording of the relevant State statute, as same may be amended from time to time.

F. Compensation. Compensation for the position of SLEO II **and SLEO III** shall be in accordance with the Borough's then-current salary ordinance.

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:

BOROUGH OF BOUND BROOK

Jasmine Mathis,
Borough Clerk

By: _____
Robert Fazen,
Mayor

Date of Introduction: June 14, 2022

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-16

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ADMINISTRATION, ARTICLE IV, “DEPARTMENTS ESTABLISHED,” SECTION 2-20, DEPARTMENT OF ADMINISTRATION AND PUBLIC WORKS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK TO AMEND THE DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF PUBLIC WORKS

NOW, THEREFORE, BE RESOLVED by the Governing Body of the Borough of Bound that Chapter 2, Administration, Article IV, “Departments Established,” Section 2-20, Departments of Administration and Public Works of the Revised General Ordinances of the Borough of Bound Brook is hereby amended as follows:

SECTION 1. Chapter 2, Administration, Article IV, “Departments Established,” Section 2-20, Departments of Administration and Public Works 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:

2-20 **DEPARTMENT OF [ADMINISTRATION AND] PUBLIC WORKS.**
(Prior ordinance history includes portions of 1967 Code §§ **2-9.1, 2-9.2, 2-9.5**)

2-20.1 **Department generally.**

There shall be a Department **[of Administration and]** Public Works, **[consisting of the office of the Borough Administrator and the Division of Public Works. The Department shall be]** headed by the **Director of Public Works** **[Borough Administrator].**

2-20.2 **Duties and Responsibilities of the Department** **[Division of Public Works].**
[Ord. No. 2010-06 § 5]

- a. There shall be a **Director of Public Works** **[Working Foreman]**, who shall supervise the performance of the duties of the Division of Public Works, while working with the employees under his supervision. The **Director of Public Works** **[Working Foreman]** will report directly to the **Borough Administrator** **[Department head of the Department of Administration and Public Works]**, and shall consult with the Borough Engineer when appropriate.
- b. Under the supervision of the **Director of Public Works** **[Working Foreman]**, the **Department** **[Division]** of Public Works shall:
 1. Maintain and repair all Borough streets, bridges, culverts and drains.

2. Construct and reconstruct streets, roads, bridges, culverts and drains; treat road surfaces and resurface streets and roads according to such standards and schedules as directed or approved by the **Director of Public Works [Borough Engineer]**.
 3. Maintain all Borough streets in a clean and safe condition, free of obstructions and hazards, and remove snow and ice therefrom as required.
 4. Install, repair and maintain street traffic signs, lines and markers.
 5. Operate, maintain and repair the Borough's sanitary and storm sewer system, pumping stations and appurtenances.
 6. Collect and dispose of refuse, garbage, bulk items, yard waste and other such solid waste from properties within the Borough.
 7. Repair and maintain all Borough parks and recreation facilities including but not limited to buildings, water recreation facilities, open space, sports fields, sports courts and playgrounds.
- c. Any reference throughout the Revised General Ordinances of the Borough of Bound Brook to the **Director [Superintendent]**-of Public Works or the Public Works **Director [Superintendent]** shall be deemed to refer to the **Department [Division]** of Public Works.

2-20.3 Division of Sewers.

Within the Department of Public Works there shall be a Division of Sewers. The Division shall operate, maintain and repair the Borough's sanitary and storm sewer system, pumping stations; **[treatment plants]** and appurtenances.

2-20.4 Division of Recreation

There shall be a Division of Recreation within the Department, the head of which shall be the Division head.

Under the supervision of the Director of Pubic Works, the Division shall:

1. **Administer the Borough's athletic and recreational programs and activities for children and adults.**
2. **Administer and operate the municipality's community centers, social centers and recreational functions, and activities relating thereto.**
3. **Sponsor and administer cultural activities in cooperation with other public and private agencies and organizations.**
4. **Use and operate public school property upon the approval and agreement of**

the Board of Education, to the extent that such property may be adaptable and available for recreational programs and purposes of the Department.

5. Promote and direct a year-round program of leisure activities for children, youth and adults of the Borough; stimulate the constructive use of leisure time of residents of the Township; and work toward the reduction of delinquency and the optimum coordination and development of public and private recreational facilities.
6. Review with the Director of Public Works:
 - a. All rental agreements and fees for Borough facilities
 - b. All budgetary requests and purchases
 - c. All requests for hires
 - d. Weekly timesheets with descriptions of work performed

2-20.5 [2-20.4] Director of Public Works.

Creation of office. The position of Director of Public Works is hereby created in and for the Borough of Bound Brook.

- b. **Appointment.** The Mayor, with the advice and consent of the Council, shall appoint a Director of Public Works.
- c. **Qualifications.** The Director of Public Works shall be a person qualified by education, training and experience to perform the duties of the office and shall have and maintain such certifications or licenses as required by Statute and as his duties may require. No person shall be selected to perform the duties of a certified Public Works Manager unless he holds a certificate issued pursuant to N.J.S.A. 40A:9-154.6c, which certificate has not been suspended or revoked pursuant to N.J.S.A. 40A:9-154.6f.

[2-20.5 Project manager.]

- [a. Creation of position. The position of Project Manager is hereby created in and for the Borough of Bound Brook.**
- b. Appointment. The Mayor, with the advice and consent of the Council, may appoint a Project Manager. The Project Manager shall receive such compensation as shall be agreed upon and determined by the Council.**
- c. Qualifications. In addition to the criteria and qualifications set forth in the Project Manager's job description, the Project Manager will have a degree in engineering or engineering technology along with a minimum of 20 years of construction management experience. The Project Manager must also be capable of:**

1. **Using AutoCAD;**
 2. **Writing requests for grants and administering all of the paperwork associated with grants;**
 3. **Obtaining a New Jersey professional engineer's license, Certified Public Works Manager's certification, and a Class C sewer operator's license.**
- d. **Duties. The Project Manager shall perform the duties set forth in the Project Manager's job description.]**

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: June 14, 2022

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2022-17

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK, CHAPTER 21, LAND USE, TO REGULATE THE LOCATION OF CERTAIN CANNABIS ESTABLISHMENTS WITHIN THE BOROUGH AND ESTABLISH LICENSE FEES FOR SUCH ESTABLISHMENTS

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

SECTION 1. That Chapter 21, Land Use, of the Revised General Ordinances of the Borough of Bound Brook is here amended and supplemented by deleting the text [**marked in bold and enclosed in bracket**] and inserting the text **underlined and marked in bold**, to read as follows:

Chapter 21 Land Use

§ 21-.2 Definitions

* * *

CANNABIS [No change]

CANNABIS BUSINESS

A business regulated under N.J.A.C. 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 MANUFACTURER [No change]

CANNABIS MICROBUSINESS

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.

* * *

CONTINUING CARE FACILITY [No change]

CONSUMPTION AREA

An enclosed, designated space within a Class 1 cannabis establishment, whether or not it constitutes a cannabis microbusiness, 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.

* * *

§ 21-10.11 Neighborhood Business/Residential (NB/R).

a. Primary intended use.

1. Neighborhood business such as retail sales, **and offices, including business offices of a Class 6 Cannabis Delivery license,** intended to serve a local rather than regional shopper, and personal services, such as, but not limited to food, drugs, household supplies, small home appliance stores and repair, barber and beauty shops, shoe repair, tailor shops, travel agencies, plumbers, window and mirror repair, electric shops, cabinet maker, butcher, bakery, laundromat, upholstery shops, grocery stores, dry cleaning shops, restaurants, business, professional, administrative offices on the first floor of the structure.

* * *

§ 21-10.15 Business/Residential (B/R) District.

21-10.15 - Figure 2. Principal Uses in Main Street District, is amended as follows:

| | | |
|---|---------------------|---------------------|
| * * * | Ground Floor | Above Ground |
| Commercial | | |
| * * * | * * * | * * * |
| <u>Office, Professional, including business offices with a Class 6 Cannabis Delivery license</u> | NP | P |
| * * * | | |

21-10.15 - Figure 16. Principal Uses in Arts District, is amended as follows:

| | | |
|---|---------------------|---------------------|
| * * * | Ground Floor | Above Ground |
| Commercial | | |
| * * * | | |
| <u>Office, Professional, including business offices with a Class 6 Cannabis Delivery license</u> | NP | P |

§ 21-10.17C R-C Riverfront Commercial District.

* * *

b. Permitted uses.

1. The following principal uses are permitted, either individually or combined:

* * *

(r) Class 1 and Class 2 cannabis establishments, limited to one (1) establishment in one (1) building.

SECTION 2. That Chapter 21, Land Use, of the Revised General Ordinances of the Borough of Bound Brook is here amended and supplemented by adding a new Section 21-7A, Cannabis Licensing and Fees, by inserting the text **underlined and marked in bold**, to read as follows:

§ 21-7A Cannabis Licensing and Fees.

- a) **New license application fees for a Class 1 - Cultivation License or a Class 2 – Manufacturing License:**
- i. **First submittal: \$150,000.00. The following is required with a first submittal:**
 - (1) **All applicants must submit a \$150,000.00 application fee via certified bank check.**
 - (2) **All applicants must concurrently submit a business proposal with one (1) original and two (2) copies along with the license application and license application fee.**
 - ii. **A cannabis business license selection committee shall be appointed by the Mayor and Council to administratively sort, review, consider and recommend to the Governing Body each business applicant. Final selection shall be made by the Governing Body via a resolution adopted at a public meeting.**
 - iii. **If a business is not selected, \$145,000.00 of the first submittal license application fee will be returned.**
- b) **Renewal application fee: \$50,000, which is non-refundable.**

SECTION 3. That Chapter 21, Land Use, of the Revised General Ordinances of the Borough of Bound Brook is hereby amended and supplemented by adding a new Section 21-7B, Cannabis Transfer Tax and User Tax, by inserting the text **underlined and marked in bold**, to read as follows:

§ 21.7B Cannabis Transfer Tax and User Tax.

The following provisions applicable to the classes of Cannabis Businesses permitted in the Borough pursuant to this chapter shall control:

- a) **(1) The sale of cannabis or cannabis items by a cannabis establishment located in the Borough shall be taxed at a rate of: two percent (2%) for a Class 1 Cultivation Cannabis License; two percent (2%) for a Class 2 Cannabis License; and 2% of receipts from each sale by a cannabis retailer, including a cannabis microbusiness.**
- (2) The tax shall be imposed on: receipts from the sale of cannabis by a cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; or any combination thereof.**
- (3) The Borough shall also impose a user tax, at the equivalent transfer tax rates, on any concurrent license holder, as permitted by section 33 of P.L. 2021, c16 (C.24:61-**

46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to this section, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality.

- b. **(1) A transfer tax or user tax imposed pursuant to this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L. 1966, c.30 (C.54:32B-1 et seq.). The transfer tax or user tax shall be collected or paid, and remitted to the Borough by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the cannabis retailer selling the cannabis item to that consumer. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.**

(2) Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the chief fiscal officer of the municipality which imposes the transfer tax or user tax shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

(3) No cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

SECTION 4. That Chapter 21, Land Use, of the Revised General Ordinances of the Borough of Bound Brook is here amended and supplemented by adding a new Section 21-7C, Cannabis Gross Receipts, Taxes, by inserting the text **underlined and marked in bold**, to read as follows:

§ 21-7C Cannabis Gross Receipts, Taxes.

- a) Every cannabis business shall submit a quarterly tax report to the Borough Clerk. The Borough may request an audit at the licensee's expense for any and all reasons or no reason at all. The burden of proving that any transaction is exempt from the tax shall be upon the licensee. It shall be the duty of every licensee to maintain, keep and preserve suitable records of all sales made by the licensee and such other books or accounts as may be required to determine the amount of the tax of which the licensee is liable under this Ordinance. It shall be the duty of every such licensee to keep and preserve for a period of five (5) years all such books, invoices, and other records and the same shall be open for examination by the Borough Clerk or his/her designee.
- b) (1) In the event that the transfer tax or user tax imposed by ordinance pursuant to the above section or this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
- (2) A municipality shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
- c) (1) All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to the above section or this section shall be remitted to the chief financial officer of the municipality in a manner prescribed by the municipality. The chief financial officer shall collect and administer any transfer tax or user tax imposed by ordinance pursuant to this section. The municipality shall enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this section in the same manner as provided for municipal real property taxes.

SECTION 5. Severability Clause.

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

SECTION 6. 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 7. Effective Date.

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

ATTEST:

BOROUGH OF BOUND BROOK

Jasmine Mathis
Borough Clerk

By: _____
Robert P. Frazen
Mayor

Date of Introduction: June 14, 2022

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-150

RESOLUTION AUTHORIZING CHANGE ORDER NO 1. TO SANITATION EQUIPMENT
FOR A LEACH MODEL 2RIII REAR LOADER IN THE AMOUNT OF \$8,696.78

WHEREAS, the Borough of Bound Brook awarded a contract to Sanitation Equipment Corp. in the amount of \$267,792.39 using Sourcewell, a national cooperative; and

WHEREAS, the Borough was made aware of a production surcharge in the amount of \$8,696.78; and

WHEREAS, the Chief Financial Officer has certified the additional funds from account 04-2022-202207- 0305- 4- 00000;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bound Brook, the awarded contract amount is increased by \$8,696.78 for a total contract amount of \$ 276,489.17.

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-151

PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)

Recycling Tonnage Grant 2018 \$6,156.28

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Bound Brook hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2022, in the amounts listed below, which item is now available as a revenue from the US Department of Agriculture

Recycling Tonnage grant, Other Expenses \$6,156.28

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-152

PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)

Recycling Tonnage Grant 2019 \$5,458.54

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Bound Brook hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2022, in the amounts listed below, which item is now available as a revenue from the US Department of Agriculture

Recycling Tonnage grant, Other Expenses \$5,458.54

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-153

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH ALL JERSEY DEVELOPERS, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 10, LOTS 9 AND 10, ALSO KNOWN AS 217 AND 219 EAST MAIN STREET, LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, in January 2000, the Borough Council of the Borough of Bound Brook designated various Property in its downtown along the Main Street corridor as an area need of redevelopment (“Redevelopment Areas 1 & 2”) and adopted a redevelopment plan for Redevelopment Areas 1 & 2 in February 2000 and subsequently adopted an Amended Redevelopment Plan for Redevelopment Area 1 on August 11, 2015, which has subsequently been amended from time to time including, an amendment to the Redevelopment Plan dated December 30, 2019; and

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

WHEREAS, Block 10, Lots 9 and 10 are located in Redevelopment Area 1 (the “Property”); and

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

WHEREAS, on January 11, 2022, the Borough Council adopted a resolution conditionally designating All Jersey Developers, LLC as redeveloper of the Property subject to certain conditions, including agreeing to the terms and conditions of a redevelopment agreement; and

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

WHEREAS, the Borough and Redeveloper have agreed to the terms and conditions with respect to the redevelopment of the Property, the construction of the improvements and the payment of certain costs in connection; and

WHEREAS, the Borough believes that the redevelopment of the Property in the manner proposed by the Redeveloper is in the best interests of the community and promotes the health, safety, morals, and welfare of the Borough’s residents and is in accord with the public purpose and provisions of the Redevelopment Law and all other Applicable Laws; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that it hereby approves and authorizes the execution of a redevelopment agreement with All Jersey Developers, LLC 16 Mt. Bethel Road, Unit 302, Warren, New Jersey 07059, as redeveloper for the redevelopment of Tax Block 10, Lots 9 and 10, also known as 217 and 219 East Main Street.

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

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

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-154

WHEREAS, the Bound Brook Board of Education (“BOE”) has requested the services of a School Resource Officer (“SRO”) to be assigned to the Bound Brook schools; and

WHEREAS, the Borough of Bound Brook (“Borough”) has agreed to enter into a shared services agreement with the BOE to provide SRO services;

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 shared services agreement for the 2022-2023 (September- June 2023) school year is hereby approved and attached.

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-155

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BOUND BROOK, COUNTY OF SOMERSET, STATE OF NEW JERSEY DETERMINING THAT THE AREA GENERALLY KNOWN AS TAX BLOCK 10, LOTS 4, 5, 9, 10, 18, 19 AND 20, INCLUDING THE ADJACENT PUBLIC ALLEY, ALL AS SHOWN ON THE TAX MAP OF THE BOROUGH OF BOUND BROOK, MEETS THE STATUTORY CRITERIA AND IS DETERMINED AS AN AREA IN NEED OF REDEVELOPMENT, SPECIFICALLY A CONDEMNATION REDEVELOPMENT AREA, PURSUANT TO THE PROVISIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.)

WHEREAS, the Borough Council of the Borough of Bound Brook (the “Borough”) identified certain Properties located on East Main Street between Maiden Land and Mountain Avenue, specifically Block 10, Lot 4, 5, 9, 10, 18, 19 and 20, including the adjacent public alley, as delineated on the tax map of the Borough (the “Properties”), to be considered 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. “LRHL”; and

WHEREAS, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Planning Board of a given municipality to undertake a preliminary investigation to determine whether the proposed area meets the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, on July 27, 2021, the Borough adopted resolution R2021:165, authorizing and directing the Borough Planning Board to examine whether the Properties can be determined to be an area in need of redevelopment and that the Borough will have the right to exercise the use of eminent domain; 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 for 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 Planning Board with regards to this Resolution shall specifically state that a redevelopment area determination shall authorize the municipality to exercise the power of eminent domain to acquire any of the Properties; and

WHEREAS, the Borough Planning Board (the “Board”) conducted a public hearing on December 16, 2021, to determine whether or not the Properties met the statutory criteria and can be designated as an area in need of redevelopment, pursuant to the criteria set forth in Sections 5 and 6 of the Local Redevelopment and Housing Law; and

WHEREAS, the Board properly noticed the hearing held on December 16, 2021, in accordance with the statutory requirements of N.J.S.A. 40A:12A-6, including that all persons

interested or who would be affected by a determination that the Study Area is a redevelopment area were permitted to be heard; and

WHEREAS, a map showing the boundaries and the location of the Properties included in the Study Area, as well as the Preliminary Investigation - Area in Need of Redevelopment Non-Condensation Area report, dated November 8, 2021 and prepared by Carlos Rodrigues AICP/PP, a licensed professional planner (the “Preliminary Investigation”) were considered by the Board at its December 16, 2021 hearing and Mr. Rodrigues’ report and findings therein were incorporated into the record, as well as incorporated as part of this resolution; and

WHEREAS, the Board did not recommend the designation of the Properties as an area in need of redevelopment due to a tie vote and the Borough Council requested that the Board reconsider the Preliminary Investigation of the Properties with a full membership of the Board; and

WHEREAS, the Board properly noticed the hearing held on June 9, 2022, in accordance with the statutory requirements of N.J.S.A. 40A:12A-6, including that all persons interested or who would be affected by a determination that the Study Area is a redevelopment area were permitted to be heard; and

WHEREAS, a map showing the boundaries and the location of the Properties included in the Study Area, as well as the Updated Preliminary Investigation - Area in Need of Redevelopment Non-Condensation Area report, dated May 19, 2022 and prepared by Carlos Rodrigues AICP/PP, a licensed professional planner (the “Updated Preliminary Investigation”) were reconsidered by the Board at its June 9, 2022 hearing and Mr. Rodrigues’ report and findings therein were incorporated into the record, as well as incorporated as part of this resolution; and

WHEREAS, the Board recommends, based on the Updated Preliminary Investigation and the factual findings made by it at the hearing held on June 9, 2022, including the testimony presented at the hearing by Mr. Rodrigues, that Block 10, Lot 4, 5, 9, 10, 18, 19 and 20, including the adjacent public alley be designated as a condemnation redevelopment area pursuant to the Local Redevelopment and Housing Law as it meets the statutory criteria; and

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Bound Brook accepts the findings of the Planning Board as they relate to the recommendations for Block 10, Lots 4, 5, 9, 10, 18, 19 and 20, including the adjacent public alley, as made at a public hearing on June 9, 2022 as supported by the Updated Preliminary Investigation and the testimony of Mr. Rodrigues and as further set forth in the Planning Board resolution no. 2022-044, adopted on June 9, 2022 and determines that Block 10, Lots 4, 5, 9, 10, 18, 19, and 20, including the adjacent public alley, as shown on the Tax Map of the Borough meet the statutory criteria and shall be determined as an “area in need of redevelopment” and which shall be a condemnation redevelopment area pursuant to the provisions of the Local Redevelopment Act 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 designation shall authorize the municipality to use all those

powers provided by the Redevelopment Law for use in a redevelopment area, including the use of eminent domain.

BE IT FURTHER RESOLVED, that the Borough Council hereby advises that any owner of the properties designated as an area in need of redevelopment, specifically Block 10, Lots 4, 5, 9, 10, 18, 19 and 20, including the adjacent public alley, wishing to challenge the designation must file a complaint in the Superior Court within 45 days of the receipt of a copy of this adopted resolution and that failure to file any such challenge to the designation of the Block 10, Lots 4, 5, 9, 10, 18, 19 and 20, including the adjacent public alley, as a condemnation redevelopment area within the 45-day period shall prevent any challenge to the designation thereafter.

BE IT FURTHER RESOLVED, that within ten (10) days of the adoption of this Resolution, the Borough Clerk shall serve a notice of the determination, including a copy of this Resolution, upon the last owner of the Properties within the Study Area according to the assessment records of the Borough, and upon each person who filed a written objection and stated in or upon the written submission an address to which notice of determination may be sent, which notice shall be in accordance with the requirements set forth in the Local Redevelopment Act and Housing Law (N.J.S.A. 40A:12A-1 et seq.).

BE IT FURTHER RESOLVED, that upon adoption of this resolution, the Borough Clerk shall transmit a copy of this resolution to the Commissioner of Community Affairs for the State of New Jersey for review pursuant to N.J.S.A. 40A:12A-6.b.(5)(c).

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-156

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT AND COVENANTS AND ACKNOWLEDGEMENT AGREEMENT WITH HAMILTON URBAN RENEWAL, LLC AS REDEVELOPER FOR PROJECT LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, the Borough Council of the Borough designated various areas in the downtown area of Bound Brook as an area in need of redevelopment and adopted a redevelopment plan; and

WHEREAS, the Borough and Redeveloper entered into a Redevelopment Agreement dated December 20, 2021 (the “Redevelopment Agreement”) with respect to the redevelopment of certain properties within the redevelopment area; Capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Redevelopment Agreement; and

WHEREAS, Redeveloper has received site plan approval from the Planning Board of the Borough of Bound Brook for the construction of the first phase of the Project (the “Phase I Project”) consisting of 143 residential units and commercial/retail space and parking on the property to be designated as Block 12, proposed Lots 10.03, proposed Lot 2.02 and Lot 5.01 (currently designated as Block 12, Lots 2.01, 5.01 and a portion Lot 10.02) as shown on Exhibit A (the “Phase I Property”); and

WHEREAS, the property designated as Block 12 proposed Lot 2.02 (formerly Lot 2.01) and Lot 5.01 shall be used for surface parking for this first phase of the Project (“Surface Parking Property”); and

WHEREAS, Affiliates of the Redeveloper shall convey ownership of Block 12 proposed Lot 10.03 (formerly a portion of Lot 2.01 and 10.02) to the Redeveloper for the construction of the residential units and commercial/retail space; and

WHEREAS, Redeveloper desires to ground lease the Surface Parking Property from an Affiliate rather than have ownership of the Surface Parking Property and to have the Borough Property conveyed to such Affiliate from the Borough; and

WHEREAS, Citizen’s Bank, N.A. (“Lender”) is about to make a loan (the “Loan”) to Redeveloper to finance the construction of the Phase I Project which shall consist of the portion of the Project Improvements necessary for the Phase I Project (the “Phase I Project Improvements”); and

WHEREAS, the address of Citizens Bank, N.A., as Administrative Agent, is 437 Madison Avenue, 18th Floor, New York, NY 10022, Attention: Peter W. Lerchen, Telephone: (212) 413-2402, Email: peter.w.lerchen@citizensbank.com; and

WHEREAS, the Loan shall be secured by a mortgage encumbering all of the Phase I

Property which includes the Surface Parking Property; and

WHEREAS, the parties have agreed to amend the Redevelopment Agreement (i) to provide that the Redeveloper shall ground lease the Surface Parking Property from an Affiliate and the Borough shall convey the Borough Property to such Affiliate, and (ii) to confirm their understanding of the Lender's rights and obligations under the Redevelopment Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that it hereby approves and authorizes the execution of a First Amendment to Redevelopment Agreement and Acknowledgement Agreement with Hamilton Street Urban Renewal, LLC.

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

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

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-157

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO FINANCIAL AGREEMENT WITH HAMILTON URBAN RENEWAL, LLC AS REDEVELOPER FOR PROJECT LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, the Borough Council of the Borough designated various areas in the downtown area of Bound Brook as an area in need of redevelopment and adopted a redevelopment plan; and

WHEREAS, the Borough and the Entity entered into a Redevelopment Agreement dated December 20, 2021, as amended by First Amendment to Redevelopment Agreement (as amended, the “Redevelopment Agreement”) with respect to the redevelopment of certain properties within the redevelopment area; and

WHEREAS, the Borough and the Entity entered into a Financial Agreement dated December 20, 2021 (the “Financial Agreement”); Capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Financial Agreement; and

WHEREAS, the Entity has received site plan approval from the Planning Board of the Borough of Bound Brook for the construction of 143 residential units and commercial/retail space and parking on the property to be designated as Block 12, proposed Lot 10.03, proposed Lot 2.02 and Lot 5.01 (currently designated as Block 12, Lots 2.01, 5.01 and a portion Lot 10.02) which shall be the first Phase of the Project; and

WHEREAS, the property designated as Block 12, proposed Lot 2.02 (formerly Lot 2.01) and Lot 5.01 shall be used for surface parking for the first Phase of the Project (“Surface Parking Property”); and

WHEREAS, Affiliates of the Entity shall convey ownership of Block 12, proposed Lot 10.03 (formerly a portion of Lot 2.01 and 10.02) to the Entity for the construction of the residential units and commercial/retail space; and

WHEREAS, the Entity shall ground lease the Surface Parking Property rather than have ownership of the Surface Parking Property; and

WHEREAS, pursuant to the First Amendment to Redevelopment Agreement, the parties have amended the Redevelopment Agreement to provide that the Entity shall ground lease the Surface Parking Property; and

WHEREAS, the parties desire to amend the Financial Agreement to provide that the Entity shall ground lease the Surface Parking Property and to set forth those Properties within the first Phase of the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that it hereby approves and authorizes the execution of a First Amendment to Financial Agreement with Hamilton Street Urban Renewal, LLC.

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

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

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-158

RESOLUTION FOR THE HIRE OF SARA SILVA AS SPECIAL ENFORCEMENT OFFICER
CLASS II FOR THE BOUND BROOK POLICE DEPARTMENT

WHEREAS, the Borough of Bound Brook created the position of Special Law Enforcement Officer Class Two (“SLEO II”); and

WHEREAS, the position of SLEO II shall be subject to and governed by N.J.S.A. 40A:14-146.8 et seq; and

WHEREAS, interviews were conducted for the SLEO II position; and

WHEREAS; the Acting Chief of Police recommends the hire of Sara Silva; and

WHEREAS, the position shall be for a one (1) year term ending at the end December 31, 2022;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Bound Brook, County of Somerset, Sara Silva be hired for the position of SLEO II at salary of \$35,664.10 for a one (1) year term ending December 31, 2022.

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-159

RESOLUTION AUTHORIZING CHANGE ORDER NO. 3-REIVAX CONSTRUCTION FOR
THE 2020 ROAD PROGRAM

WHEREAS, the Borough of Bound Brook awarded a contract to Reivax Construction for the 2020 Road Program; and

WHEREAS, there is a decrease in the overall project of \$4,690.99; and

WHEREAS, the total contract price is now \$781,135.53; and

WHEREAS, the Chief Financial Officer has certified the funds in account #04-2020-202017-1704-4-0;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bound Brook, County of Somerset, State of New Jersey, Change Order No. 3 is authorized to Reivax Construction for the 2020 Road Project is approved in the overall project amount of \$781,135.53.

Attest:

Approved:

Jasmine D. Mathis, Borough Clerk

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-160

RESOLUTION APPROVING LIQUOR LICENSE RENEWALS FOR 2022-2023

WHEREAS, the following applications were received for renewal of their Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses; and

WHEREAS, said applications comply with the Rules and Regulations of the Division of Alcoholic Beverage Control, each being accompanied by the required license fee, filing fee and tax clearance; and

WHEREAS, the Borough Clerk has informed this body that no objections have been received by against any of said applications; and

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 following applications are hereby approved and the Borough Clerk is hereby authorized to issue licenses to the applicants for the fiscal year 2022-2023.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Division of Alcoholic Beverage Control; Trenton, New Jersey.

| | | | | |
|----------------------------|-----------------|---------|--|------------------------|
| Plenary Retail Consumption | 1804-33-018-001 | \$2,500 | Stan Chitchs Café, Inc. | 14 Columbus Place |
| Plenary Retail Consumption | 1804-33-023-006 | \$2,500 | AJ Hospitality Inc. | 525 Talmage Avenue |
| Plenary Retail Consumption | 1804-33-012-003 | \$2,500 | Star Banquet Group | Pocket License |
| Plenary Retail Consumption | 1804-33-009-001 | \$2,500 | Bound Brook Lodge No. 1388 BPO Elks | 305 East Second Street |
| Plenary Retail | 1804-33-005-006 | \$2,500 | Nipper Inc. | 479 West Union Avenue |
| Plenary Retail Consumption | 1804-32-002-007 | \$2,500 | WC RT 28 LLC | 600 W. Union Avenue |

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| | | | | |
|-----------------------------|-----------------|---------|---|---------------------------|
| Plenary Retail Consumption | 1804-33-007-012 | \$2,500 | Alley 14 LLC | 12 Church Street |
| Plenary Retail Consumption | 1804-33-001-005 | \$2,500 | America's Florist | 227 W. Union Ave. |
| Plenary Retail Consumption | 1804-33-021-005 | \$2,500 | Bound Brook Hotel | Pocket License |
| Plenary Retail Distribution | 1804-44-006-008 | \$2,500 | Al Habib Inc | 260 W. Union Street |
| Plenary Retail Consumption | 1804-33-020-009 | \$2,500 | LFR Inc. | 224, 226, 228 W. Main St. |
| Plenary Retail Consumption | 1804-33-014-008 | \$2,500 | Rakita, Inc. | 204-206 East Main Street |
| Plenary Retail Consumption | 1804-32-022-006 | \$2,500 | Café Imperial | 200 Talmage Avenue |
| Plenary Retail Distribution | 1804-44-016-007 | \$2,500 | JHDP LLC | 10-12 John Street |
| Club | 1804-31-026-001 | \$188 | Loyal Order of Moose Bound Brook Lodge 988 | 222 Talmage Avenue |

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2022-161

RESOLUTION AMENDING THE REDEVELOPMENT AGREEMENT WITH THE VIEW AT 127 URBAN RENEWAL, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 23, LOT 1.01, ALSO KNOWN AS 127 TALMAGE AVENUE, LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, in January 2000, the Borough Council of the Borough of Bound Brook designated various properties in its downtown along the Main Street corridor as an area need of redevelopment (“Redevelopment Areas 1 & 2”) and adopted a redevelopment plan for Redevelopment Areas 1 & 2 in February 2000 and subsequently adopted an Amended Redevelopment Plan for Redevelopment Areas 1 and 2, which have been subsequently amended from time to time; and

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

WHEREAS, Block 23, Lot 1.01 also known as 127 Talmage Avenue is in Redevelopment Area 2 and privately owned (collectively referred to as the “Properties”); and

WHEREAS, DeMattheis Development, LLC (“DeMattheis”) contacted the Borough with regards to its interest in redeveloping the Properties; and

WHEREAS, DeMattheis is the contract purchaser pursuant to an assignment of a purchase contract of Block 23, Lot 1.01; and

WHEREAS, DeMattheis previously presented a concept proposal to redevelop the Property with a residential project to the Economic Development Committee and the Borough has had subsequent discussions with DeMattheis regarding its proposal; and

WHEREAS, DeMattheis requested that the Borough consider designating it as the conditional redeveloper for the Property; and

WHEREAS, the concept proposal from DeMattheis was reviewed and found consistent with the Borough's goals for redeveloping the downtown redevelopment area and on or about February 24, 2022, DeMattheis received development approvals for the Property from the Borough Planning Board; and

WHEREAS, on March 8, 2022, the Borough adopted a resolution conditionally designating DeMattheis as redeveloper of the Property for a period of one (1) year subject to certain conditions; and

WHEREAS, the Redeveloper obtained Preliminary and Final Site Plan approval for the Project from the Borough Planning Board on February 24, 2022, and such approval has been memorialized in a resolution adopted on March 24, 2022; and

WHEREAS, the Redeveloper has formed a new entity to assume all rights, title and obligations of the Redeveloper for the Project pursuant to the Redevelopment Agreement, known and referred to hereinafter as The View at 127 Urban Renewal, LLC (hereinafter referred to as the “Redeveloper”); and

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

WHEREAS, the Borough and Redeveloper have agreed to the terms and conditions with respect to the redevelopment of the Property, the construction of the improvements and the payment of certain costs in connection.

WHEREAS, the Borough believes that the redevelopment of the Property in the manner proposed by the Redeveloper is in the best interests of the community and promotes the health, safety, morals and welfare of the Borough’s residents and is in accord with the public purpose and provisions of the Redevelopment Law and all other Applicable Laws; and

WHEREAS, the Borough has determined that it is in the best interest of the community for it to enter into a redevelopment agreement with the Redeveloper for the purposes of facilitating the redevelopment of the Property and to specify each parties’ respective rights and obligations for the effectuation of the goals and objective(s) of redevelopment of the Property; and

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

WHEREAS, on May 10, 2022, the Borough adopted a resolution approving and authorizing the execution of a redevelopment agreement by and between the Borough and the Redeveloper; and

WHEREAS, the redevelopment agreement has not been executed by the parties and amendments to the redevelopment agreement have been requested by the Redeveloper due to comments from its lender and title company.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that it hereby approves and authorizes the execution of a redevelopment agreement with The View at 127 Urban Renewal, LLC, c/o DeMattheis Real Estate, 110 Fairview Avenue,

Verona, New Jersey 07044 as redeveloper for the redevelopment of Tax Block 23, Lot 1.01, also known as 127 Talmage Avenue.

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

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

Attest:

Jasmine D. Mathis, Borough Clerk

Approved:

Mayor Robert P. Fazen

Date of Adoption: June 28, 2022

BOROUGH OF BOUND BROOK
RESOLUTION 2022-162

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 \$619,449.39.

| <u>FUND</u> | <u>AMOUNT</u> |
|---------------------------|----------------------|
| CURRENT | \$ 304,663.21 |
| GRANT FUND | \$ 127.49 |
| GENERAL CAPITAL FUND | \$ 189,164.50 |
| GENERAL TRUST FUND | \$ 616.78 |
| DEVELOPER'S ESCROW | \$ 20,027.35 |
| RECREATION TRUST | \$ 2,340.66 |
| SEWER | \$ 1,205.18 |
| TAX COLLECTOR TRUST | \$ 54,700.00 |
| TAX TITLE LIEN REDEMPTION | \$ 26,078.48 |
| PERFORMANCE ESCROW | \$20,575.79 |
| TOTAL | <u>\$ 619,449.39</u> |

Approved:

Mayor Robert P. Fazen

Attest:

Jasmine D. Mathis, Borough Clerk

Date of Adoption: June 28, 2022