Final Agenda October 11, 2022



BOROUGH COUNCIL REGULAR MEETING AGENDA OCTOBER 11, 2022 AT 7:00 P.M.

CALL TO ORDER

This meeting is being held in compliance with the Open Public Meeting Law in that the requirements of the law have been met with the posting of the meeting notice on the Municipal Bulletin Board, filed with the Borough Clerk and forwarded to The Courier News and The Star Ledger.

PLEDGE OF ALLEGIANCE

OPENING PRAYER

ROLL CALL

Mayor Dave Morris Council President Abel Gomez

- C. Richard Jannuzzi
- C. Vinnie Petti
- C. Anthony Pranzatelli
- C. Dominic Longo
- C. Lisa Brandi

APPROVAL OF MINUTES

September 27, 2022 Regular Meeting			
Motion:	Second:		
Roll Call:			
C. Abel Gome	z C. Richard Jannuzzi C. Vinnie Petti		
C. Anthony Pr	anzatelli C. Dominic Longo C. Lisa Brandi		

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APPROVAL OF MINUTES

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September 27, 2022 Executive Meeting Motion: Second: Roll Call: C. Abel Gomez C. Richard Jannuzzi C. Vinnie Petti C. Anthony Pranzatelli C. Dominic Longo C. Lisa Brandi ADVERTISED HEARING OR SPECIAL PRESENTATION PRESENTATION OF COMMUNICATIONS, PETITIONS, ETC. GREETINGS FOR COMMENTS AND INVITATIONS FOR DISCUSSION **OPENING OF BIDS** INTRODUCTION OF ORDINANCES – FIRST READING ORDINANCE ON FINAL READING AND CONSIDERATION- SECOND READING Ordinance 2022-37 An Ordinance Amending and Supplementing Chapter 26, Streets and Sidewalks, Section 26-8 Maintenance of Sidewalks, Alleys, Curbs and Streets, of the Revised General Ordinances of the Borough of Bound Brook to Create Section 26-8.4 "Public Refuse Containers and Receptacles" Motion to open public comment: Second: Public Comment: Motion to close public comment: Second: Motion: Movant: I move the ordinance be passed on second reading and advertised according to law. Second: Discussion: Roll Call: C. Abel Gomez____ C. Richard Jannuzzi___ C. Vinnie Petti___ C. Anthony Pranzatelli ___ C. Dominic Longo ___ C. Lisa Brandi ____



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Ordinance 2022-38	An Ordinance Amending and Supplem Beverage Control, of the Revised General Bound Brook to Repeal in Its Entirety Section	Ordinances of the Borough of
	Motion to open public comment: Secon Public Comment:	
	Motion to close public comment: Secon	d:
	Motion: Movant: I move the ordinance be advertised according to law.	passed on second reading and
	Second: Discussion:	
	Roll Call:	
	C. Abel Gomez C. Richard Jannuzzi_C. Anthony Pranzatelli C. Dominic L	
Ordinance 2022-39	An Ordinance Amending Chapter 3, Poli "Peace and Good Order; Nuisance Noi Ordinances of the Borough of Bound Brook 3-32.4, "Manner of Giving Notice"	se", of the Revised General
	Motion to open public comment: Secon	d:
	Public Comment: Motion to close public comment: Secon	d:
	Motion: Movant: I move the ordinance be advertised according to law.	passed on second reading and
	Second: Discussion:	
	Roll Call:	
	C. Abel Gomez C. Richard Jannuzzi_C. Anthony Pranzatelli C. Dominic L	



Ordinance 2022-40 An Ordinance Amending Chapter 7, Traffic, Section 7-14, "Parking at All

Times on Certain Streets" of the Revised General Ordinances of the Borough of Bound Brook to Prohibit Parking on the South Side of West

Main Street from Columbus Place to John Street

Motion to open public comment: Second:

Public Comment:

Motion to close public comment: Second:

Motion: Movant: I move the ordinance be passed on second reading and

advertised according to law.

Second: Discussion:

Roll Call:

C. Abel Gomez____ C. Richard Jannuzzi___ C. Vinnie Petti___

C. Anthony Pranzatelli C. Dominic Longo C. Lisa Brandi

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:

2022-243 Resolution Correcting the Legal Entity Name for Plenary Retail Consumption #

1804-33-021 for 2022-2023 Licensing Year

2022-244 Chapter 159, US DOJ Bulletproof Vest in the Amount of \$2,464.00

2022-245 Chapter 159, US DOJ Bulletproof Vest in the Amount of \$2,138.00

2022-246 Chapter 159, Youth Services in the Amount of \$9,028.64

2022-247 Chapter 159, Youth Services in the Amount of \$6,000.00

2022-248 Chapter 159, Youth Services in the Amount of \$10,000.00



2022-249	Resolution Authorizing the Issuance and Execution of a Certificate of Completion to the Ridge Apartments Urban Renewal, Bound Brook LLC as Redevelopment for Property Known as 217 East Second Street, Also Known as Tax Block 34, Lots 4 and 5 Located in Redevelopment Area 1
2022-250	Resolution Authorizing the Issuance and Execution of a Certificate of Completion to Mohring Place Urban Renewal, LLC as Redeveloper for Property Known as 203-209 East Second Street, Also Known as Tax Block 34, Lot 6 Located in Redevelopment Area 1
2022-251	A Resolution Authorizing the Submission of an Application to the New Jersey Department of Transportation's Transportation Alternatives Set-Aside Program 2023
2022-252	Resolution Amending the Personnel Manual of the Borough of Bound Brook to Include Language
2022-253	Resolution Authorizing A Change Order to the Professional Services Contract with McElroy Deutsch for Planning Board Attorney Services
2022-254	Resolution Authorizing the Borough of Bound Brook to Partner with EmPower Somerset and the Borough of South Bound Brook in Applying for Accepting a Drug Free Communities Support Program Grant in an Amount up to \$125,000 Per Year for Up to 10 Years
2022-255	Resolution Authorizing a Refund to Anthony Rodriguez in the amount \$51.00 for Commuter Parking
2022-256	Resolution Award/Reject All Bids for the 2010 Pierce Fire Truck
2022-257	Resolution Memorializing Confirmation of Acceptance of Thomas McCarthy's New Jersey State Firemen's Association Application for Membership to the Bound Brook Fire Department
2022-258	Resolution Authorizing a Refund to Nicole Marshall in the amount of \$125.00 for Basketball Camp

UNFINISHED BUSINESS

NEW BUSINESS

Cancel November 8, 2022 Meeting due to General Election



APPROVAL OF VOUCHERS

2022-259	Resolution Approving Vouchers in the Amount of \$2,274,067.46		
	Motion: Second:		
	Roll Call:		
	C. Abel Gomez C. Richard Jannuzzi C. Vinnie Petti C. Anthony Pranzatelli C. Dominic Longo C. Lisa Brandi		

OPEN TO THE PUBLIC FOR COMMENT

AUTHORIZE EXECUTIVE SESSION

ADJOURNMENT

Motion: Second: All in favor:

ORDINANCE NO. 2022-37

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 26, STREETS AND SIDEWALKS, SECTION 26-8 MAINTENANCE OF SIDEWALKS, ALLEYS, CURBS, AND STREETS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK TO CREATE SECTION 26-8.4 "PUBLIC REFUSE CONTANERS/RECEPTACLES"

WHEREAS, the Borough desires to ensure the cleanliness and beautification of its downtown streets and sidewalks;

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

SECTION 1. Chapter 26-8, <u>Maintenance of Sidewalks</u>, <u>Alleys, Curbs</u>, and <u>Streets</u>, of the Revised General Ordinances of the Borough of Bound Brook is hereby amended and supplemented inserting the text <u>underlined and marked in bold</u>, to read as follows:

26-8.4 Public Refuse Containers/Receptacles.

The Borough may, at its own discretion, place refuse containers/receptacles on sidewalks in the public right of way for the purpose of providing a place for passing pedestrians to leave discarded items. It is prohibited for residential/household trash to be deposited in these containers/receptacles. The Borough will empty and maintain the containers/receptacles; however, property owners are responsible for maintaining the sidewalk areas around and under the containers/receptacles as described in 26-8.1.

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. McCoy Borough Clerk	David Morris, Mayor

Date of Introduction: September 27, 2022

ORDINANCE NO. 2022-38

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 6, ALCOHOLIC BEVERAGE CONTROL, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK TO REPEAL IN ITS ENTIRETY SECTION 6-7, "LOCAL RESTRICTIONS"

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Bound Brook as follows:

SECTION 1. Chapter 6, Alcoholic Beverage Control, Section 6-7, "Local Restrictions", of the Revised General Ordinances of the Borough of Bound Brook is hereby repealed in its entirety by deleting the text [marked in bold and enclosed in brackets] to read as follows:

[6-7 LOCAL RESTRICTIONS.

6-7.1 Restrictions.

No plenary retail consumption license or plenary retail distribution license shall be issued, nor shall any place to place transfer of an existing license be granted, for the sale or service of alcoholic beverages upon premises which are within 700 feet of any existing premises licensed to sell or serve alcoholic beverages under another plenary retail consumption or plenary retail distribution license. The distance shall be measured from the nearest entrance of the nearest licensed premises to the nearest entrance of the premises sought to be licensed along the normal way that a pedestrian would properly walk, as provided by N.J.S.A. 33:1-76.

6-7.2 Exceptions.

Subsection 6-7.1 shall not apply in the following cases.

- a. The renewal or person to person transfer of any plenary retail consumption license or plenary retail distribution license which is in existence on January 15, 1980.
- b. The transfer of a license to another place within 500 feet of the premises for which the license was granted, measured in the manner provided in Subsection 6-7.1, where the licensee has been forced to vacate the licensed premises for any reason not under his control and which could not have been foreseen when the license was granted. Once a transfer is granted under this section, future transfers of the same license shall only be to a place within 500 feet of the premises initially licensed and vacated. Place to place transfers under the provisions of this paragraph are not a matter of right but shall be granted only in the discretion of the Mayor and Council.

- c. A licensee who has been permitted to relocate within 700 feet of another licensed premises in accordance with paragraph (b) shall have the same right to expand or enlarge the premises covered by his license as he would have had he remained at the premises initially licensed and vacated.
- d. Where the licensee has been forced to vacate the licensed premises for any reason not under his or her control which could not have been foreseen when the license was granted, the licensee shall be permitted, in addition to the provisions of paragraph (b) above, to a transfer of the license to another location as long as said location is not closer than 200 feet to any other licensed premises, measured in the manner provided in Subsection 6-7.1. For purposes of this paragraph and paragraph (b) above, the hardship which must exist shall not be construed to include purely financial or economic hardship but rather is intended to encompass only those events unforeseeable which make it unreasonable for the licensee to continue to operate his business out of that location.]

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. McCoy, Borough Clerk	David Morris, Mayor

Date of Introduction: September 27, 2022 Date of Adoption: October 11, 2022

ORDINANCE NO. 2022-39

AN ORDINANCE AMENDING CHAPTER 3, "POLICE REGULATIONS", SECTION 3-32, "PEACE AND GOOD ORDER; NUISANCE NOISE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK TO REPEAL IN ITS ENTIRETY SECTION 3-32.4, "MANNER OF GIVING NOTICE"

WHEREAS, the Borough desires to allow for enforcement to maintain peace and good order without first necessitating a written warning;

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

SECTION 1. Chapter 3, "Traffic, Section 3-32, "Peace And Good Order; Nuisance Noise", 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] as follows:

3-32. PEACE AND GOOD ORDER; NUISANCE NOISE.

. . . .

[3-32.4. Manner of Giving Notice.

Notice required by the provisions of this section shall be in writing and shall be given to all of the persons affected by it. Notice shall be served personally upon the person affected or by leaving a copy at his/her usual or last known place of abode or by mailing it to him/her at his/her usual or last known place of abode. Where the notice relates to any premises, a duplicate of it shall be left with one or more of the tenants or occupants. If the owner of the premises in question cannot be notified speedily, notice may be given by leaving it with one of the tenants or occupants or by posting it in a conspicuous place on the premises.]

. . .

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

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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. McCoy	David Morris, Mayor
Borough Clerk	

Date of Introduction: September 27, 2022

ORDINANCE NO. 2022-40

AN ORDINANCE AMENDING CHAPTER 7, TRAFFIC, SECTION 7-14 "PARKING AT ALL TIMES ON CERTAIN STREETS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK TO PROHIBT PARKING ON THE SOUTH SIDE OF WEST MAIN STREET FROM COLUMBUS PLACE TO JOHN STREET

WHEREAS, the Borough desires to prohibit parking on the south side of West Main Street from the intersection of Columbus Place in an easterly direction to the intersection of John Street to allow for the efficient and safe movement of traffic and pedestrians;

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

SECTION 1. Chapter 7, Traffic, Section 7-14, "Parking at All Times on Certain Streets" 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 <u>underlined and marked in bold</u>, to read as follows:

. . .

Name of Street	Sides	Location
West Main Street	South	[Beginning at a point 145 feet west of prolongation of the westerly curbline of Drake Street to a point 338 feet west thereof]
		Between Columbus Place and John Street

• •

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. McCoy Borough Clerk	David Morris, Mayor

Date of Introduction: September 27, 2022

RESOLUTION 2022-243

RESOLUTION CORRECTING THE LEGAL ENTITY NAME FOR PLENARY RETAIL CONSUMPTION # 1804-33-021-005 FOR THE 2022-2023 LICENSING YEAR

WHEREAS, Resolution 2022-160 renewed the liquor licenses for the 2022-2023 fiscal year; and

WHEREAS, Plenary Retail Consumption license holder 1804-33-021-005 requires a correction to the legal entity; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, Plenary Retail Consumption license holder 1804-33-021-005 be corrected to Bound Brook Cheers LLC.

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor	
Date of Adoption: October 11, 2022		

RESOLUTION 2022-244

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

US DOJ Bulletproof Vest \$2,464.00

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 DOJ

Bulletproof Vest, Other Expenses \$2,464.00

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor	
Date of Adoption: October 11, 2022		

RESOLUTION 2022-245

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

US DOJ Bulletproof Vest \$2,138.00

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 DOJ

Bulletproof Vest, Other Expenses \$2,138.00

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor	
Date of Adoption: October 11, 2022		

RESOLUTION 2022-246

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

Youth Services -\$9,028.64

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 State of New Jersey

Youth Services Reallocated, Other Expenses \$9,028.64

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor	
Date of Adoption: October 11, 2022		

RESOLUTION 2022-247

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

Youth Services Competitive-\$6,000.00

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 State of New Jersey

Youth Services Competitive, Other Expenses \$6,000

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor	
Date of Adoption: October 11, 2022		

RESOLUTION 2022-248

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

Youth Services-\$10,000.00

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 State of New Jersey

Youth Services, Other Expenses \$10,000

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

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor	

CERTIFICATE OF COMPLETION

This **CERTIFICATE OF COMPLETION** ("Certificate") is dated as of the __ day of October 2022 and issued by the **BOROUGH OF BOUND BROOK**, a body corporate and politic of the State of New Jersey, having offices located at 230 Hamilton Street, Bound Brook, New Jersey 08805 (the "Borough") in accordance with the terms and conditions stated herein.

WHEREAS, the Borough and The Ridge Apartments at Bound Brook Urban Renewal, LLC (the "Redeveloper") entered into a Redevelopment Agreement, dated November 26, 2019 ("Redevelopment Agreement") for the redevelopment of Block 34, Lots 4 and 5, also known as 217 East Second Street, located within the Redevelopment Area #1 (the "Property") pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, the Borough, The Ridge Apartments at Bound Brook Urban Renewal, LLC and Mohring Place Urban Renewal, LLC ("Mohring Place" is referred to herein as the "Redeveloper") entered into a First Amendment to the Redevelopment Agreement, dated December 8, 2020 and a Second Amendment to the Redevelopment Agreement, dated July 27, 2021 for the development of the Phase 2 Project at 203-209 East Second Street on Block 34, Lot 6 (the "Property") (the Redevelopment Agreement, First Amendment and Second Amendment are collectively referred to herein as the "Agreement"); and

WHEREAS, the Redeveloper owns the Property and completed construction on 34-unit multi-family residential rental project and related site improvements and amenities (the "Project"); and

WHEREAS, on or about November 15, 2020, the Borough issued the last and final certificate of occupancy for the Project; and

WHEREAS, in accordance with the Agreement, the Borough is required to issue a Certificate of Completion for the Project and the Redeveloper has requested the same from the Borough; and

WHEREAS, pursuant to the Agreement the Redeveloper is required to make its second and final payment of development fees to the Borough no later than December 31, 2022 for which it remains obligated to do so notwithstanding the issuance of this Certificate of Completion.

NOW, THEREFORE, for and in consideration of the representations, covenants and agreements herein set forth and in the Redevelopment Agreement, the Borough does hereby certify that:

1. The acquisition, construction and installation of the Project have been completed by the Redeveloper in accordance with the Redevelopment Agreement, and the plans and specifications applicable thereto. In connection with the foregoing, the

Redeveloper has performed all of its duties and obligations under the Redevelopment Agreement, including the satisfaction and payment of its financial obligations to the Borough, and has completed construction in accordance with the requirements of the Redevelopment Agreement.

- 2. All requirements of the Redevelopment Agreement, any other applicable agreements, as well as the plans and specifications applicable thereto relative to the construction of the Project have been complied with, and the Borough of Bound Brook has issued final Certificates of Occupancy, dated November 15, 2020 for the Project.
 - 3. The Redeveloper has completed construction of the Project.
- 4. Notwithstanding the issuance of this Certificate of Completion by the Borough, the Redeveloper is required to make its second and final payment of development fees to the Borough no later than December 31, 2022. Failure to make such payment entitles the Borough to revoke this Certificate of Completion, provide notice to the Redeveloper of an Event of Default and to any rights and remedies under the Agreement.
- 5. The recording of this Certificate of Completion shall constitute a conclusive determination of the satisfaction and termination of the agreements and covenants in the Redevelopment Agreement and in the Redevelopment Plan for Redevelopment Area #1, as amended, with respect to the obligations of the Redeveloper to construct the Project.
- 6. The recording of this Certificate of Completion shall be conclusive that the conditions determined to exist on the Property that were the cause of its being determined to be in need of redevelopment shall be deemed to no longer exist, and the land and improvements constituting the Project shall no longer be subject to eminent domain, and the Redeveloper shall be released from the prohibition against assignment and transfer set forth in the Redevelopment Agreement. The Redeveloper has the right to sell, lease or otherwise transfer its interest in the Property and any and all structures and improvements thereon and of such portion of the Project without any limitation or restriction.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned has hereunto set his hand on behalf of the Borough, this day of October 2022.		
ATTEST:	BOROUGH OF BOUND BROOK	
Jasmine D. McCoy	By:	
Borough Clerk	Dave Morris, Mayor	

ACKNOWLEDGMENT

STATE OF NEW JERSEY)
COUNTY OF SOMERSET)
I CERTIFY that on September, 2022, personally came before me, and this person acknowledged under oath, to my satisfaction, that:
(a) he is the Mayor of the Borough of Bound Brook, the municipality named in
this document;
(b) he is authorized to and did execute this document on behalf of the Borough:
and
(c) this document was signed and delivered by the agency as its voluntary act
duly authorized by a proper resolution of its governing body.
Signed and sworn to before me on
day of September 2022
Notary Public
•

RESOLUTION 2022-250

RESOLUTION AUTHORIZING THE ISSUANCE AND EXECUTION OF A CERTIFICATE OF COMPLETION TO MOHRING PLACE URBAN RENEWAL, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS 203-209 EAST SECOND STREET, ALSO KNOWN AS TAX BLOCK 34 LOT 6 LOCATED IN REDEVELOPMENT AREA #1

WHEREAS, the Borough and The Ridge Apartments at Bound Brook Urban Renewal, LLC entered into a Redevelopment Agreement, dated November 26, 2019 ("Redevelopment Agreement") for the redevelopment of Block 34, Lots 4 & 5, located within the Redevelopment Area #1 (the "Phase 1 Project") pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, the Borough, The Ridge Apartments at Bound Brook Urban Renewal, LLC and Mohring Place Urban Renewal, LLC ("Mohring Place" is referred to herein as the "Redeveloper") entered into a First Amendment to the Redevelopment Agreement, dated December 8, 2020 and a Second Amendment to the Redevelopment Agreement, dated July 27, 2021 for the development of the Phase 2 Project at 203-209 East Second Street on Block 34, Lot 6 (the "Property") (the Redevelopment Agreement, First Amendment and Second Amendment are collectively referred to herein as the "Agreement"); and

WHEREAS, the Redeveloper owns the Property and completed construction on 42-unit multi-family residential rental project and related site improvements and amenities (the "Project"); and

WHEREAS, on or about September 7, 2022, the Borough issued the last and final certificate of occupancy for the Project; and

WHEREAS, in accordance with the Redevelopment Agreement, the Borough is required to issue a Certificate of Completion for the Project and the Redeveloper has requested the same from the Borough; and

WHEREAS, pursuant to the Agreement the Redeveloper is required to make its second and final payment of development fees to the Borough no later than December 31, 2022 for which it remains obligated to do so notwithstanding the issuance of the Certificate of Completion.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that it hereby authorizes the issuance and execution of a Certificate of Completion to Mohring Place Urban Renewal, LLC for the Project.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute any and all documents, including the Certificate of Completion, in a form substantially consistent with that attached hereto.

BE IT FURTHER RESOLVED that notwithstanding the issuance of the Certificate of Completion by the Borough, the Redeveloper is required to make its second and final payment of development fees to the Borough no later than December 31, 2022. Failure to make such payment entitles the Borough to revoke the Certificate of Completion, provide notice to the Redeveloper of an Event of Default and to any rights and remedies under the Agreement.

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

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor	_
Date of Adoption: October 11, 2022		

CERTIFICATE OF COMPLETION

This **CERTIFICATE OF COMPLETION** ("Certificate") is dated as of the __ day of October 2022 and issued by the **BOROUGH OF BOUND BROOK**, a body corporate and politic of the State of New Jersey, having offices located at 230 Hamilton Street, Bound Brook, New Jersey 08805 (the "Borough") in accordance with the terms and conditions stated herein.

WHEREAS, the Borough and The Ridge Apartments at Bound Brook Urban Renewal, LLC entered into a Redevelopment Agreement, dated November 26, 2019 ("Redevelopment Agreement") for the redevelopment of Block 34, Lots 4 & 5, located within the Redevelopment Area #1 (the "Phase 1 Project") pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, the Borough, The Ridge Apartments at Bound Brook Urban Renewal, LLC and Mohring Place Urban Renewal, LLC ("Mohring Place" is referred to herein as the "Redeveloper") entered into a First Amendment to the Redevelopment Agreement, dated December 8, 2020 and a Second Amendment to the Redevelopment Agreement, dated July 27, 2021 for the development of the Phase 2 Project at 203-209 East Second Street on Block 34, Lot 6 (the "Property") (the Redevelopment Agreement, First Amendment and Second Amendment are collectively referred to herein as the "Agreement"); and

WHEREAS, the Redeveloper owns the Property and completed construction on 42-unit multi-family residential rental project and related site improvements and amenities (the "Project"); and

WHEREAS, on or about September 7, 2022, the Borough issued the last and final certificate of occupancy for the Project; and

WHEREAS, in accordance with the Agreement, the Borough is required to issue a Certificate of Completion for the Project and the Redeveloper has requested the same from the Borough; and

WHEREAS, pursuant to the Agreement the Redeveloper is required to make its second and final payment of development fees to the Borough no later than December 31, 2022 for which it remains obligated to do so notwithstanding the issuance of this Certificate of Completion.

NOW, THEREFORE, for and in consideration of the representations, covenants and agreements herein set forth and, in the Agreement, the Borough does hereby certify that:

1. The acquisition, construction and installation of the Project have been completed by the Redeveloper in accordance with the Agreement, and the plans and specifications applicable thereto. In connection with the foregoing, the Redeveloper has performed all of its duties and obligations under the Agreement, including the satisfaction

and payment of its financial obligations to the Borough, and has completed construction in accordance with the requirements of the Agreement.

- 2. All requirements of the Agreement, any other applicable agreements, as well as the plans and specifications applicable thereto relative to the construction of the Project have been complied with, and the Borough of Bound Brook has issued final Certificates of Occupancy, dated September 7, 2022 for the Project.
 - 3. The Redeveloper has completed construction of the Project.
- 4. Notwithstanding the issuance of this Certificate of Completion by the Borough, the Redeveloper is required to make its second and final payment of development fees to the Borough no later than December 31, 2022. Failure to make such payment entitles the Borough to revoke this Certificate of Completion, provide notice to the Redeveloper of an Event of Default and to any rights and remedies under the Agreement.
- 5. The recording of this Certificate of Completion shall constitute a conclusive determination of the satisfaction and termination of the agreements and covenants in the Agreement and in the Redevelopment Plan for Redevelopment Area #1, as amended, with respect to the obligations of the Redeveloper to construct the Project.
- 6. The recording of this Certificate of Completion shall be conclusive that the conditions determined to exist on the Property that were the cause of its being determined to be in need of redevelopment shall be deemed to no longer exist, and the land and improvements constituting the Project shall no longer be subject to eminent domain, and the Redeveloper shall be released from the prohibition against assignment and transfer set forth in the Agreement. The Redeveloper has the right to sell, lease or otherwise transfer its interest in the Property and any and all structures and improvements thereon and of such portion of the Project without any limitation or restriction.

[Signature Page Follows]

IN WITNESS WHEREOF, the understate Borough, this day of October 2022.	igned has hereunto set his hand on behalf of
ATTEST:	BOROUGH OF BOUND BROOK
Jasmine McCoy Borough Clerk	By: Dave Morris, Mayor

ACKNOWLEDGMENT

STATE OF NEW JERSEY)
COUNTY OF SOMERSET) ss
I CERTIFY that on September, 2022, personally came beforme, and this person acknowledged under oath, to my satisfaction, that:
(a) he is the Mayor of the Borough of Bound Brook, the municipality named in
this document;
(b) he is authorized to and did execute this document on behalf of the Borough
and
(c) this document was signed and delivered by the agency as its voluntary ac
duly authorized by a proper resolution of its governing body.
Signed and sworn to before me on
day of September 2022
Notary Public

RESOLUTION 2022-251

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM 2023

WHEREAS, the Borough of Bound Brook, State of New Jersey desires to apply to the New Jersey Department of Transportation for funding under the Transportation Alternatives Set-Aside Program; and

WHEREAS, the Borough of Bound Brook has designed the Van Horne Plaza Project to meet all criteria necessary to receive funding under the Transportation Alternatives Set-Aside Program, and to maximize accessibility of multiple modes of surface transportation within Borough of Bound Brook (to be known as Project Area); and

WHEREAS, the primary activity within this Project Area will be to improve pedestrian access to the Bound Brook Train Station and create a community green space through the creation of the Van Horne Plaza; and

WHEREAS, the maximum amount of grant funds available is \$1.5 million, and the Borough of Bound Brook will provide additional funds to fully fund the project if necessary; and

WHEREAS, the Borough of Bound Brook hereby commits to maintain the Project Area once developed; and

WHEREAS, responsibilities for administering the proposed project in accord with federal and state guidelines (to be known as the Responsible Charge) will be Hector Herrera, full-time Borough Administrator in the Borough of Bound Brook.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook as follows:

- A. The Mayor and Council of the Borough of Bound Brook formally authorize submission of the electronic grant application identified as **TA-2023-Van Horne Plaza Project-00054** to the New Jersey Department of Transportation for funding under the Transportation Alternatives Set-Aside Program on behalf of the Borough of Bound Brook; and,
- B. The Mayor and Council of the Borough of Bound Brook hereby authorizes submission of the grant application identified as **TA-2023-Van Horne Plaza Project-00054** to the New Jersey Department of Transportation for a requested amount not to exceed \$1.5 million; and.

- C. The Borough of Bound Brook alone will assume maintenance responsibility over all improvements completed with grant funding awarded under the FY2023 Transportation Alternatives Set-Aside Program; and,
- D. In accordance with 23 CFR § 635.105(a)(4) the Borough of Bound Brook hereby designates Hector Herrera as the responsible charge for this program. Hector Herrera is a full-time employee of the Borough of Bound Brook in the role of Borough Administrator and will be responsible charge for the proposed project.
- E. This resolution shall take effect immediately upon passage.

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor	

RESOLUTION 2022-252

RESOLUTION AMENDING THE GENERAL PERSONNEL POLICY SECTION OF THE PERSONNEL MANUAL OF THE BOROUGH OF BOUND BROOK

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook that the text [marked in bold and enclosed in brackets] and inserting the text underlined and marked in bold be made to the Policies and Procedures of the Borough of Bound Brook:

II. GENERAL PERSONNEL POLICY

It is the policy of the Borough of Bound Brook to treat employees and Prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough of Bound Brook shall apply to all employees, volunteers, (elected or) appointed officials and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law (including) (the Attorney General's guidelines with respect to Police Department personnel matters) the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and Department Heads shall be appointed and promoted by the Mayor and Council with the recommendation of the Borough Administrator. and Personnel Committee No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Mayor and Council as well as the necessary budget appropriation and salary ordinance.

The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Mayor and Council has appointed the Borough Administrator to implement personnel practices. The Borough Administrator shall also have access to the Labor Counsel appointed by the Mayor and Council for guidance in personnel matters.

As a general principle, the Borough of Bound Brook has a "no tolerance" Policy towards workplace wrongdoing. The Borough of Bound Brook officials, employees and independent contractors are to report anything perceived to be improper. The Borough believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, and the Borough Administrator concerning any problem.

The Personnel Policies and Procedures Manual adopted by the Mayor and Council is intended to provide guidelines covering public service by Borough employees and is not a contract. This manual contains many, but not necessarily all of the rules, regulations, and

conditions of employment for Borough personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough.

NOTHING IN THIS HANDBOOK IS INTENDED TO CREATE A CONTRACT OF ANY KIND BETWEEN THE BOROUGH AND THE EMPLOYEE. EMPLOYEES ARE "AT-WILL", WHICH MEANS THEY OR THE BOROUGH MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME FOR ANY REASON OR NO REASON WHATSOEVER, UNLESS THEY ARE COVERED BY A SEPARATE COLLECTIVE BARGAINING AGREEMENT. THE EMPLOYER PROMISES NOTHING AND REMAINS FREE TO CHANGE WAGES AND ALL OTHER WORKING CONDITIONS WITHOUT HAVING TO CONSULT ANYONE AND WITHOUT ANYONE'S AGREEMENT. NOTHING IN THIS HANDBOOK IS TO REPLACE ANY COLLECTIVE BARGAINING AGREEMENT AND SAID AGREEMENT WILL TAKE PRIORITY.

Conflicts; precedence

New Jersey State Statutes, Administrative Rulings, current bargaining unit contracts, personal services or employment contracts, or Federal, State and Local law (including the Attorney General's guidelines, Bound Brook Ordinances, and Bound Brook Police Department General Orders with respect to Police Department personnel matters), shall take precedence over the policies and procedures contained herein whenever there appears to be a conflict, unless specifically indicated otherwise in these policies. In all other cases, these policies and procedures shall prevail.

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor	
Date of Adoption: October 11, 2022		

RESOLUTION 2022-253

RESOLUTION AUTHORIZING A CHANGE ORDER TO THE PROFESSIONAL SERVICES CONTRACT WITH MCELROY DEUTSCH FOR PLANNING BOARD ATTORNEY SERVICES

WHEREAS, Resolution 2022-029 awarded a professional services contract to McElroy Deutsch for Planning Board Attorney services in the 2022 calendar year; and

WHEREAS, the Borough set a not to exceed amount of \$5,000.00 for the contract award;

WHEREAS, due to unforeseen circumstances requiring additional work, there is a need to increase the 2022 professional services contract award by the amount of \$3,000.00; and

WHEREAS, the Chief Finance Officer has certified the funds from account # 2022-0121-0180-2-180155;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that a change order be authorized to increase the contract by \$3,000.00, for a total contract value of \$8,000.00.

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Mayor Dave Morris	
Date of Adoption: October 11, 2022		

RESOLUTION 2022-254

AUTHORIZING THE BOROUGH OF BOUND BROOK TO PARTNER WITH EMPOWER SOMERSET AND THE BOROUGH OF SOUTH BOUND BROOK IN APPLYING FOR AND ACCPECTING A DRUG FREE COMMUNITIES SUPPORT PROGRAM GRANT IN AN AMOUNT UP TO \$125,000 PER YEAR FOR UP TO 10 YEARS

WHEREAS, EmPower Somerset is proposing a partnership with the Borough of Bound Brook and the Borough of South Bound Brook in applying for a federal Drug Free Communities Support Program Grant in 2023; and

WHEREAS the Boroughs of Bound Brook and South Bound Brook support the establishment of a coalition with members who represent specific community sectors; and

WHEREAS, the coalition's intent is to prevent youth substance use; and

WHEREAS, EmPower Somerset will serve as the fiscal agent on behalf on the coalition and will provide paid staff to administer the requirements of the funding;

NOW, THEREFORE, BE IT RESOLVED that the council of the Borough of Bound Brook hereby supports this partnership, the creation of a coalition for the intended purpose of preventing youth substance use and the application for a Drug Free Communities Support Program Grant.

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor	
Date of Adoption: October 11, 2022		

RESOLUTION 2022-255

RESOLUTION AUTHORIZING A REFUND TO ANTHONY RODRIGUEZ IN THE AMOUNT OF \$51.00 FOR COMMUTER PARKING

WHEREAS, Anthony Rodriguez erroneously paid for commuter parking with the intention to obtain resident parking;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, Anthony Rodriguez be refunded in the amount of \$51.00.

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Mayor Dave Morris	

RESOLUTION 2022-257

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

WHEREAS, Thomas McCarthy has applied to become a volunteer firefighter in the Borough of Bound Brook Fire Department Relief Fire Company No. 1; and

WHEREAS, evidence of physical fitness has been produced and background check has been performed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey that the New Jersey State Firemen's Association Application for Membership for Thomas McCarthy to Relief Fire Company No. 1 is hereby accepted.

Attest:	Approved:
Jasmine D. McCoy, Borough Clerk	Dave Morris, Mayor

RESOLUTION 2022-258

RESOLUTION AUTHORIZING A REFUND TO NICOLE MARSHALL IN THE AMOUNT OF \$125.00 FOR BASKETBALL CAMP

WHEREAS, Nicole Marshall paid for basketball camp with the intention of her son attending, but he was injured shortly before the start of basketball camp;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, Nicole Marshall be refunded in the amount of \$125.00.

Attest:	Approved:	
Jasmine D. McCoy, Borough Clerk	Mayor Dave Morris	

BOROUGH OF BOUND BROOK RESOLUTION 2022-259

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 \$2,274,067.46

<u>FUND</u>	<u>AMOUNT</u>
CURRENT	\$1,905,453.53
GRANT FUND	\$ 287.70
RECREATION TRUST	\$ 426.00
DOG/CAT TRUST	\$ 18.60
SEWER	\$472.00
TAX COLLECTOR TRUST	\$165,600.00
TAX TITLE LIEN REDEMPTION	\$189,748.01
DEVELOPERS ESCROW	\$9,614.76
TOTAL	\$2,274,067.46
	Approved:
Attest:	Mayor Dave Morris
Jasmine D. Mathis, Borough Clerk Date of Adoption:, 2022	