

REGULAR COUNCIL MEETING

7:00 PM Tuesday, March 12, 1991

The meeting was opened by Mayor Fasanello who read the following statement: "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 Bound Brook Chronicle, the Courier-News, the Home News and the Star-Ledger on January 1, 1991.

A prayer was offered by the Clerk-Administrator followed by the Pledge of Allegiance to the Flag.

Roll Call: Present: Mayor Fasanello, C. Pres. Wilk, C. Hall, C. Pournaras, C. Steinruck, C. Andrade, C. Nerger

Approval of Minutes:

Motion by Pournaras, second by Hall and unanimously approved to dispense with the reading of the minutes of the Regular Meeting of February 12, 1991.

Motion by Wilk, second by Pournaras and unanimously approved, with Nerger abstaining, the minutes of the Regular Meeting of February 12, 1991.

Motion by Pournaras, second by Steinruck and unanimously approved to dispense with the reading of the minutes of the Special Meeting of February 25, 1991.

Motion by Pournaras, second by Hall and unanimously approved the minutes of the Special Meeting of February 25, 1991.

Greetings of the Public and Invitation for Discussion:

Dominic April, attorney retained by Ivy Hook & Ladder Fire Company, supported repair rather than replacement of fire truck and opposed disbanding of Ivy Hook & Ladder Fire Company. Addressed legal question regarding Ordinance No. 91-6 and action regarding the fire truck rather this was, in fact, disciplinary action against the fireman involved, and thereby in violation of due process.

Stan Kulesavage, 116 West Union Ave., opposed provision in Ordinance No. 91-3 whereby an applicant can be granted a waiver from the Board of Adjustment from having all taxes paid prior to filing an application.

Ken Sella, 351 Codrington Place, wanted Ivy Hook & Ladder fire truck put back in service for use of its ground ladders and postponement of action on restructuring the fire companies.

Chris Flanagan, 344 St. John's Place, favored merging two pumper companies rather than eliminating Ivy Hook & Ladder.

Bill Weiler, 52 West Union Ave., favored closing fire company on East Main Street since it is in a flood plain.

Robert Flanagan, president of Ivy Hook & Ladder Fire Company, questioned how you merge two corporations {fire companies} when one doesn't entertain the thought of merging.

Pat Settembrino, 131 West Maple Ave., questioned why the council recently opposed the EPA drilling test wells in public property in town.

Harry Roberts, 132 Linden Ave., questioned ownership of the fire truck.

Peggy Sella, 351 Codrington Place, spoke in support of the members of Ivy Hook & Ladder.

Catherine Barrek, 280 Chestnut St., also spoke in support of the members of Ivy Hook & Ladder.

Bill Weiler, 52 West Union Ave., read a prepared statement opposing the sale of the Tea Street property on the grounds that it would hurt the current Main Street merchants and depress Main Street.

Committee Reports:

Wilk - Public Safety and Recycling - The Clerk-Administrator has completed the 1990 Recycling Tonnage Grant application. The monthly Police Report is available.

Hall - Finance - The 1991 Municipal Budget will be published in the Bound Brook Chronicle on March 14, 1991 and a public hearing has been scheduled for April 2, 1991. The 1991 Salary Range Ordinance is on tonight's agenda for introduction.

Pournaras - Parks and Recreation - No report.

Steinruck - Economic Development - Attended the February 20, 1991 Community Development Block Grant Meeting. The next meeting is tomorrow. Phyllis Pournaras and Tom Brodbeck will attend.

Andrade - Public Works, Buildings, Grounds and Utilities - Street sweeping has begun on a regular schedule. Pick-up of grass clippings will begin in April.

Nerger - Personnel, Administration and Negotiations - Will request a closed session to discuss personnel.

Introduction of Ordinances:

91-4: 1991 Salary Range Ordinance.

Motion to pass on first reading and set public hearing for final adoption for April 9, 1991 at 7:00 PM by Hall; seconded by Pournaras.

Roll Call: Aye: Wilk, Hall, Pournaras, Steinruck, Andrade, Nerger.

91-5: An Ordinance re-appropriating \$4363.52 left over from 90-3 for library renovations to municipal building renovations.

Motion to pass on first reading and set public hearing for final adoption for April 9, 1991 at 7:00 PM by Steinruck; seconded by Wilk.

Roll Call: Aye: Wilk, Hall, Pournaras, Steinruck, Andrade, Nerger

91-6: An Ordinance to amend Chapter II of the Revised General Ordinances of the Borough of Bound Brook regarding the number of fire companies and officers.

Motion to pass on first reading and set public hearing for final adoption for April 9, 1991 at 7:00 PM by Wilk; seconded by Pournaras.

Andrade - Requested to table this ordinance for more time to evaluate it.

Nerger - Requested more information from the Board of Engineers regarding economic issues and fire safety issues.

Wilk - Stated that fire departments are quasi-military organizations and that the leadership has recommended the action of this ordinance.

Hall - Felt the reasons for closing this particular fire house were somewhat unclear. Favored tabling the ordinance so more information could be obtained.

Pournaras - Stated that this whole thing started with Ivy complaints to OSHA who found violations then the report that the aerial ladder was beyond its date for stress testing.

Fasanello - Stated four reasons in support of the current action: 1} Board of Engineers' report; 2} Acknowledged need to downsize; 3} Excessive maintenance costs for a ten year old truck; 4} Extraordinary costs such as accident damage.

Motion to table by Andrade; seconded by Hall.

Roll Call: Aye: Hall, Andrade, Nerger

No: Wilk, Pournaras, Steinruck, Fasanello

Roll call on original motion to pass on first reading:

Aye: Wilk, Pournaras, Steinruck, Fasanello

No: Hall, Andrade, Nerger

Ordinances for Public Hearing, Final Reading and Consideration:

91-2: An Ordinance to amend Chapter XIV of the Revised General Ordinances of the Borough of Bound Brook mandating recycling of tin-plated steel and bimetal food and beverage cans to comply with County requirements.

Motion by Wilk; seconded by Pournaras and unanimously approved to open the public hearing on Ordinance 91-2.

Motion by Wilk; seconded by Hall and unanimously approved to close the public hearing on Ordinance 91-2.

Motion to adopt Ordinance 91-2 by Nerger; seconded by Hall.

Roll Call: Aye: Wilk, Hall, Pournaras, Steinruck, Andrade, Nerger

91-3: An Ordinance to amend Chapter XXI of the Revised General Ordinances of the Borough of Bound Brook to add a Development Check List as per the Planning Board's recommendation. Motion by Andrade; seconded by Wilk and unanimously approved to open the public hearing on Ordinance 91-3.

Stan Kulesavage, 116 West Union Ave., opposed the provision of this ordinance to allow the Board of Adjustment to waive the requirement for payment of taxes prior to an application being considered complete.

Terry Prokop, 318 Grove Ave., stated that the legislative intent of the ordinance should be addressed. Felt that the check list provisions contradicted other provisions of the current ordinances.

Richard Schindelar, 563 Church St., stated that the check list needs some Council input as to what should be waivable under any circumstances or only under special circumstances. Two applicants at the recent Board of Adjustment meeting used this ordinance to their advantage without it having been passed.

Frank Morano, 655 Church St., questioned how the check list came into being. Stated that an applicant prior to him used the provisions of this ordinance to his advantage. Stated that State Statute requires payment of taxes as a condition of Board of Adjustment approval of an application but not as a condition for hearing as application.

Motion by Hall; seconded by Wilk and unanimously approved to close the public hearing of Ordinance 91-3.

Andrade - Took check list at face value when presented it from the Planner. Realized last Thursday that the Board of Adjustment had not seen it. Should give the Board of Adjustment time to study this ordinance and give us a recommendation before action is taken by Mayor and Council.

Fasanello - This ordinance was published in the Bound Brook Chronicle. Must have been some discussion of it by the Board of Adjustment. The Board of Adjustment took two votes contingent upon its passage.

Wilk - We have various boards in town. If they are not doing their job perhaps consideration should be given to abolishing them. Does not want to stall action on this ordinance. Issue is being made only because of particular people currently involved before the Board of Adjustment.

Pournaras - Agrees with Councilman Wilk. It is only because of the individuals involved with this.

Nerger - Felt that Council was in a rut and that action should be postponed. Has heard some good questions tonight.

Steinruck - Agreed with Mayor's earlier description of how this ordinance came about. Request an opinion from the Borough Attorney.

Hall - Was at the Board of Adjustment meeting. Was surprised to find the Board of Adjustment acting on an ordinance not yet in effect. Feels that there is ambiguity in the ordinance that someone could use contrary to its intent.

Fasanello - We have certain laws in town. We also have certain boards in town established because certain applications deserve relief from these ordinances. Feels that this check list is the same type of thing. Does not feel that an applicant should be prevented from being heard because of non-payment of taxes. Payment of taxes should, however, be a condition of approval.

Welaj - We have been in violation of State Statute by oversight for seven years in not having such a check list. Recommends having check list adopted, as mandated by State Statute, and then modify it, if necessary, based on recommendations from the Board of Adjustment. State Statute is silent as to requirement for payment of taxes prior to hearing an application but states that towns can mandate payment of taxes as a condition of approval.

Motion to adopt Ordinance 91-3 by Wilk; seconded by Andrade.

Roll Call: Aye: Wilk, Pournaras, Steinruck, Fasanello

No: Hall, Andrade, Nerger

Resolutions:

91-31 - Authorize Tax Collector to pay \$1783.60 for Tax Sale Certificate 90-02 and cancel lien

91-32 - Authorize Tax Collector to pay \$5170.29 for Tax Sale Certificate 90-06 and cancel lien

91-33 - Authorize Tax Collector to pay \$121.98 for Tax Sale Certificate 90-07 and cancel lien.

91-34 - Authorize Tax Collector to pay \$335.94 for Tax Sale Certificate 90-12 and cancel lien.

91-35 - Authorize Tax Collector to pay \$23.08 for Tax Sale Certificate 90-14 and cancel lien.

91-36 - Authorize Tax Collector to pay \$81.23 for Tax Sale Certificate 90-19 and cancel lien.
Motion on Resolutions 91-31 through 91-36 by Hall; Second: Wilk; Unanimous

91-37 - Authorize Tax Collector to refund overpayment of taxes in the amount of \$1014.60.
Motion: Hall; Second: Andrade; Unanimous

91-38 - Authorize Tax Collector to refund overpayment of taxes in the amount of \$1170.13.
Motion: Andrade; Second: Pournaras; Unanimous

91-39 - Authorize Tax Collector to refund overpayment of curb assessments to nine taxpayers in the total amount of \$387.48.
Motion: Nerger; Second: Hall; Unanimous

91-40 - Transfer in appropriation of \$9960 from Clean Communities O.E. to Clean Communities S. & W.
Motion: Nerger; Second: Hall; Unanimous

91-41 - Authorize the Equitable Life Assurance Society to provide a deferred compensation plan to Borough employees as a professional service without competitive bidding and at no cost to the Borough.
Motion: Hall; Second: Andrade; Unanimous

91-42 - Authorize Clerk-Administrator to apply for 1990 State Recycling Tonnage Grant.
Motion: Wilk; Second: Hall; Unanimous

91-43 - Award of bid for road reconstruction of Thomas Place and Crescent Drive.
Motion: Pournaras; Second: Hall; Unanimous

91-44 - Award of bid for sanitary sewer TV inspection.
Motion: Hall; Second: Pournaras; Unanimous

91-45 - Cancel unexpended balance of \$4363.52 in Capital Ordinance C90-3.
Motion: Pournaras; Second: Hall; Unanimous

91-46 - Authorize 1991 Somerset County Centerline Pavement Marking Program for Borough roadways. {Tea St. from Union to Talmage; East St. from Union to Main; Somerset St. from Hamilton to East; Vosseller Ave. from Union north to Borough border.}
Motion: Pournaras; Second: Wilk; Unanimous

91-47 - Authorize Deputy Tax Collector to sign checks for Refuse Trust, Unemployment Trust and American Legion Trust accounts.
Motion: Pournaras; Second: Wilk; Unanimous

Presentation of Communications, Petitions, Etc.:

Monthly Departmental Reports - Motion: Pournaras; Second: Hall; Unanimous

Volunteer Fireman Application by Joseph B. Paprzycki, Jr. - Motion: Wilk; Second: Pournaras; Unanimous

New Business:

Pournaras - Made reference to a letter from a local florist requesting restrictions be placed on peddlers.

Approvals: Vouchers - Motion: Pournaras; Second: Wilk; Unanimous

At this point Mayor Fasanello read a proclamation commending our troops returning from the Middle East and the Mayor and City of New York for their efforts in planning a welcome home celebration.

Opening of the Meeting to the Public on Agendized Items Only:

Joe Yusiewicz, 315 East St., commented that the last time the County did the centerline pavement marking that the paint did not last very long.

Jean Mangino, 622 Encampment Dr., asked if any donation from the Borough was being made toward the New York City troop welcome home celebration.

Motion for Closed Session to discuss personnel by Steinruck; Second: Pournaras; Unanimous Council returned to open session.

Motion to Adjourn Regular Council Meeting: Pournaras; Second: Wilk; Unanimous

Time: 9:45 PM



Thomas R. Brodbeck
Borough Clerk-Administrator