

BOROUGH OF BOUND BROOK

AGENDA MEETING MINUTES -AUGUST 8, 2017

Mayor Robert Fazen called the meeting to order at 7:00 PM with a reading of the Open Public Meetings Law Statement followed by the Pledge of Allegiance and an Opening Prayer.

Roll Call

Mayor Robert Fazen –	present
C. Vinnie Petti	present
C. Abel Gomez	absent
C. Philip Fiadino	present
C. David Rosario	absent
C. President Anthony Pranzatelli	present
C. Diana Manahan	present

Also Present:

Hector Herrera-Borough Administrator
Borough Clerk – Donna Marie Godleski
Borough Attorney- Judy Verrone, Esq.
Redevelopment Attorney-Frank Regan, Esq.
Police Chief Vito Bet

Mayor Fazen announced that the meeting will begin with an executive session which should be very short. The agenda meeting will follow.

Meeting adjourned to executive session.

R2017:132

Authorize Executive Session for Contract Negotiations (Pilot Application-Urban Renewal)

Motion: Fiadino Second: Pranzatelli All in favor: Aye

Agenda meeting opened at 7:15 p.m.

Motion moved by C. Pranzatelli; second by C. Fiadino;

All in favor: Aye

Approval of Minutes: July 25, 2017

Motion: Fiadino Second: Petti All in favor: Aye

Advertised hearings or special presentations

Historic Preservation Commission Presentation

>Local Landmark Nominations

Mary Swarbrick announced the commission has nominated three sites.

Old Stone Arch Bridge

Brook Theatre

Bound Brook Railroad Station

A public hearing was held on April 6, 2017 and notifications were mailed in accordance with procedures set forth in the ordinance.

The Old Stone Arch Bridge constructed circa 1730-1760 is significant as a bridge on the Raritan Road and is historically significant for its association with the American Revolution and the Battle of Bound Brook on April 13, 1777.

The Brook Theatre constructed in 1927 by Alexander Moorecraft a notable member of the Bound Brook community and a wonderful example of a typical vaudeville house in the 19th early 20th century. It is presently a performing arts center owned by the Somerset County Cultural Arts Center and is currently under restoration.

The Bound Brook Railroad Station was constructed in 1913 by the Reading Railroad.

The commission has recommended that all three sites be placed on the landmark registry for the borough. All three sites are already on the federal and state registry.

An ordinance has been presented to the council by the commission and will be placed on the agenda for introduction at the next council meeting.

Questions were addressed by the council.

Mary advised that they are working on other sites. The Pillar of Fire, St. Joseph's Church, The Union Avenue Landmark District, and the Site of the Library where the first house was built in Bound Brook.

The task is very labor intensive. We are looking for volunteers to assist.

Presentation of communications, petitions, etc. -none

Greetings for comments and invitation for discussion

Open to public:

Carol Holub- 518 West Second Street

She thought the Brook Theatre was already on a national site.

Mayor advised it is. It is not on the municipality's landmark.

How old does a building have to be? Mayor advised the initial amount of time is fifty years.

She thought the Bound Brook Hotel should have been considered as a landmark.

Mark Speed -553 Wahnetah Drive

Mr. Speed asked for confirmation as to once the ordinances are introduced will there be no public comment between now and the second reading?

Mayor stated that was correct. You may speak now on the ordinances.

Mr. Speed advised that he had comments on Ordinance No. 2017-26 which pertains to the pilot agreement for the Bound Brook Hotel site.

The proposed pilot is 10% of gross receipts for 30 years.

Mayor Fazen stated the Bound Brook Hotel will be purchased along with more property which will further the land that will be owned by redeveloper. Currently the BB Hotel pays \$19,000 in taxes. The fee to the borough when construction is completed and apartments fill up, 2 to 3 years from now will be \$250,000/year.

This is a great deal of incentive for the town to do this for that reason alone.

Mr. Speed questioned the numbers for the deal.

Mayor advised 10% is the lowest and 30 years is the highest by statute.

Mr. Speed asked how much taxes would be brought in without a pilot.

Mayor Fazen stated according to his math, would be 31% of what they would pay in full taxes.

C. Pranzatelli stated that if you ask developer to pay full taxes, you would not have one.

Mr. Speed stated that he has seen three pilot programs since he has been living in the town. I saw the numbers presented by the town but I have not seen my taxes go down. He felt the traffic would increase. He could not see the benefits of these project

C. Pranzatelli stated that the borough has had a significant increase in taxes in the last 15 years.

In the last 3 years we have had a flat tax rate. One of our goals is to reduce taxes and increase services.

Mayor Fazen stated that the long term goal is to reduce taxes.

This is a fine line we play and has to do with lawyers, developers, and councilmembers. We all are involved with the negotiations.

There is a decision that has to be made and this was made by the council.

Mayor did support what was done. This deal would not have taken place had they not done the agreement that we are going to vote on.

Mr. Speed did not share the council's decision with the pilot agreement.

He felt it was a very nice project but as a resident still did not understand why the BB Hotel was not considered for the historic register.

He would be perfectly fine in seeing the BB Hotel still standing there if the expense is to give this deal.

Mark McCauley 101 West High Street

He asked what the town is doing to respect history behind the Old Presbyterian Graveyard. Mayor Fazen advised that the cemetery will be untouched and the development will not obscure.

Mark expressed his concerns about the traffic and parking.

He questioned the revenue projections.

C. Pranzatelli stated that it hurts to lose the BB Hotel. The building is not in great shape.

Economically it does not work to leave it as is.

Mary Kate Speed 553 Wahnetah Drive

She asked if any money from the pilot was going to the schools.

C. Pranzatelli stated that it all goes to the town but the town has the right to give some money back to the school.

The impact study reported this development will bring in three (3) children. Mayor Fazen advised that Meridia and Queen Gate are full and one (1) child has been reported.

Mary had concerns with how the ordinance was written. She questioned the exempt properties, creation of jobs and new business.

She did not see how putting in apartments and a restaurant will benefit an already congested circle.

C. Fiadino advised that this traffic is generated by industrial companies in Somerset and Piscataway. This is a county issue.

Mayor Fazen advised that the Planning Board had a consultant conduct a traffic study. The entry and exit into the parking lot will not impact the circle.

Mary disagreed with pilot; giving away the town to flat line the budget.

She was concerned about future negotiations. Seeing things like this are disheartening.

David Morris Watchung Road

He stated that negotiations ending in the most favorable allowed by law does not seem like a negotiation.

He asked if there was an audit process.

Mayor Fazen advised there is an audit in the pilot agreement.

David said in looking at the municipal budget the projected revenue is increased by 680,000. The property tax collected assessed to residents' remains unchanged.

David had concerns about units filling up and the increase in traffic.

What about police and fire.

Does this project really appeal to the area? It all looks great on paper. He felt there would be more costs to the town.

Mayor Fazen stated that the redevelopers know the marketplace.

He never thought Meridia and Queens Gate would work, but it did.

David asked why the BB Hotel is not considered an historic landmark. It is older than the BB Theatre.

He asked if any councilperson personally benefits from this project.

C. Pranzatelli stated that C. Gomez is the realtor who has recused himself.

Glen Rossi-Crescent Drive

He stated that it all looks great on paper. He had concerns with the project turning sour and the traffic.

He disagreed with the BB Hotel in that it is not an historic landmark. It is older than the BB Theatre.

Bonnie Grub 305 Park Place

She stated she held a group meeting with neighbors before the council meeting and would be asking questions on their behalf.

She asked if there was anything that can be done to change the pilot.

Mayor Fazen advised that we will voting on the pilot later on the agenda.

She asked what other businesses pay percent wise.

Mayor advised 10% is the fee paid in pilot agreement; other commercial properties pay taxes.

Mayor explained if they were paying full taxes it would be 70% more than what they are paying with the fee.

She asked why not meet in the middle. Council advised they would not build the building.

Attorney stated the property would stay underutilized and would not be spurring development. Not be done without an incentive.

She asked if there were other developers interested.

C. Pranzatelli advised that we have gone out for Requests for Proposals.

She asked if there was a study done as to why it is so hard to get building done on our Main Street.

C. Pranzatelli advised the big one was our Flood Control Project which is now completed. We have created the Special Improvement District which will help attract developers.

We now have a success project Meridia. This all takes time.

She questioned the 30 year pilot and why not wait.

C. Pranzatelli stated it was council's decision to move this project forward and pay off our bonding to do all the road projects.

C. Fiadino advised he would tackle the traffic issues with the county.

She asked the council if they could look into what is causing businesses not to come into town.

She asked why the town is using Belgium block around the streets.

C. Pranzatelli advised the difference is minimal. It is a lot easier to fix and it looks nicer.

Mayor Fazen advised per the Master Plan, there is Belgium in residential and concrete in commercial areas.

Bonnie stated in closing as a resident and what the residents feel on her street, we would like the council to make a better deal.

Roseann Short 169 Cherry Avenue

She could not understand building a five story. She asked if there was going to be a parking lot by the cemetery.

Mayor Fazen advised the triangle area across the street that goes towards the cemetery is for parking.

She felt the traffic would be bad exiting the building.

Mayor Fazen stated it would not be any busier than what it is now.

She had concerns with the parking and disappointed the borough was not receiving more money back from the school.

Carol Holub 518 West Second Street

She had questions on the first and second pilot for Meridia.

She was not in favor of the 30 years for BB Hotel project.

She would like to see it go down to 20 years.

In closing, Mayor Fazen said what he is hearing from the residents is that future negotiations be under thirty (30) years and above ten (10) per cent.

Opening of bids - None

Engineers Report – T&M Associates –

Dale Leubner reported: July 1-July 31, 2017

>Billian Legion Park parking lot permitting-

Received Minor Disruption Permit; NJDEP requires a Major Disruption Permit which has been submitted. Working with the police department with regards to cameras and security lighting for the lot.

>Reconstruction of Thompson Avenue from Union Avenue to Verona Place-

Contractor is working on completing punch list items

>Replacement of a portion of Talmage Avenue Sanitary Sewer Main

Project has been substantially completed

>Codrington Park Field Improvements

Bids over budget and formally rejected; working with borough attorney to identify next steps in an effort to move the project forward

>2017 Road Improvement Program-Central Avenue from Piedmont Drive to Chestnut Street, East Maple Avenue from Church Street to Mountain Avenue and VanKeuren Avenue from West Second Street to Talmage Avenue.

Project advertised with bids to be received August 18, 2017-

\$400,000 in grants for the project; recommended concrete curb due to the slope of the roadway.

Engineer was excused.

Introduction of ordinances -First Reading –

Ordinance No. 2017-25

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXI LAND USE, SUBSECTION 21-2, DEFINITIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK, SOMERSET COUNTY, NEW JERSEY TO REDEFINE – MINOR SITE PLAN

Motion: Pranzatelli Movant: I move that ordinance be approved on first reading, advertised according to law, and a public hearing be held on August 22, 2017 Second: Fiadino

Discussion: None

Roll Call:

C. Vinnie Petti- absent ___ C. Abel Gomez_ absent___ C. Philip Fiadino_Y___

C. David Rosario _absent___ C. Anthony Pranzatelli___Y___

C. Diana Manahan__Y__

Ordinance No. 2017-26

AN ORDINANCE OF THE BOROUGH OF BOUND BROOK, COUNTY OF SOMERSET, NEW JERSEY APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND BOROUGH CLERK PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF BOUND BROOK AND 507 EAST MAIN STREET URBAN RENEWAL, LLC FOR PROPERTIES LOCATED ON BLOCK 13.03, LOTS 1 & 12.01 AND TAX BLOCK 13, LOT 10.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BOUND BROOK AND LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

Motion: Pranzatelli Movant: I move that ordinance be approved on first reading, advertised according to law, and a public hearing be held on August 22, 2017 Second: Fiadino

Discussion: Mayor Fazen advised the council heard from the public discussion on the ordinance. The public will have an opportunity to comment on the ordinance at public hearing.

Roll Call:

C. Vinnie Petti absent_ C. Abel Gomez_ absent___ C. Philip Fiadino_Y___

C. David Rosario absent C. Anthony Pranzatelli___Y___

C. Diana Manahan__Y__

R2017:27

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII, TRAFFIC, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK TO REVISE THE SPEED LIMIT ON CERTAIN STREETS

Motion: Fiadino Movant: I move that ordinance be approved on first reading, advertised according to law, and a public hearing be held on August 22, 2017 Second: Pranzatelli

Discussion: Mayor advised this is the Tea Street Area. There is a lot of foot traffic. The speed limit will be reduced.

Roll Call:

C. Vinnie Petti _absent_ C. Abel Gomez _absent___ C. Philip Fiadino ___Y_

C. David Rosario _absent___ C. Anthony Pranzatelli ___Y___

C. Diana Manahan ___Y_

Ordinance on Final Reading and Consideration-Second Reading

Ordinance No. 2017-24

AN ORDINANCE AMENDING CHAPTER 17, PROPERTY MAINTENANCE OF THE BOROUGH OF BOUND BROOK, SOMERSET COUNTY, NEW JERSEY TO INCLUDE 17-28 “INVASIVE BAMBOO PLANTS”

Motion to open public comment: Fiadino Second: Manahan

Public Comment: None

Motion to close comment:

Motion to adopt: Fiadino Second: Manahan

Discussion: Pranzatelli stated he advised Mr. Costa he was not happy the way the ordinance was written. It was not clear if the bamboo on property

some plants have crossed the line that the both parties are responsible for controlling not person with the majority of bamboo.

Mr. Herrera Administrator recommended ordinance be moved to the end of the meeting so he can have an opportunity to review this.

Consensus of council agreed to move the ordinance to end of agenda for discussion.

Introduction/Discussion of Resolutions:

R2017:133

Approve a refund to Tuta Ice Cream in the amount of \$25.00

For a temporary food license

Motion: Fiadino Second: Manahan All in favor: Aye

R2017:134

Approve a refund to James Herman in the amount of \$50.00 for

August commuter parking tag -

Motion: Fiadino Second: Manahan All in favor: Aye

R2017:135

Approve a refund to Rais Q. Khan in the amount of \$50.00 for August commuter parking tag

Motion: Fiadino Second: Petti All in favor: Aye

R2017:136

Approve a curbing change on Central Avenue for the 2017 Road Improvement Project

Motion: Fiadino Second: Manahan All in favor: Aye

R2017-137

Adopt Police Rules & Regulations

Motion: Fiadino Second: Petti All in favor: Aye

R2017-138

RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION PREAPPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR THE DISPOSAL OF APPROXIMATELY 0.0554 ACRES OF NORTH PARK IN THE BOROUGH OF BOUND BROOK TO MARJ SCHINDELAR, A CONTIGUOUS PROPERTY OWNER, TO RESOLVE A PRE-EXISTING ENCROACHMENT

Motion: Pranzatelli Second: Fiadino All in favor: Aye

R2017:139

RESOLUTION APPROVING FURTHER CHANGES TO AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH 507 WEST MAIN STREET URBAN RENEWAL, LLC, AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 13.03, LOTS 1 & 12.01 AND TAX BLOCK 13, LOT 10.01, LOCATED IN REDEVELOPMENT AREA 1 FOR A MIXED USE DEVELOPMENT

Motion: Fiadino Second: Petti All in favor: Aye

Unfinished Business

New Business

>Accept Resignation Letters:

Amber Leibold -1st Assistant Chief- Fire Department

Judith Bailey- Board of Health Member

Mayor Fazen announced that Council David Rosario submitted his resignation from council effective immediately.

Motion: Fiadino Second: Petti All in favor: Aye

The Mayor thanked Mr. Rosario for his service.

Council President Pranzatelli advised everyone that he has resigned due to a health issue. We all wish him the best and will miss him.

C. Fiadino advised that the President was given a briefing on the opiate crisis this evening in Bedminster. We are aware that it exists in Bound Brook and throughout the United States. The Police Chief, the Mayor, he and others are committed to dealing with the crisis. Mayor Fazen stated one of the things we are doing is placing a medicine drop box in the dispatch lobby and we will also have a mobile unit which we will take to senior meetings.

Discussion on Ordinance No. 2017-24- Invasive Bamboo Plants

C. Pranzatelli advised that 17-28.3 is the same as it was in the original.

Roll Call:

C. Vinnie Petti Y C. Abel Gomez -absent C. Philip Fiadino Y

C. David Rosario absent C. Anthony Pranzatelli Y

C. Diana Manahan Y

Approval of Vouchers- None

Open to the public for comment-

Mark Speed- 553 Wahnetah Drive

He pointed out there was more discussion from the council as to who is responsible for bamboo than a \$600,000 discount per year in taxes. He asked where the priorities are. There is a lot of discussion that takes place outside of the ears of the public. We are not allowed to be part of it.

He was disappointed in his representatives. You are putting forth this plan and saying nothing to educate us and justify this pilot.

He was also disappointed when a councilmember was absent during roll call on the ordinances. The votes should have been held off until the councilmember returned to his seat.

Also disappointing is finding out the day of First Reading that one of the councilmembers is the broker for the deal. C. Fiadino stated that the councilmember recused himself when it was first introduced.

Mark that he is a member of the Planning Board and was present when the vote was taken for the project. He was told by the board attorney that C. Gomez did not have to divulge the reason for recusing himself from voting.

He asked if there was a "Chinese" firewall.

Attorney Verrone stated yes there is and that the councilperson does not read any documents and discuss matters with anyone.

Mark had discomfort with it because no one explained the conflict of interest and that there was no influence on the deal. There was no educating of the public.

Mayor Fazen advised that when C. Gomez recused himself on council, he indicated that he was the real estate agent for the deal.

Mr. Speed stated that the council told us that we could not attract developers without a pilot. He noted that Queens Gate was constructed without a pilot. They were only given a pilot when partially constructed when the developers pointed to the deal that Meridia was given.

He noted that we are now surrounded by towns that are doing pilots. Are we looking at these deals for the rates?

C. Pranzatelli advised that percentages vary with the project. The Borough of Somerville is negotiating similar terms.

Mary Lawlor 625 Crescent Drive

She asked about the Meridia 20 year agreement that was changed.

C. Pranzatelli advised it went to 30 year in exchange for them paying a fee of \$800,000 upfront. They were able to borrow money to do the Meridia II. We had a deficit in the budget; the town needed the \$800,000.

Mayor Fazen stated during negotiations, the 30 year deals are the only thing that would be acceptable in order for developers to do their projects. C. Pranzatelli stated there are advantages of a longer pilot; the county does not receive 20% of their taxes. There are little and no school children in these projects. All the money is going to the borough.

Mayor Fazen stated keep in mind that we are now getting \$19,000/year in taxes compared to \$260,000/year with the pilot.

Bonnie – 305 Park Place

She asked if C. Gomez was the real estate agent for the transaction and if he is involved with negotiations. Mayor advised he is the agent for the project and does not involve himself in the negotiations.

R2017: 140

Authorize executive session -Pending Litigation (Watchung Fire Company)

Anticipated Litigation (SOA Grievance)

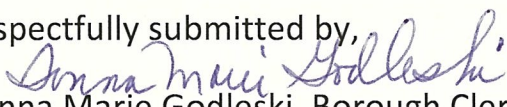
Motion: Fiadino Second: Petti All in favor: Aye

Agenda meeting opened at 10:30 p.m.

08-08-17 minutes

Adjournment @ 10:30 p.m.

Motion: Petti Second: Fiadino All in favor: Aye

Respectfully submitted by,

Donna Marie Godleski, Borough Clerk