

**BOROUGH OF SOMERVILLE
EXECUTIVE SESSION / WORKSHOP SESSION / COUNCIL MEETING
AGENDA**

**Monday, May 20, 2024
Executive Session 6:00 P.M.
Public Portion 7:00 P.M. (estimate)**

LOCATION: COUNCIL CHAMBERS – SOMERVILLE CIVIC CENTER
24 ROBESON STREET, SOMERVILLE, NJ 08876

Stay Connected with the Borough of Somerville

E-Connect (email newsletter): <https://www.somervillenj.org/email>

Facebook: [@SomervilleBorough](#)

Instagram: [@SomervilleBorough](#)

Twitter: [@SomervilleClerk](#)

YouTube: [@SomervilleBorough](#)

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES- EXECUTIVE SESSION**
 - a. May 6, 2024
- 4. RESOLUTION 24-0520-154 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment
- b. Personnel

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. May 6, 2024
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. Girls Night Out – May 16, 2024, 5:00 pm – 9:00 pm
 - b. Rolling Thunder – May 26, 2024- Noon
 - c. Family Fun Ride – May 27, 2024, 8:00 a.m.
 - d. Memorial Day Parade – May 27, 2024, 8:30 a.m.
 - e. Tour of Somerville – May 27, 2024, 9:00 a.m.

6. PROCLAMATIONS

- a. PROCLAIMING EMERGENCY MEDICAL SERVICES WEEK
MAY 19-25, 2024 THIS IS EMS –CARING FOR OUR COMMUNITIES
- b. RAISING AWARENESS REGARDING PERIOD POVERTY AND
RECOGNIZING PERIOD POVERTY AWARENESS WEEK MAY 20-28,
2024

7. COMMITTEE REPORTS

8. MEETING OPEN TO THE PUBLIC

(Motion and 2nd needed and roll call vote to open and close the meeting to the public. Regulations that apply during public meetings also apply during electronic meetings. Comments may be submitted prior to the meeting and maybe summarized during the meeting)

9. ORDINANCES FOR PUBLIC HEARING AND ADOPTION (full copy is available at the end of this agenda)

2733-24-0506 AMENDING ORDINANCE #2716-23-0717 CHAPTER 45, ALCOHOLIC BEVERAGES, ARTICLE 1, LICENSING; REGULATIONS SECTION 7; FEES SUBSECTION A, PARAGRAPH 3, 7 & 8

2734-24-0506 AUTHORIZING A STANDING HISTORIC ADVISORY COMMITTEE

2735-24-0506 AMENDING ORDINANCE #2730-24-0318 ESTABLISHING A SALARY RANGE FOR EMPLOYEE TITLES TO BE PAID TO CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF SOMERVILLE

2736-24-0506 AMENDING CHAPTER 5-73 OF THE BOROUGH CODE ENTITLED DEPARTMENT OF COMMUNITY DEVELOPMENT REPLACING THE COMMUNITY DEVELOPMENT DIRECTOR TERM WITH THE TITLE OF LAND USE DIRECTOR

10. CONSENT RESOLUTIONS (ANY ITEMS PULLED OFF CONSENT AGENDA ARE REQUIRED TO HAVE A MOTION AND ROLL CALL VOTE)

(RESOLUTIONS 24-0520-155 THRU 24-0520-171)

(Resolutions may be pulled off consent agenda for discussion and roll call vote. Resolutions may be removed or added to the agenda)

24-0520-155 CALLING FOR THE MODERNAZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045

- 24-0520-156 AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A 2009 STERLING DUMP TRUCK THROUGH MUNICIBID IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM
- 24-0520-157 AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A 2001 STERLING VAC-CON THROUGH MUNICIBID IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM
- 24-0520-158 ACCEPTING THE RETIREMENT RESIGNATION OF MANUEL GARCIA EFFECTIVE JULY 1, 2024 (END OF BUSINESS JUNE 28, 2024)
- 24-0520-159 APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY 2024 RECYCLING TONNAGE GRANT
- 24-0520-160 APPROVING CHAPTER 159 FROM THE NATIONAL OPIOIDS SETTLEMENT TRUST
- 24-0520-161 AUTHORIZING A REFUND OF \$2,000.00 TO JSM AT EAST CLIFF, LLC -BROOKSIDE APARTMENTS EAST CLIFF STREET BLOCK 71 LOT 15 FOR APPLICATION WITHDRAWN SUBMITTED FOR A MINOR SITE PLAN PROJECT ID# 2023-017Z
- 24-0520-162 AUTHORIZING A REFUND OF \$2,000.00 TO JSM AT EAST CLIFF, LLC -BROOKSIDE APARTMENTS EAST CLIFF STREET BLOCK 71 LOT 15 FOR APPLICATION WITHDRAWN SUBMITTED FOR A MINOR SITE PLAN PROJECT ID# 2024-001Z
- 24-0520-163 AUTHORIZING TAX COLLECTOR PAIGE ELSTER TO EXECUTE ELECTRONIC TAX SALE AGREEMENT AND PARTICIPATE IN THE 2024 ELECTRONIC TAX SALE
- 24-0520-164 APPROVING TAX SALE COSTS 2024
- 24-0520-165 AUTHORIZING THE APPLICATION TO THE NJ CLEAN ENERGY PROGRAM COMMUNITY ENERGY PLANNING GRANT PROGRAM
- 24-0520-166 APPROVING EVENT PERMIT FOR JUST ANOTHER DAY TO USE CAROL PAGER PARK FOR ADULT KICKBALL TOURNAMENT AND GIVE AWAYS ON JULY 27, 2024 (RAIN DATE AUGUST 3rd) FROM 10:00 A.M.TO 4:00 P.M.

- 24-0520-167 AWARDING A CONTRACT WITH 1075 EMERGENCY LIGHTING LLC TO PURCHASE A BASE MODEL 10-75-SUV-COM-TAH GM TAHOE, COMMAND VEHICLE, CONSOLE, REAR COMMAND CABINET, LED LIGHTING PACKAGE AND OPTIONS FOR THE TOTAL AMOUNT OF \$92,100.00 LISTED ON HGAC CONTRACT #AM10-23
- 24-0520-168 APPOINTING ERIN ROSENBERG TO SERVE ON THE MUNICIPAL ALLIANCE COMMISSION AND YOUTH SERVICES COMMITTEE
- 24-0520-169 AUTHORIZING OPIOID SETTLEMENT FUNDS TO BE USED FOR CHALLENGE DAY 2025
- 24-0520-170 AUTHORIZING THE BOROUGH OF SOMERVILLE TO APPLY FOR AN EMERGENCY MANAGEMENT PERFORMANCE GRANT - EMPG/EMERGENCY MANAGEMENT AGENCY ASSISTANCE - EMAA WITH THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL IN THE AMOUNT OF \$10,000
- 24-0520-171 APPOINTING HYUN J. LEE TO SERVE AS ALTERNATE PROSECUTOR FOR SPECIAL DUI SESSIONS

11. BILLS AND VOUCHERS

12. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Adoption

ORDINANCE #2733-24-0506

AMENDING ORDINANCE #2716-23-0717 CHAPTER 45, ALCOHOLIC BEVERAGES, ARTICLE 1, LICENSING; REGULATIONS SECTION 7; FEES SUBSECTION A, PARAGRAPH 3, 7 & 8

BE IT ORDAINED, by the Mayor and Council of the Borough of Somerville, County of Somerset, State of New Jersey amend Chapter 45; Alcoholic Beverages, Section 7 Fees of the Borough Code as codified, be amended in the following manner:

REPLACE: Section 7, Sub section A, Paragraphs 1, 2, 3 & 4 and add paragraphs 5, 6, 7 & 8 to read as follows:

- A. The licenses to be issued in the Borough pursuant to the provisions of the Article and the fees for such licenses which shall be paid in advance upon presentation of the application for a license are as follows:

- 1) Plenary Retail Consumption License year commencing July 1, 2024 Two thousand two hundred forty four dollars (\$2,244.00)
- 2) Plenary Retail Distribution year commencing July 1, 2024 One thousand nine hundred twenty five dollars (\$1,925)
- 3) Club License year commencing on July 1, 2024 One hundred eighty eight dollars (\$188).
- 4) Special one (1) day social affairs license sixty dollars (\$60)
- 5) Catering Permit for one day sixty dollars (\$60) per day
- 6) Extension of Premise Permit one day forty dollars (\$40) per day.
- 7) Daily Seasonal Farm Market Permit twenty -five dollars (\$25) daily
- 8) Annual Seasonal Farm Market Permit one hundred twenty five dollars (\$125) annual

BE IT FURTHER ORDAINED, as follows:

- 1) That all ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.
- 2) This ordinance shall effect upon final publication and adoption in the manner provided by law.

ORDINANCE #2734-24-0506

AUTHORIZING A STANDING HISTORIC ADVISORY COMMITTEE

WHEREAS, the Mayor of Somerville originally established the annually appointed an *ad hoc* Historic Advisory Committee (hereafter referred to as HAC) in 1994 to conserve, promote, preserve, and make accessible public information about the people, places, and events that comprise the shared heritage of all Somerville residents; and

WHEREAS, the HAC has served as an advisory committee over three mayoral administrations and continues to advise the Mayor and Council on preservation and conservation issues related to the Daniel Robert House, Somerville's historic municipal building, and other real historic assets and issues; and

WHEREAS, the HAC has proved successful in achieving its initial goals by 1) placing Somerville's Municipal building on the State and National Registers, 2) annually participating in Somerset County's sponsored annual "Weekend Journey" heritage event, 3) creating and updating a history and tourism tab for the Borough's website with the assistance of the Borough's media consultant; 4) published two books on Somerville's history [*Images of America: Somerville (Arcadia Press, 1998)* and *The County's Handsomest House: The Story of an American Gothic Classic (KDP, 2020)*]; 4) creating and periodically updating an inventory of all plaques and monuments on public property; 5) worked with the County Library system to create a digital archive of Borough history and photographs in the Somerville branch library's James Sommerville New Jersey Room; 6) maintaining a list of all Somerville Mayors and Councilpersons since 1909; and .

WHEREAS, the HAC continues to seek out funding for the conservation and preservation of the historic interior and exterior of Borough Hall, raising to date more than half a million dollars in grant funds to assist the Borough with preservation efforts;

thereby sustaining the Borough's ability to have a working, publicly accessible historic site; and

WHEREAS, as Somerville continues to advocate for compatible, sensitive, and appropriate development as well as the redevelopment and adaptive reuse of architecturally significant buildings in the Borough, to seek informed, historically informed advice from residents who are knowledgeable about Somerville's history and current preservation opportunities at the county, state, and national level is increasingly necessary for Somerville's and the Planning Board's benefit; and

WHEREAS the mission and scope of responsibility of HAC need to be formally codified.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH AS FOLLOWS:

Section 1. the HAC is authorized to continue in its advisory role to the Mayor, Council, and the Planning Board as a standing committee of the Somerville Borough government. Up to 10, two-year staggered Committee appointments will be made by the Mayor with Council approval with no limits on re-appointment. A member of HAC shall serve as Somerville's municipal representative to the county's Cultural and Heritage Commission's Municipal Advisory Committee. HAC is not a historic commission and will have no independent fiscal or regulatory authority.

Section 2. Members shall be Somerville residents, Borough employees, or Somerville business owners with interest in the preservation, and/or, document, artifact conservation, heritage education, architecture, heritage tourism, or who have enthusiasm for Somerville history. Formal training or experience in library science, museum services, education, archaeology, communication media, or preservation, or architecture are welcome, but not necessary for membership.

Section 3. HAC shall continue *"to promote, protect, and preserve the historic heritage, character, artifacts, and architecture of the Borough of Somerville, and to encourage remembrance of historic events by the Borough, to educate the public, and to advise the Mayor, Council, Administration and the Planning Board on historic matters."*

Section 4. The scope of HAC activities shall include but not be limited to:

- Advice and comment on all proposed interior and exterior work and structural alterations to Somerville Borough Hall, the National Register site known as "The Daniel Robert House", to ensure that the US Secretary of Interior's standards are adhered to in managing the building as required by the National Register.
- Maintaining and periodically updating the list of state and nationally recognized properties in the Borough accessible on the website.
- Maintaining and periodically updating an inventory of plaques, monuments, and public art in the Borough for insurance and replacement purposes on behalf of the Borough Administration.

- Maintaining a list of all Borough Mayors with biographical sketches and Councilpersons since 1909 for use by the Administrator, our public school system, or the public on request.
- Review and make recommendations regarding the acceptance and retention of any historic documents, photographs, artwork, or artifacts by the Borough in the Somerville branch Library's New Jersey Room Archive, owned by the Borough but managed in cooperation with the Somerset County Library System.
- Advise the Mayor and Council when it is appropriate and desirable for the Borough to apply for County, State, and Federal funds to support preservation projects in the Borough.

Section 5. The current administrative policy requiring the HAC to review any plans to dispose of any Borough property more than 50 years-old shall be continued by the Borough Administrator.

BE IT FURTHER ORDAINED, that if any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication.

ORDINANCE# 2735-24-0506

AMENDING ORDINANCE #2730-24-0318 ESTABLISHING A SALARY RANGE FOR EMPLOYEE TITLES TO BE PAID TO CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF SOMERVILLE

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Somerville, in the County of Somerset, and the 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 Somerville, in the County of Somerset, shall be fixed and determined from time to time by resolution of the Council, of the said Borough, at amounts or rates of not less than the respective minimum, nor more than the respective maximum amounts or rates hereinafter set forth opposite the title of the respective officers or employees as follows:

PRIMARY TITLE	MIN	MAX
MAYOR	\$3,500	\$5,500
COUNCIL MEMBER	\$3,000	\$4,500
BORO ADMINISTRATOR	\$91,600	\$142,000
BORO CLERK	\$54,400	\$90,000
DEPUTY CLERK	\$35,000	\$70,000
BORO ATTORNEY	\$32,000	\$65,000
EXECUTIVE ASSISTANT	\$40,000	\$60,000
RECEPTIONIST/ADMINISTRATIVE ASSISTANT	\$40,000	\$58,000
ASS'T TO DPW DIR/ASST TO ENGINEER	\$80,000	\$135,000
ADMIN. ASS'T TO THE POLICE CHIEF	\$45,000	\$60,000
PROJECT MANAGER	\$44,000	\$65,000

PUBLIC WORKS MANAGER	\$75,000	\$145,000
DIR OF COMM DEV	\$45,000	\$135,000
LAND USE DIRECTOR	\$65,000	\$90,000
CHIEF FINANCIAL OFFICER	\$75,000	\$155,000
ASISTANT TO THE CFO/PAYROLL	\$45,000	\$70,000
RECREATION DIRECTOR	\$45,000	\$90,000
SUPT OF FIRE MAINT.	\$45,000	\$90,000
ASST SUPT FIRE	\$40,000	\$65,000
TAX ASSESSOR (PT)	\$30,000	\$65,000
ASST TAX ASSESSOR	\$32,000	\$40,000
CORRESPONDING SECTY (PT)	\$32,000	\$50,000
SECRETARY	\$32,000	\$60,000
CONFIDENTIAL SECTY	\$32,000	\$60,000
MUNICIPAL JUDGE	\$20,000	\$70,000
ASS'T TO FINANCE OFFICER/RECEPTIONIST	\$39,000	\$70,000
TAX COLLECTOR	\$32,000	\$80,000
DEP TAX COLL	\$32,000	\$70,000
DEP SEWER UTY COLL	\$32,000	\$35,000
PLUMBING SUB-CODE	\$3,000	\$25,000
FIRE SUB-CODE INSP PT	\$10,000	\$30,000
FIRE OFFICIAL	\$32,000	\$90,000
FIRE INSPECTOR/PROPERTY MTC	\$42,000	\$55,000
PART-TIME FIRE INSPECTOR	\$10,000	\$50,000
PART-TIME TECHNICAL ASSISTANT TO CONSTRUCTION OFFICIAL	\$10,000	\$30,000
FULL-TIME TECHNICAL ASSISTANT TO CONSTRUCTION OFFICIAL	\$45,000	\$70,000
ELECTRICAL SUBCODE/CONST CODE OFF.	\$45,000	\$95,000
FIRE SUBCODE/INSPECTOR/ ELECTRICAL SUBCODE/INSPECTOR	\$85,000	\$135,000
BUILDG SUB CODE/INSPECTOR		
BUILDING SUB CODE (HOURLY)	\$48.00	\$54.00
HOUSING INSP (PT)	\$3,000	\$40,000
DEPY CODE ENF OFF	\$32,000	\$50,000
BUILDING SUB-CODE	\$2,000	\$25,000
BOOKKEEPER/CLERK	\$32,000	\$50,000
SR. CLK /TYPIST	\$32,000	\$45,000
SR. RECORDS CLERK/ADMIN ASS'T	\$40,000	\$60,000
CLERK/TYPIST PT	\$20,000	\$40,000
CLERK PT	\$10,000	\$30,000
SECTY PL/ZONING BDS (administrator)	\$32,000	\$80,000
REGISTRAR/VITAL STAT	\$45,000	\$90,000
DEP REGISTRAR/ADMIN ASS'T	\$45,000	\$70,000
DEPUTY REGISTRAR	\$45,000	\$65,000
PARK ENFORC OFF	\$33,000	\$60,000
RECEPTIONIST – PT	\$18.00/hr	\$26.00/hr
PARK ENFORC. – PT.	\$18.00/hr	\$26.00/hr
PART-TIME INTERN	\$18.00/hr	\$20.00/hr
PART-TIME CLERICAL	\$18.00/hr	\$30.00/hr
RECREATION ASSISTANTS	\$18.00/hr	\$30.00/hr
LIFEGUARDS	\$18.00/hr	\$25.00/hr

POOL SUPERVISOR	\$21.00/hr	\$25.00/hr
PART-TIME FIRE MAINTENANCE (hourly)	\$18.00/hr	\$35.00/hr
PART-TIME FIRE MAINTENANCE	\$10,000	\$35,000
INTERN	\$17.00/hr	\$25.00/hr
FIRE MAINTENANCE	\$18.00/hr	\$26.00/hr

FIRE DEPARTMENT:

FIRE APPARATUS DRIVER	\$600	\$2,000
FIRE DUTY	\$18.00/hr	\$20.00/hr
FIRE WATCH	\$18.00/hr	\$20.00/hr
FIRE ON-CALL	\$18.00/hr	\$20.00/hr

POLICE DEPARTMENT: (salary as per collective bargain contract)

CHIEF OF POLICE	\$140,000	\$195,000
CAPTAIN	\$115,000	\$190,000
LIEUTENANT	\$105,000	\$185,000
SERGEANT	\$79,000	\$180,000
DETECTIVE	\$60,000	\$165,000
PATROLMAN	\$50,000	\$165,000

PUBLIC WORKS: DPW employees are hourly employees salary as per collective bargaining contract

GENERAL	\$50,000	\$85,000
SUPERVISING MECHANIC	\$48,000	\$85,000
MECHANIC	\$46,000	\$75,000
HEAVY EQUIP OPR	\$46,000	\$70,000
LIGHT EQUIP OPR	\$46,000	\$70,000
DRIVER LABORER	\$46,000	\$65,000
LABORERS	\$40,000	\$60,000
DRIVER-LABORER-INSPECTOR	\$40,000	\$60,000
CUSTODIAN	\$38,000	\$60,000
HEAD CUSTODIAN	\$39,000	\$60,000
PART- TIME LABORER	\$18.00/hr	\$30.00/hr
SEASONAL EMPLOYEES	\$18.00/hr	\$25.00/hr

Part time employees and Public Works employees are hourly employees.

Contracts for PBA, OPEIU and AFSCME shall govern salary adjustments of fulltime and unionized part-time employees.

Hourly, non-unionized and management are governed by the Borough Council.

SECTION 2. Not all titles are used. The Borough reserves the right to amend the ordinance to accommodate new titles.

SECTION 3. The Borough Council reserves the right to hire any individual within the range by Resolution.

SECTION 4. This ordinance shall take effect immediately upon its final passage and publication as required by law.

ORDINANCE# 2736-24-0506

AMENDING CHAPTER 5-73 OF THE BOROUGH CODE ENTITLED DEPARTMENT OF COMMUNITY DEVELOPMENT REPLACING THE COMMUNITY DEVELOPMENT DIRECTOR TERM WITH THE TITLE OF LAND USE DIRECTOR

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

§ 5-73 Department of Community Development.

[Added 3-19-01 by Ord. No. 2104; 4-4-05 by Ord. No. 2187]

- A. Director and Code Enforcement Officer. There is hereby established a Department of Community Development, the head of which shall be the ~~Director of Community Development~~ Land Use Director who shall be appointed by the Mayor with the advice and consent of the Council for a term of one (1) year and until his a successor shall have been appointed and qualified. ~~He shall also serve in the position of the Code Enforcement Officer established in Section 5-46 of the Code of the Borough of Somerville.~~ The Director of ~~Community Development~~ Land Use shall also serve as the Borough of Somerville's ~~Construction~~ Zoning Official. The ~~Community Development~~ Land Use Director shall be responsible for the general administration of the Department, for the supervision of all personnel assigned thereto, and if not specifically delegated by law to a different official, for the enforcement of all statutes, codes and ordinances referenced in Subsection B, hereof. [Amended 11-1-10 by Ord. No. 2343]

This ordinance shall take effect immediately upon its final passage and publication as required by law.

The resolutions listed below are in draft form and may be amended prior or during the meeting

RESOLUTION 24-0520-155

CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045

WHEREAS, in the 2002 "lame duck" session the Open Public Records Act (OPRA) was approved to make government records, "readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest" while protecting "a citizen's right to a reasonable expectation of privacy"; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney's fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don't want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees.

NOW, THEREFORE, BE IT RESOLVED, the governing body of the (*insert name of municipality*) in the County of (*insert name of County*) respectfully request the adoption

of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045.

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, (*insert name of State Senator*), (*insert name of Assembly representatives*), Governor Murphy, and the New Jersey League of Municipalities.

RESOLUTION 24-0520-156

AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A 2009 STERLING DUMP TRUCK THROUGH MUNICIBID IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM

WHEREAS, the Borough is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough Council are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

BE IT RESOLVED by the Council in the Borough of Somerville, County of Somerset, as follows:

- (1) The sale of the surplus property shall be conducted through **Municibid** pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with **Municibid** is available online at **Municibid.com** and also available from the Borough of Somerville.
- (2) The sale will be conducted online and the address of the auction site is **Municibid.com**.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

2009 Sterling Dump Truck VIN/ 2FZAATDJ89AAK1272

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough reserves the right to accept or reject any bid submitted.

RESOLUTION 24-0520-157

AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A 2001 STERLING VAC-CON THROUGH MUNICIBID IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM

WHEREAS, the Borough is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough Council are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

BE IT RESOLVED by the Council in the Borough of Somerville, County of Somerset, as follows:

- (1) The sale of the surplus property shall be conducted through **Municibid** pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with **Municibid** is available online at **Municibid.com** and also available from the Borough of Somerville.
- (2) The sale will be conducted online and the address of the auction site is **Municibid.com**.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

**2001 Sterling Vac-Con
VIN/ 2FZAATAK91AF83425**

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough reserves the right to accept or reject any bid submitted.

RESOLUTION 24-0520-158

**ACCEPTING THE RETIREMENT RESIGNATION OF MANUEL GARCIA EFFECTIVE
JULY 1, 2024 (END OF BUSINESS JUNE 28, 2024)**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby accepts the retirement resignation of Manuel Garcia effective July 1, 2024 (end of business June 28, 2024) and wishes him well in his future endeavors.

RESOLUTION 24-0520-159

**APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY
2024 RECYCLING TONNAGE GRANT**

WHEREAS, NJSA 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available 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

WHEREAS, the Borough of Somerville has received notice of an award of \$9,216.93 from the State of New Jersey Department of Environmental Protection and wishes to amend its 2024 Budget to include this amount as revenue.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Somerville hereby requests the Director of the Division of Local Government Services to approve the amendment of an additional item of revenue in the budget of the year 2024 in the sum of.....\$9,216.93
to be received from grants as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local

Government Services:

Public and Private Revenues off-set with

Appropriations:

Recycling Tonnage Grant.....\$9,216.93

BE IT FURTHER RESOLVED that a like sum of.....\$9,216.93
be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations-Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Recycling Tonnage Grant.....\$9,216.93

BE IT FURTHER RESOLVED, that the Borough Clerk of the Borough of Somerville forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION 24-0520-160

APPROVING CHAPTER 159 FROM THE NATIONAL OPIOIDS SETTLEMENT TRUST

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 item of revenue in the budget of any county or municipality when such item shall have been made available 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

WHEREAS, the Borough of Somerville has received notice of an award of \$45,974.33 from National Opioids Settlement Trust and wishes to amend its 2024 Budget to include this amount as revenue.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Somerville hereby requests the Director of the Division of Local Government Services to approve the amendment of an additional item of revenue in the budget of the year 2024 in the sum of..... \$45,974.33 to be received from grants as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local

Government Services:

Public and Private Revenues off-set with Appropriations:

National Opioids Settlement Trust.....\$45,974.33

BE IT FURTHER RESOLVED, that a like sum of.....\$45,974.33 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations-Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

National Opioids Settlement Trust

BE IT FURTHER RESOLVED, that the Borough Clerk of the Borough of Somerville forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION 24-0520-161

**AUTHORIZING A REFUND OF \$2,000.00 TO JSM AT EAST CLIFF, LLC -
BROOKSIDE APARTMENTS EAST CLIFF STREET BLOCK 71 LOT 15
FOR APPLICATION WITHDRAWN SUBMITTED FOR A MINOR SITE PLAN
PROJECT ID# 2023-017Z**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the refund of \$2,000.00 to JSM at East Cliff, LLC for application withdrawn submitted for a minor site plan Project ID# 2023-017Z.

RESOLUTION 24-0520-162

**AUTHORIZING A REFUND OF \$2,000.00 TO JSM AT EAST CLIFF, LLC -
BROOKSIDE APARTMENTS EAST CLIFF STREET BLOCK 71 LOT 15
FOR APPLICATION WITHDRAWN SUBMITTED FOR A MINOR SITE PLAN
PROJECT ID# 2024-001Z**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the refund of \$2,000.00 to JSM at East Cliff, LLC for application withdrawn submitted for a minor site plan Project ID# 2024-001Z.

RESOLUTION 24-0520-163

AUTHORIZING TAX COLLECTOR PAIGE ELSTER TO EXECUTE ELECTRONIC TAX SALE AGREEMENT AND PARTICIPATE IN THE 2024 ELECTRONIC TAX SALE

WHEREAS, N.J.S.A. 54:5-19, authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services “also known as DLGS” has promulgated rules and regulations to participate in electronic tax sale without prior approval from DLGS; and

WHEREAS, Tax Collector, Paige Elster has advised that an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, it is recommended that Paige Elster be authorized to complete the necessary “Agreement for Services” for the Borough of Somerville to participate in the electronic tax sale program.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Somerville that the Borough of Somerville wishes to participate in an electronic tax sale.

BE IT FURTHER RESOLVED that Paige Elster, Tax Collector, shall and hereby is authorized to complete an Agreement for Services to participate in the electronic tax sale.

RESOLUTION 24-0520-164

APPROVING TAX SALE COSTS 2024

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of up to \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, Pursuant to NJSA 54:5-38, the officer conducting a tax sale shall collect and pay into the municipal treasury a fee for all costs incurred by the municipality in holding the sale. The amount of fee so paid shall be 2% of the existing lien as stated in NJSA 54:4-19 and 54:5-2 but not less than \$15.00 and not more than \$100.00 for each parcel in the sale; and

WHEREAS, the Borough of Somerville wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base and 2% of the existing lien as stated in NJSA 54:4-19 and 54:5-2 but not less than \$15.00 and not more than \$100.00 for each parcel in the sale.

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of Somerville that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2024 electronic tax sale.

RESOLUTION 24-0520-165

RESOLUTION AUTHORIZING THE APPLICATION TO THE NJ CLEAN ENERGY PROGRAM COMMUNITY ENERGY PLANNING GRANT PROGRAM

WHEREAS, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Somerville Borough strives to assure clean land, air and water for current and future generations; and

WHEREAS, New Jersey's Energy Master Plan: Pathway to 2050 ("EMP") established that community-level action is necessary to achieve the state's goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state's Energy Master Plan; and

WHEREAS, Somerville Borough is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help [Municipality] to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state's Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

BE IT RESOLVED, the Borough Council of the Borough of Somerville has determined that Somerville Borough should apply for the aforementioned Community Energy Planning Grant program.

BE IT FURTHER RESOLVED, that Somerville Borough will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least one public meeting.

THEREFORE, BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey authorizes the submission of the aforementioned application to the NJBPU Community Energy Planning Grant program.

RESOLUTION 24-0520-166

APPROVING EVENT PERMIT FOR JUST ANOTHER DAY TO USE CAROL PAGER PARK FOR ADULT KICKBALL TOURNAMENT AND GIVE AWAYS ON JULY 27, 2024 (RAIN DATE AUGUST 3rd) FROM 10:00 A.M.TO 4:00 P.M.

WHEREAS, Just Another Day is seeking to use Carol Pager Park for Kickball Tournament and give ways; and

WHEREAS, Marques Jackson on behalf of, Just Another Day, has completed a Facility Use Application.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves an event permit for Just Another Day to use Carol Pager Park for kickball tournament and give ways on July 27, 2024 (rain date Aug. 3rd) from 10:00a.m. to 4:00p.m.

RESOLUTION 24-0520-167

AWARDING A CONTRACT WITH 1075 EMERGENCY LIGHTING LLC TO PURCHASE A BASE MODEL 10-75-SUV-COM-TAH GM TAHOE, COMMAND VEHICLE, CONSOLE, REAR COMMAND CABINET, LED LIGHTING PACKAGE AND OPTIONS FOR THE TOTAL AMOUNT OF \$92,100.00 LISTED ON HGAC CONTRACT #AM10-23

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves to purchase a vehicle identified under HGAC Contract AM10-23 base model 10-75-SUV-COM-TAH GM Tahoe, command vehicle, console, rear command cabinet, led lighting package and options for the total amount of \$92,100.00 through 1075 Emergency Lighting LLC, 14 1st Avenue, Unit 3, Haskell NJ 07420 with terms as follows: 40% down at the time of the order, 40% when the chassis or trailer arrives, and the balance with all additions to be paid in full upon completion and acceptance of the unit.

RESOLUTION 24-0520-168

APPOINTING ERIN ROSENBERG TO SERVE ON THE MUNICIPAL ALLIANCE COMMISSION AND YOUTH SERVICES COMMITTEE

BE IT RESOLVED, that the Mayor appoints and the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby consents to the appointment of Erin Rosenberg to serve on the Municipal Alliance and Youth Services Committee for 2024.

RESOLUTION 24-0520-169

**AUTHORIZING OPIOID SETTLEMENT FUNDS TO BE USED FOR
CHALLENGE DAY 2025**

WHEREAS, the Borough of Somerville has received funding through opioid settlements;
and

WHEREAS, it has been determined that Challenge Day is an appropriate use of said
funds; and

WHEREAS, up to \$6,000 shall be reimbursed for Challenge Day 2025.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of
Somerset, State of New Jersey authorizes opioid settlement funds to be used for
Challenge Day 2025 in the amount not to exceed \$6,000.

RESOLUTION 24-0520-170

**AUTHORIZING THE BOROUGH OF SOMERVILLE TO APPLY FOR AN
EMERGENCY MANAGEMENT PERFORMANCE GRANT - EMPG/EMERGENCY
MANAGEMENT AGENCY ASSISTANCE - EMAA WITH THE NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY
GENERAL IN THE AMOUNT OF \$10,000**

WHEREAS, The Borough of Somerville, Office of Emergency Management is applying
for a grant funds from the Emergency Management Performance Grant -
EMPG/Emergency Management Agency Assistance Subaward – EMAA for the
Subaward period of July 1, 2024 through June 30, 2025; and

WHEREAS, the total amount of the award is \$10,000; and

WHEREAS, the Subaward number is FFY24-EMPG-EMAA-1818; and

WHEREAS, Jason Kraska is authorized as the Municipal OEM Coordinator to sign as
the Authorizing Official on the application document of the New Jersey Department of
Law and Public Safety Office of the Attorney General Subaward.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Somerville,
County of Somerset, State of New Jersey hereby applies for the Emergency
Management Performance Grant - EMPG/Emergency Management Agency Assistance
– EMAA Subaward in the amount of \$10,000 in Federal Funds to be used for
Emergency Management purposes and authorizes Jason Kraska to execute the
documents on behalf of the Borough of Somerville.

RESOLUTION 24-0520-171

**APPOINTING HYUN J. LEE TO SERVE AS ALTERNATE PROSECUTOR FOR
SPECIAL DUI SESSIONS**

BE IT RESOLVED, that the Mayor appoints and the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby appoints Hyun J. Lee to serve as alternate prosecutor to hold special DUI sessions.