

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

**Monday, July 1, 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

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- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES- EXECUTIVE SESSION**
 - a. June 17, 2024
- 4. RESOLUTION 24-0701-204 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment – Parcview
- b. Personnel

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. June 17, 2024
- 5. DEPARTMENTAL REPORTS & NOTICES**
- 6. COMMITTEE REPORTS**

- 7. 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)

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

(RESOLUTIONS 24-0701-205 THRU 24-0701-214)

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

- 24-0701-205 AUTHORIZING THE RETURN OF APPLICATION FEE FOR APPLICATION 23-016Z – 27 PARK AVENUE- BLOCK 68 LOT
- 24-0701-206 REJECTING ALL BIDS FOR THE SOMERVILLE BOROUGH HALL ENTRY PORTICO AND EXTERIOR RESTORATION PROJECT
- 24-0701-207 AUTHORIZING SETTLEMENT OF A TAX APPEAL FOR THE PROPERTY LOCATED AT 45 NORTH GASTON AVENUE, ALSO KNOWN AS BLOCK 66 LOT 16, IN THE BOROUGH OF SOMERVILLE, SOMERSET COUNTY, NEW JERSEY
- 24-0701-208 APPROVING SOMERSET COUNTY LIBRARY SYSTEM OF NJ TO USE THE LAWN AT BOROUGH HALL ON AUGUST 28, 2024 FOR “CHALK THE WALK” PROGRAM
- 24-0701-209 APPROVING SOMER(VILLE) MARKET ON JULY 14, 2024 FROM 12:00 P.M. – 6:00 P.M. ON MAIN STREET (ROUTE 28) FROM GROVE STREET TO DOUGHTY AVENUE (Road closure from 7:00 a.m. to 7:00 p.m.)
- 24-0701-210 MEMORIALIZING AN AGREEMENT BETWEEN THE BOROUGH OF SOMERVILLE AND THE COUNTY OF SOMERSET FOR CERTIFIED RECYCLING PROFESSIONAL (CRP)TO SIGN ANNUAL RECYCLING TONNAGE REPORT
- 24-0701-211 APPROVING LIFE CHAIN EVENT FOR SUNDAY, OCTOBER 6, 2024 ON SOMERSET STREET AND MOUNTAIN AVENUE FROM 2:00PM UNTIL 3:30PM
- 24-0701-212 ACCEPTING THE RESIGNATION OF LISA GLOCK EFFECTIVE JULY 12, 2024
- 24-0701-213 APPROVING HISTORY ON THE GREEN ON SATURDAY, JULY 20, 2024 AT 10:00A.M. TO 4:00P.M. CONTINGENT ON OEM AND POLICE DEPARTMENT APPROVAL
- 24-0701-214 AUTHORIZING FINAL PAYMENT FOR TIME ACCUMULATED FOR MANUEL GARCIA IN THE AMOUNT OF \$112,686.10

9. BILLS AND VOUCHERS

10. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

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

RESOLUTION 24-0701-205

AUTHORIZING THE RETURN OF APPLICATION FEE FOR APPLICATION 23-016Z – 27 PARK AVENUE- BLOCK 68 LOT 19

WHEREAS, the Borough of Somerville (the “Borough”) collected a fee in the amount of \$1,200 application fee for project 23-016Z located at 27 Park Avenue; and

WHEREAS, the owner of the project Alvin Nelson has advised the Borough of Somerville the project and application is being terminated.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorizes the return of application fee for Application 23-016Z located at 27 Park Avenue, Block 68, Lot 19 in the amount of \$1,200.

RESOLUTION 24-0701-206

REJECTING ALL BIDS FOR THE SOMERVILLE BOROUGH HALL ENTRY PORTICO AND EXTERIOR RESTORATION PROJECT

WHEREAS, the Borough of Somerville conducted a prequalification process and advertised for bids in accordance with N.J.S.A. 40 A 11-1 et seq., in accordance with prequalification requirements and approved by the New Jersey Department of Community Affairs and issued appropriate addenda in accordance with law; and

WHEREAS, the Borough of Somerville received two bids on June 18, 2024 at 10:00 a.m. from the following contractors; and

Dell Tech, Inc. 930 New York Avenue, Trenton, New Jersey 08638, with a base bid of \$533,900.00

Spartan Construction Inc., 399 Oak Street, Suite C, South Amboy, New Jersey with a base bid of \$688,000.00

WHEREAS, the bid received by Dell Tech, Inc., had a fatal material defect, the vendor failed to include page P-3 in the original and copied submission which consists of unit prices and is rejected; and

WHEREAS, the bid received by Spartan Construction, Inc., was substantially higher than the estimate and substantially higher than the appropriation for said project; and

WHEREAS, N.J.S.A. 40A:11-13.2(a) and (b) entitled rejection of bids states:

A contracting unit may reject all bids for any of the following reasons:

- (a) The lowest bid substantially exceeds the costs estimates for the goods and services.
- (b) The lowest bid substantially exceeds the contracting unit's appropriation for the goods or services.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby rejects all bids for the Somerville Borough Hall Entry Portico and Exterior Restoration Project as per reasons listed in the preamble and authorizes re-bid of said project.

RESOLUTION 24-0701-207

AUTHORIZING SETTLEMENT OF A TAX APPEAL FOR THE PROPERTY LOCATED AT 45 NORTH GASTON AVENUE, ALSO KNOWN AS BLOCK 66 LOT 16, IN THE BOROUGH OF SOMERVILLE, SOMERSET COUNTY, NEW JERSEY

WHEREAS, Mian Realty LLC, is the owner of certain real property located at 45 North Gaston Avenue, also known as block 66 lot 16, in the Borough of Somerville, Somerset County, New Jersey; and

WHEREAS, the owner has filed appeals to the Tax Court of New Jersey for said property for tax years 2020, 2021, 2022 and 2023 under docket number 002201-2023; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached on May 21, 2024, wherein the Borough of Somerville has agreed with the taxpayer to withdraw the Taxpayer's 2020 and 2021 tax court appeal and settle the remaining open appeals pursuant to a form of Stipulation agreed upon between both parties; and

WHEREAS, based on examination of the value and proper assessment of the property and appraisals, analysis and information with respect to the valuation and assessment of the property, the Borough of Somerville Tax Assessor has agreed to reduce the assessed value from \$1,504,200 to \$700,000 for both 2022 and 2023 tax years; and

WHEREAS, as a result of the reduction of the assessment, a refund in the amount of \$30,245.96 for 2022 and a refund in the amount of \$31,058.20 for 2023 shall be made payable to Jennifer R. Jacobus, Esq., Attorney for Mian Realty LLC within 60 days of the settlement; and

WHEREAS, Statutory interest pursuant to N.J.S.A 54:3-27.2 is waived by the taxpayer and shall not be paid on the condition the refund is received within 60 days from the date of the settlement; and

WHEREAS, the parties agree that the property's 2024 total assessment shall be reduced to \$625,000 and is reflected in the 2024 tax duplicate.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above is hereby approved and the Tax Collector is instructed to issue a total refund of \$61,304.16.

RESOLUTION 24-0701-208

APPROVING SOMERSET COUNTY LIBRARY SYSTEM OF NJ TO USE THE LAWN AT BOROUGH HALL ON AUGUST 28, 2024 FOR "CHALK THE WALK" PROGRAM

WHEREAS, the Borough of Somerville received an letter from Somerset County Library System of NJ to use the lawn at Borough Hall on August 28, 2024 for "Chalk the Walk" Program; and

WHEREAS, the event organizer will submitted the Emergency Action Plan as required and all emergency services will be notified of the event which will occur from 3:00pm. to 5:30pm.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the use of the lawn at Borough Hall August 28, 2024 from 3:00pm. to 5:30pm.

RESOLUTION 24-0701-209

APPROVING SOMER(VILLE) MARKET ON JULY 14, 2024 FROM 12:00 P.M. – 6:00 P.M. ON MAIN STREET (ROUTE 28) FROM GROVE STREET TO DOUGHTY AVENUE (Road closure from 7:00 a.m. to 7:00 p.m.)

WHEREAS, Downtown Somerville, Alliance Inc. has requested to conduct a Somer(Ville) Market on July 14, 2024 from 12:00 p.m. to 6:00 p.m. on Main Street from Grove Street to Doughty Avenue; and

WHEREAS, Olivia Manning the event organizer has filed the Event Application Plan as required and shall file for all necessary state and local permits, including security and sanitation; and.

WHEREAS, Olivia Manning is required to coordinate with the Downtown Somerville Alliance, Inc., to curate the event and to work with the DSA to ensure that Main Street merchants are accommodated in accordance with the terms established; and

WHEREAS, the roadway closure request is from 7:00 a.m. to 7:00 p.m. on July 14, 2024.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approve the Somer(Ville) Market on July 14, 2024 from 12:00 p.m. to 6:00 p.m. on Main Street (Route 28) from Grove Street to Doughty Avenue (Road closure from 7:00 a.m. to 7:00 p.m.).

RESOLUTION 24-0701-210

MEMORIALIZING AN AGREEMENT BETWEEN THE BOROUGH OF SOMERVILLE AND THE COUNTY OF SOMERSET FOR CERTIFIED RECYCLING PROFESSIONAL (CRP) TO SIGN ANNUAL RECYCLING TONNAGE REPORT

WHEREAS, BOROUGH OF SOMERVILLE by ordinance, has duly enacted a recycling plan for all recyclable materials as designated by the Somerset County Solid Waste Management Plan and amendments thereto; and

WHEREAS, BOROUGH OF SOMERVILLE is desirous of retaining CRP services of Somerset County for signing of said Annual Recycling Tonnage Report; and

WHEREAS, the award of this contract to the Somerset County pursuant to N.J.S.A. Section 13:1E-99.14 is an exception to the bidding requirements as set forth in the "Local Public Contracts Law" pursuant to N.J.S.A. Section 40A:11-5(2), and the Board of Chosen Commissioners for Somerset County.

NOW, THEREFORE, in consideration of the terms, conditions, mutual benefits and covenants hereinafter set forth, the BOROUGH OF SOMERVILLE and the Somerset County make this agreement.

1. BOROUGH OF SOMERVILLE shall retain the services of the Somerset County for a CRP that will be responsible for signing the mandatory annual municipal recycling tonnage report, as provided in the Somerset County Solid Waste Management Plan, and with the State NJDEP. For the period commencing DATE: January 1, 2024 through and including DATE: December 31, 2024.
2. It is understood that the responsibility for the accuracy of all tonnage and materials reported lies with the designated preparer of the Recycling Tonnage Report, which is the BOROUGH OF SOMERVILLE municipal representative. The report preparer is responsible should the NJDEP

audit the report submittal. BOROUGH OF SOMERVILLE designates: Somerset County as the signer of the report as CRP.

3. It is the BOROUGH OF SOMERVILLE's responsibility to retain the appropriate documentation for five years in the event of a field review.
4. The BOROUGH OF SOMERVILLE reserves the right to reasonably amend the specifications of this Agreement by giving thirty (30) day written notification to Somerset County of any changes thereto.
5. If applicable, BOROUGH OF SOMERVILLE shall pay a fee of **\$45.27** per hour for the CRP's service to the COUNTY OF SOMERSET and will pay all invoices within thirty (30) days.
6. This agreement is the entire agreement between BOROUGH OF SOMERVILLE and Somerset County and supersedes all previous agreements and discussions. Any amendments hereto must be in writing and must be duly executed by a BOROUGH OF SOMERVILLE and Somerset County to become effective.
7. This Agreement will be entirely performed within the State of New Jersey and it shall be construed in accordance with the laws thereof.
8. If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal, void, ultravires, or unconstitutional, the remainder of this Agreement shall continue in full force and effect.

RESOLUTION 24-0701-211

APPROVING LIFE CHAIN EVENT FOR SUNDAY, OCTOBER 6, 2024 ON SOMERSET STREET AND MOUNTAIN AVENUE FROM 2:00PM UNTIL 3:30PM

WHEREAS, the Life Chain Event is sponsored by the Pro-Life of Somerset County; and

WHEREAS, the Life Chain Event takes place on Sunday, October 6, 2024 from 2:00 PM until 3:30 PM and utilizes sidewalks within the Borough of Somerville that include Somerset Street to Mountain Avenue and from Mountain Avenue to Immaculate Conception Church; and

WHEREAS, it is pending an approved Emergency Action Plan.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the Life Chain Event on Sunday, October 6, 2024 from 2:00 PM until 3:30 PM on Somerset Street and Mountain Avenue.

RESOLUTION 24-0701-212

**ACCEPTING THE RESIGNATION OF LISA GLOCK
EFFECTIVE JULY 12, 2024**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey accepts the resignation of Lisa Glock effective end of business day on July 12, 2024. We thank her and wish her well with all her future endeavors.

RESOLUTION 24-0701-213

**APPROVING HISTORY ON THE GREEN ON SATURDAY, JULY 20, 2024
AT 10:00A.M. TO 4:00P.M. CONTINGENT ON OEM AND
POLICE DEPARTMENT APPROVAL**

WHEREAS, History on the Green is schedule to take place on Saturday, July 20, 2024, starting at 10:00 a.m.; and

WHEREAS, the event will be take place at Wallace house and Old Dutch Parsonage up West Main Street to Court House on Grove Street; and

WHEREAS, the event organizers must complete the road closure and police request forms and make payment to the Police Off-Duty escrow prior to scheduling of officers.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, hereby approve History on the Green to be held on July 20, 2024, starting at 10:00a.m., contingent on the submission of the appropriate forms and if applicable payment to the Police Off-Duty escrow prior to scheduling of Off-Duty Police Officers.

RESOLUTION 24-0701-214

**AUTHORIZING FINAL PAYMENT FOR TIME ACCUMULATED FOR
MANUEL GARCIA IN THE AMOUNT OF \$112,686.10**

BE IT RESOLVED by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby authorizes final payment total of \$112,686.10 for time accumulated. The time allocation is broken down by 10 accrued prorated vacation days at a daily rate of \$716.04 for total amount of \$7,160.40; 130 sick days at a daily rate of \$716.04 for a total amount of \$93,085.20; and 139 hours of compensatory time at \$89.50 per hour for a total amount of \$12,440.50.

