

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

**Tuesday, January 18, 2022  
6:30 P.M.**

LOCATION: COUNCIL CHAMBERS – POLICE HEADQUARTERS  
24 SOUTH BRIDGE STREET, SOMERVILLE, NJ 08876

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- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES- EXECUTIVE SESSION**
- 4. RESOLUTION 22-0118-034 TO ENTER INTO EXECUTIVE SESSION**

**EXECUTIVE SESSION AGENDA**

- a. Redevelopment
- b. Contract Negotiations- AFSCMENJ
- c. Personnel- Municipal Court

**COUNCIL MEETING AGENDA**

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. MOMENT OF SILENCE**
  - a. Thomas M. Jubak, Sr.
- 5. APPROVAL OF MINUTES**
- 6. DEPARTMENTAL REPORTS & NOTICES**
  - a. St. Hubert's Monthly Report December
  - b. Monthly Animal Control Report Year End Summary
  - c. Somerville Board of Health Monthly Report December

7. **COMMITTEE REPORTS** (Reports are submitted electronically and made part of the minutes)

8. **MAYORAL APPOINTMENT (Consent required by Council)**

a. **Fred Wied V** (voting member of the Municipal Alliance Commission and Youth Services Committee)

9. **DISCUSSION**

a. DSA 2022 Introduced Budget

10. **ORDINANCES FOR INTRODUCTION**

2658-22-0118 AMENDING CHAPTER 80 ENTITLED FIRE PREVENTION; LIFE SAFETY SECTION E. "FIRE WATCH" ADDING SECTION E (1) SCHEDULE OF EQUIPMENT RATES FOR FIRE WATCH

2569-22-0118 AMENDING CHAPTER 166-46.1 SCHEDULE VA: PERMIT PARKING OF THE BOROUGH CODE REMOVING SOUTH STREET FROM SAID SCHEDULE

2560-22-0118 AMENDING CHAPTER 80 ENTITLED FIRE PREVENTION; LIFE SAFETY SECTION 8 ENTITLED CERTIFICATE OF SMOKE DETECTOR, CARBON MONOXIDE ALARM, AND FIRE EXTINGUISHER COMPLIANCE TO INCLUDE SUBSECTION B (4) ON RE-INSPECTION FEE

2561-22-0118 AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT(EVSE) & MAKE-READY PARKING SPACES

11. **MEETING OPEN TO THE PUBLIC**

(Motion and 2<sup>nd</sup> 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)

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

**(RESOLUTIONS 22-0118-035 THRU 22-0118-048)**

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

22-0118-035 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ACCOUNTING SERVICES FINANCIAL ADVISORS-PHOENIX ADVISORS, LLC

- 22-0118-036      AWARDING A CONTRACT WITH TOP LINE CONSTRUCTION CORP., 22 FOR CURB REPLACEMENT FAIRMONT AVENUE AND GRANT AVENUE FOR THE BOROUGH OF SOMERVILLE, SOMERSET COUNTY, NEW JERSEY IN THE TOTAL AMOUNT OF \$177,829.22
- 22-0118-037      ACCEPTING RESIGNATION OF COUNCILWOMAN JANE C. KOBUTA EFFECTIVE FEBRUARY 1, 2022
- 22-0118-038      AUTHORIZING CHANGE ORDER #1 TO CONTRACT WITH LMR DISPOSAL FOR SOLID WASTE COLLECTION
- 22-0118-039      APPROVING CHRISTOPHER BANOS AS SCORE KEEPERS AT A RATE OF \$15.00 PER GAME FOR THE RECREATION DEPARTMENT
- 22-0118-040      AUTHORIZING THE SALE OF SURPLUS EQUIPMENT IN ACCORDANCE WITH N.J.S.A. 40A:11-36(2) TO THE SOMERVILLE RESCUE SQUAD
- 22-0118-041      APPROVING ALCOHOLIC BEVERAGE LICENSE ADDRESS CHANGE TO BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGES FOR APPROVAL
- 22-0118-042      AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A 2001 FORD EXCURSION THROUGH MUNICIBID IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM
- 22-0118-043      AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A 1979 GMCTHROUGH MUNICIBID IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM
- 22-0118-044      ACCEPTING PAYMENT FROM NEW JERSEY AMERICAN WATER FOR WORK PERFORMED ON MADISON STREET AND EASTERN STATES PARKWAY IN THE AMOUNT OF \$189,172.50
- 22-0118-045      APPROVING AND AUTHORIZING THE WAIVER OF LOCAL FEE'S FOR FDS SOMERVILLE NJ, LLC FOR THE DEVELOPMENT OF AN EMERGENCY SERVICES FACILITY IN THE GASTON AVENUE REDEVELOPMENT AREA
- 22-0118-046      AUTHORIZING PAYMENT TO PRECISION SERVICE CENTER AND AUTHORIZING A PRIVATE SALE OF SURPLUS PROPERTY IN ACCORDANCE WITH N.J.S.A. 40A: 11-36 (6) FOR TWO VEHICLES AS PART OF PAYMENT

- 22-0118-047 APPOINTING KATHERINE E. HOWES AS ACTING MUNICIPAL COURT  
JUDGE RETROACTIVELY EFFECTIVE FROM JANUARY 1, 2022 THROUGH MARCH 18, 2022 AS PER ORDER ISSUED BY HONORABLE KEVIN M. SHANAHAN, A.J.S.C.
- 22-0118-048 AMENDING RESOLUTION 22-0101-010 TO REFLECT THAT KATHERINE E. HOWES IS APPOINTED AS ACTING MUNICIPAL COURT JUDGE

### **13. BILLS AND VOUCHERS**

### **14. ADJOURNMENT**

KEVIN SLUKA, MUNICIPAL CLERK

### Ordinances for Introduction

#### **ORDINANCE #2658-22-0118**

#### **AMENDING CHAPTER 80 ENTITLED FIRE PREVENTION; LIFE SAFETY SECTION E. "FIRE WATCH" ADDING SECTION E (1) SCHEDULE OF EQUIPMENT RATES FOR FIRE WATCH**

**WHEREAS**, the Borough of Somerville desires to assess fees for emergency fire equipment that is used during an approved Fire Watch: and

**WHEREAS**, Chapter 80, Section E. entitled Fire Watch shall be amended and shall add Section E (1) entitled Schedule of Equipment Rates for Fire Watch as follows:

- E. Fire watch. If the Fire Marshal, Fire Inspector, paid personnel or member of a volunteer fire company is required to inspect, monitor, or patrol a building to detect circumstances that might immediately result in a fire while a building's fire protection system is inoperative, the owner of said building shall reimburse the Borough for said fire watch services at the rate of \$100 per hour and reimburse the Borough for said fire watch services at the rate designated in the salary ordinance per hour. There shall be a minimum fee of \$100, provided that no fee shall be assessed if within 30 minutes of being notified of the commencement of the fire watch services, the building owner or his or her representative arrives at the building and assumes control of the fire watch from the Fire Marshal, Fire Inspector, paid personnel or member of the volunteer fire company. The cost of providing fire watch services shall be certified by the Fire Marshal to the building owner within 30 days of their completion. The building owner shall reimburse the Borough within 30 days thereof. **[Amended 3-5-2018 by Ord. No. 2543]**

E. (1) Schedule of Equipment Rates for Fire Watch payable to the Borough of Somerville collected by the Fire Marshal: The rates on this schedule of equipment rates are for equipment that is owned or leased or rented by the Borough of Somerville. These

schedule of equipment rates shall be the most recent rates published by the FEMA. The most recent rates shall be found on FEMA.gov. In absence of such rates the rates shall follow the 2019 schedule of equipment rates as listed below:

<u>Ladder Truck (aerial)</u>	<u>\$178.00</u>
<u>Engine 1500 GPM/1000gal</u>	<u>\$81.19</u>
<u>Engine/Pump/Tank 1500 GPM/500 gal</u>	<u>\$126.50</u>
<u>Command vehicle</u>	<u>\$19.62</u>

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

**ORDINANCE #2659-22-0118**

**AMENDING CHAPTER 166-46.1 SCHEDULE VA: PERMIT PARKING OF THE BOROUGH CODE REMOVING SOUTH STREET FROM SAID SCHEDULE**

WHEREAS, Chapter 166-46.1 Schedule VA permit Parking shall read as follows:

**§ 166-46.1 Schedule VA: Permit Parking.**

- A. A decal is to be displayed, in accordance with § **166-10.1**, during the following hours: 9:00 a.m. to 8:00 p.m.
- B. In accordance with § **166-10.1**, no person shall park a vehicle without a permit during the above times on any of the following streets or parts of streets:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Adams Street	Both	From Post Street to Eastern States Parkway
Davenport Street	West	From West Cliff Street to West High Street (except for the most northerly parking stall which shall be specifically reserved for the clergy of the St. Thomas A.M.E. Zion Church)
East Cliff Street [ <b>Added 11-16-2020 by Ord. No. 2624</b> ]	Both	Between Grove Street and North Bridge Street
Fairmont Avenue	Both	Entire length
Grant Avenue	Both	Entire length
Lee Way	Both	Entire length
Lisa Terrace	Both	From Lee Way to Reimer Street
Madison Street	Both	From Post Street to Eastern States Parkway
Mechanic Street	West	Entire length
Monroe Street	Both	From Post Street to Eastern States

Name of Street	Side	Location
Putnam Street	Both	Parkway From Post Street to Eastern States
Rehill Avenue	West	Parkway From East Main Street to Lee Way
Rehill Avenue	Both	From Lee Way to Union Avenue (Route 28)
Reimer Street	Both	From Lisa Terrace to Steele Avenue
<del>South Street</del>	<del>South</del>	<del>From a point 87 feet west of the westerly curbline of South Bridge Street to a point 23 feet westerly thereof</del>
Steele Avenue [ <b>Repealed 10-15-2018 by Ord. No. 2560</b> ]		
Van Buren Street	Both	From Post Street to Eastern States Parkway

C. A street or portion of any street which is regulated by decal restrictions shall not be affected by the restrictions of §§ **166-42, 166-43, 166-45 and 166-65**. Any restrictions under those sections on any streets that are now restricted by decal parking regulations are hereby repealed.

**ORDINANCE #2660-22-0118**

**AMENDING CHAPTER 80 ENTITLED FIRE PREVENTION; LIFE SAFETY SECTION 8 ENTITLED CERTIFICATE OF SMOKE DETECTOR, CARBON MONOXIDE ALARM, AND FIRE EXTINGUISHER COMPLIANCE TO INCLUDE SUBSECTION B (4) ON RE-INSPECTION FEE**

**WHEREAS**, the Borough of Somerville performs smoke detector, carbon monoxide alarm and fire extinguisher compliance inspections at an established fee schedule; and

**WHEREAS**, Chapter 80, Section 8, entitles Certificate of Smoke Detector, Carbon Monoxide Alarm and Fire Extinguisher Compliance, Section B shall be amended to include subsection (4) and shall read as follows:

**§ 80-8 Certificate of smoke detector, carbon monoxide alarm and fire extinguisher compliance (CSDCMAFEC).**

- A. Before any one- or two-family structure is sold for residential purposes, the owner shall obtain a certificate of smoke detector, carbon monoxide alarm and fire extinguisher compliance (CSDCMAFEC) evidencing compliance with N.J.A.C. 5:70-4.19, 5:70-2.3, 5:70-3 and N.J.S.A. 52:27D-198.1.
- B. The owner or the authorized agent of the owner shall apply for a CSDCMAFEC on a form provided by the Somerville Bureau of Fire Prevention. The application shall be accompanied by the required fee as outlined below:
  - (1) Request for a CSDCMAC received more than 10 business days prior to the change of occupant: \$75.

- (2) Request for a CSDCMAC received four business days to 10 business days prior to the change of occupant: \$100.
- (3) Request for a CSDCMAC received fewer than four business days prior to the change of occupant: \$125.
- (4) If the property requires to be re-inspected an additional fee of \$50 per unit is required for each re-inspection

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

#### ORDINANCE #2661-22-0118

#### AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT(EVSE) & MAKE-READY PARKING SPACES

***[Note: Pursuant to P.L. 2021, c.171, all sections of this model ordinance become effective in each municipality upon its publication on the Department of Community Affairs' Internet website. Municipalities may make changes to the reasonable standards in the model ordinance as noted below through the normal ordinance amendment process. However, municipalities may not make changes to the legislatively mandated requirements in Sections C., D., and E.]***

This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the Borough of Somerville of Somerset County.

WHEREAS, supporting the transition to electric vehicles contributes to Borough of Somerville's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Borough of Somerville encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of *Borough of Somerville* adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals of the Master Plan; and

WHEREAS, the Borough of Somerville encourages greater ownership and use of electric vehicles, thus the Borough of Somerville is amending the Borough of Somerville's Land use Ordinance to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey as follows:

**FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT**

**A. Purpose**

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

**B. Definitions**

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:



1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

### **C. Approvals and Permits**

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.

2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The Zoning Officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Borough of Somerville's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
  - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
  - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
  - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
  - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
  - c. a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.

8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

#### **D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces**

***{Note: Section D of the model ordinance is mandatory and may not be altered.}***

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
  - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
  - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
  - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
  - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
  - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
  - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
  - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
  - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
  - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
  - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
  - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.

- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- f. Notwithstanding the provisions of Section E above, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

#### **E. Minimum Parking Requirements**

***{Note: Section E of the model ordinance is mandatory and may not be altered. }***

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to the Borough's Land Use Ordinance.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

#### **F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces**

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
  - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
  - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
  - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

- d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
3. EVSE Parking:
    - a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. **{Note: The use of time limits is optional and shall be determined by the owner.}**
    - b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
    - c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
    - d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.
4. Safety
    - a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
    - b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Borough of Somerville's ordinances and regulations.
    - c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
    - d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.

- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Borough of Somerville shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

## 5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitting at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
  - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
  - 2) Usage fees and parking fees, if applicable; and
  - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

## 6. Usage Fees

- a. For publicly-accessible municipal EVSE **{Optional}**: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be identified in the parking ordinance.
- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

## **SECOND: SEVERABILITY**

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

## **THIRD: REPEAL OF PRIOR ORDINANCES**

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

## **FOURTH: EFFECTIVE DATE**

This ordinance shall take effect after final passage and publication as provided by law.

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

### **RESOLUTION 22-0118-035**

#### **AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ACCOUNTING SERVICES FINANCIAL ADVISORS-PHOENIX ADVISORS, LLC**

**WHEREAS**, the Borough of Somerville requires professional accounting services to perform the annual audits and serve as municipal financial advisors; and

**WHEREAS**, the Borough Administrator has determined and certified in writing by copy of this Resolution that the value of the contract will exceed \$17,500; and

**WHEREAS**, the firm of Phoenix Advisors, LLC submitted a proposal that exhibited a familiarity with the Borough of Somerville, experience with municipalities within the County, the County itself and public clients of similar size and budgets; and

**WHEREAS**, the Borough of Somerville has utilized the firm of Phoenix Advisors, LLC in the past and found their work to be satisfactory; and

**WHEREAS**, the firm of Phoenix Advisors, LLC has submitted a proposal along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable the firm of Phoenix Advisors, LLC to provide such services; and

**WHEREAS**, the firm of Phoenix Advisors, LLC shall serve as the municipal financial advisors in accordance with their proposal dated December 15, 2020

**WHEREAS**, all work shall be authorized prior to commencement, however this contract shall be considered a month to month contract and shall not exceed 12 months.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Somerville, County of Somerset, State of New Jersey as follows:

1. A professional services contract with Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, NJ 08505 is hereby authorized
2. The Mayor and Clerk are authorized to sign a contract with the Firm of Phoenix Advisors, LLC 625 Farnsworth Avenue, Bordentown, NJ 08505 in accordance with the following terms and conditions:
  - A. Term: Month to Month for a period of not to exceed 12 months or for length of project
  - B. Rate: as per rate schedule in proposal dated December 30, 2021  
Total amount should not exceed \$20,000
  - C. Services: The firm shall provide professional financial advisory
3. The Borough Clerk in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Official Newspaper stating the nature, duration, service and amount of this contract.
4. The Borough Clerk shall make copies of this resolution available for public inspection at the Municipal Building, 25 West End Avenue, Somerville, NJ during regular business hours.

#### **RESOLUTION 22-0118-036**

#### **AWARDING A CONTRACT WITH TOP LINE CONSTRUCTION CORP., 22 FOR CURB REPLACEMENT FAIRMONT AVENUE AND GRANT AVENUE FOR THE BOROUGH OF SOMERVILLE, SOMERSET COUNTY, NEW JERSEY IN THE TOTAL AMOUNT OF \$177,829.22**

**WHEREAS**, the Borough of Somerville legally advertised for Curb Replacement Fairmont Avenue and Grant Avenue for the Borough of Somerville, Somerset County, New Jersey; and

**WHEREAS**, sealed proposals were received, opened and read publicly, on January 6, 2022 Borough of Somerville, Somerset County, New Jersey; and

**WHEREAS**, it was determined that Top Line Construction Corp., 22 Fifth Street, Somerville, New Jersey 08876 is the lowest responsible bidder.



**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Somerville, hereby award the bid for the Curb Replacement Fairmont Avenue and Grant Avenue for the Borough of Somerville, Somerset County, New Jersey, Top Line Construction Corp., 22 Fifth Street, Somerville, New Jersey 08876 in the amount of \$177,829.22.

**RESOLUTION 22-0118-037**

**ACCEPTING RESIGNATION OF COUNCILWOMAN JANE C. KOBUTA EFFECTIVE FEBRUARY 1, 2022**

**WHEREAS**, the Municipal Clerk received an email that included a resignation letter signed by Jane Kobuta dated January 12, 2022 which advised the Mayor and Municipal Clerk that Councilwoman Jane Kobuta is resigning as Councilwoman effective February 1, 2022; and

**WHEREAS**, the Municipal Clerk advised the Governing Body and the Chairperson of the political party and County Clerk on January 12, 2022, of said resignation and detailed their responsibilities under the New Jersey Vacancy Law starting on the effective date of February 1, 2022; and

**WHEREAS**, the Borough Council of the Borough of Somerville, County of Somerset State of New Jersey hereby accepts the letter of resignation submitted by Councilwoman Jane C. Kobuta with an effective date of February 1, 2022.

**RESOLUTION 22-0118-038**

**AUTHORIZING CHANGE ORDER #1 TO CONTRACT WITH LMR DISPOSAL FOR SOLID WASTE COLLECTION**

**WHEREAS**, the Borough of Somerville adopted Resolution 21-0216-076 awarding a contract to LMR Disposal, PO Box 309, Phillipsburg, New Jersey 08865 as follows:

Year	Base Bid	Option 1	Option2
1	\$270,000	\$8,000	\$8,300
2	\$278,000	\$9,000	\$9,000
3	\$287,000	\$9,500	\$9,500
4	\$295,000	\$9,800	\$9,800
5	\$304,000	\$10,000	\$10,000
Total	\$1,434,000	\$46,300	\$46,600

**WHEREAS**, the Borough of Somerville desires to change the transfer location from BRI Resources, 15 Polhemus Lane Bridgewater, New Jersey 08807 to Chrin Brothers Sanitary Landfill, 400 South Greenwood Avenue, Easton PA 18045 and as an alternate site Pollution Control Financing Authority of Warren County (“PCFAWC”), 500 Mt. Pisgah Avenue, Oxford, New Jersey 070863; and

**WHEREAS**, as per contract the Borough of Somerville pays LMR Disposal for charges by BRI Resources at a current rate of \$98 a ton and whereas the current disposal rate at the alternate facilities is approximately \$36 per ton; and

**WHEREAS**, the Borough of Somerville will financially benefit substantially from the reduced disposal rate, resulting in savings estimated of about \$134,000 in dumping fees based upon 310 tons per month; and

**WHEREAS**, the Borough of Somerville would require LMR Disposal to utilize a transfer station located approximately 35 miles away (“Chrin Brothers”) and an alternate site at 27 miles (“PCFAWC”) from the municipal building which would result in additional transportation costs: and

**WHEREAS**, the Borough of Somerville agrees to pay the increased negotiated hauling cost of \$5,250 per month or \$63,000 per year; and

**WHEREAS**, the Borough of Somerville agrees to the following:

Change Order #	Change Amount	Description	New Total
1	\$5,250 monthly	Increased transportation costs due to new landfill dumping location	\$63,000 annually added to the annual contract for term of contract

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby agrees to Change Order #1 to the contract with LMR Disposal, PO Box 309, Phillipsburg, New Jersey 08865 for solid waste collection.

**BE IT FURTHER RESOLVED**, this change order will increase the contract amount by more than 20% and NJAC 5:30-11.9 requires the adoption of a resolution authorizing all change order in excess of 20% and certain rules shall be followed:

1. The Administrator and the Borough Counsel have reviewed the change order and found that changing transfer station will result in an overall decrease in solid collection and disposal costs. The resolution contains the statement and details outlining why the proposed is allowed and recommended.
2. This Change Order shall be printed once, in the official newspaper at the minimum indicating the change of price, nature of change and the necessity for such change. A copy of the advertisement shall be filed with the Municipal Clerk and shall be available for public inspection.
3. The Municipal Clerk shall report to the Director on an appendix made part of the Annual Budget all change orders from the previous fiscal year which exceeded 20 percent limitation.

**RESOLUTION 22-0118-039**

**APPROVING CHRISTOPHER BANOS AS SCORE KEEPERS AT A RATE OF \$15.00 PER GAME FOR THE RECREATION DEPARTMENT**

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves Christopher Banos as score keepers at a rate of \$15.00 per game for the Recreation Department.

**RESOLUTION 22-0118-040**

**AUTHORIZING THE SALE OF SURPLUS EQUIPMENT IN ACCORDANCE WITH N.J.S.A. 40A:11-36(2) TO THE SOMERVILLE RESCUE SQUAD**

**WHEREAS**, N.J.S.A. 40A:11-36 allows for the sale or disposition of personal property; and

**WHEREAS**, N.J.S.A. 40A:11-36(2) states “the contracting unit need not advertise bids when it makes any such sale to the United States, the State of New Jersey, another contracting unit, any body politic to which it contributes tax raised funds, any foreign nation which has diplomatic relations with the United States, or any governmental unit in the United States; and

**WHEREAS**, the Borough of Somerville owns a 2012 Chevrolet, G4500 Ambulance 1GB6G5CL1C1173649 herein called “ambulance” which has been operated by the Somerville First Aid and Rescue Squad since acquisition; and

**WHEREAS**, the Borough of Somerville desires to sell the 2012 Chevrolet, G4500 Ambulance 1GB6G5CL1C1173649 to the Somerville First Aid and Rescue Squad for one dollar (\$1.00)

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the sale of a 2012 Chevrolet, G4500 Ambulance 1GB6G5CL1C1173649 to the Somerville 1st Aid and Rescue Squad for one dollar (\$1.00).

### **RESOLUTION 22-0118-041**

#### **APPROVING ALCOHOLIC BEVERAGE LICENSE ADDRESS CHANGE TO BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGES FOR APPROVAL**

**WHEREAS**, the License Clerk reported that the following applications for Plenary Retail Consumption, Plenary Retail Consumption with Broad Privileges, Plenary Retail Distribution and Club Licenses, for the year 2021-2022, including license numbers have been filed; and

**WHEREAS**, each of the applicants paid the required fee and has fully complied with the requirements of our ordinance and the rules and regulations as set forth by the Division of Alcoholic Beverages; and

**WHEREAS**, written reports were received from the various municipal code officials who conducted inspections of said premises.

**WHEREAS**, it is the recommendation of the Police Department, Board of Health, Building Inspector and Fire Inspector that the applications be approved for their 2021-2022 Alcoholic Beverage Licenses:

#### **PLENARY RETAIL CONSUMPTION: (33)**

<b>46 Main Liquor, LLC t/a Salted Lime 1818-33-015-008</b>	<b>92 E. Main St. Anthony DeSapio</b>	<b>(908) 725-3721</b>
<b>Verdicchio Corp. t/a Central Pizzeria &amp; Venetian Grille 1818-33-007-007</b>	<b>122 W. Main St Pasquale Verdicchio</b>	<b>722-8272</b>

#### **PLENARY RETAIL CONSUMPTION W/ BROAD PRIVILEGES: (32)**

<b>Wolf Somerville, LLC t/a Wolfgang’s Steakhouse Grill &amp; Vint Edge Wine &amp; Spirits 1818-32-016-009</b>	<b>117-119 W. Main St Peter Zweiner</b>	<b>541-0344</b>
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**NOW, THEREFORE BE IT RESOLVED**, that the Borough Council, acting as the issuing authority, acting upon the recommendation of the License Clerk, Police Department, Board of Health, Building Inspector and Fire Inspector, hereby approves the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses, including license numbers for the year 2021-2022

**AND BE IT FURTHER RESOLVED**, that the License Clerk submit a foregoing resolution in certified form, filing fees and applications, to the Division of Alcoholic Beverages for immediate approval.

**RESOLUTION 22-0118-042**

**AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A  
2001 FORD EXCURSION 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 MuniBid 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 MuniBid is available online at MuniBid.com and also available from the Borough of Somerville.
- (2) The sale will be conducted online and the address of the auction site is govdeals.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 Ford Excursion  
VIN/ 1FMSU41FX1ED04170**

- (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 22-0118-043**

**AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A  
1979 GMCTHROUGH MuniBid 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 MuniBid 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 MuniBid is available online at MuniBid.com and also available from the Borough of Somerville.
- (2) The sale will be conducted online and the address of the auction site is govdeals.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:

**1979 GMC  
VIN/ T1GDA9V594654**

- (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 22-0118-044**

**ACCEPTING PAYMENT FROM NEW JERSEY AMERICAN WATER FOR WORK  
PERFORMED ON MADISON STREET AND EASTERN STATES PARKWAY IN THE  
AMOUNT OF \$189,172.50**

**WHEREAS**, New Jersey American Water has performed work on Eastern States Parkway and Madison Street; and

**WHEREAS**, New Jersey American Water is required to restore to its original condition or make a pay for restoration to its original condition; and

**WHEREAS**, prior to the work performed the roadway was flat and water runoff was minimal, the roadway base is lacking appropriate thickness and in poor condition, existing manholes would have to be lifted to accommodate appropriate resurfacing, curbing requires significant improvements, exiting patchwork requires restoration and gas line investigation is required; and

**WHEREAS**, the Borough of Somerville estimates the work required is extensive and will require a capital investment; and

**WHEREAS**, the Borough will accept a payment of \$189,172.50 in lieu of the work required by New Jersey American Water; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Somerville, County of Somerset, State of New Jersey as follows:

1. Payment from New Jersey American Water will be accepted in lieu of paving in the amount of \$189,172.50. and the Administrator is authorized to execute the agreement.

2. The DPW Director shall estimate the amount of work necessary to perform all the required work and prepare a report for the CFO for capital funding.

## **RESOLUTION 22-0118-045**

### **APPROVING AND AUTHORIZING THE WAIVER OF LOCAL FEE'S FOR FDS SOMERVILLE NJ, LLC FOR THE DEVELOPMENT OF AN EMERGENCY SERVICES FACILITY IN THE GASTON AVENUE REDEVELOPMENT AREA**

**WHEREAS**, on October 14, 2015 the Borough adopted a redevelopment plan for Gaston Avenue, which was amended in December 2016 (the "**Redevelopment Plan**"); and

**WHEREAS**, the Redevelopment Plan included among the proposed uses: "Public Safety buildings and uses"; and

**WHEREAS**, on February 13, 2018 the Borough acquired the property located at 101 North Gaston Avenue known as Block 73, Lot 16.02 with the intention of building a new emergency services facility (the "**Property**"); and

**WHEREAS**, during 2016 a committee comprising of representatives of the Fire Department, Police Department, EMS and Rescue squad contracted with Pacheco Ross architects to develop preliminary specifications and concept drawings for a combined emergency services facility (the "**Specifications**"); and

**WHEREAS**, the Redevelopment Law, N.J.S.A. 40A:12A-8(f), authorizes the Borough to arrange or contract with a redeveloper for the planning, construction or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment; and

**WHEREAS**, on December 16, 2019, the Borough conditionally designated FD Stonewater, who has created a single purpose entity named, FDS Somerville NJ, LLC, as redeveloper (the "**Redeveloper**") for the development of the Project on the Property, which designation has been extended by the Borough most recently on April 19, 2021; and

**WHEREAS**, the Borough and the Redeveloper have completed negotiations and executed a redevelopment agreement on October 10, 2021, which, among other things, sets forth the terms and conditions with respect to the redevelopment of the Property, the construction of the Project and the payment of certain costs in connection therewith (hereinafter referred to as the "**Redevelopment Agreement**"); and

**WHEREAS**, the Borough by ordinance 2645-21-0920 has agreed to lease the Property to the Redeveloper; and

**WHEREAS**, the Borough has agreed to lease the Project upon its completion by Ordinance 2646-21-0920 described and/or depicted in the Build to Suit Lease attached to the Redevelopment Agreement (the "**Build Lease**"), which Build Lease shall be executed concurrently with the Redevelopment Agreement; and

**WHEREAS**, the Borough finds that the redevelopment of the Property in the manner proposed by the Redeveloper is in the vital and best interests of the community and promotes the health, safety, morals and welfare of the Borough's residents and is in accord

with the public purpose and provisions of the Local Redevelopment and Housing Law and all other applicable laws; and

**WHEREAS**, the Borough has determined that all local fees payable to the Borough should be waived, however any fees due to outside authorities, Somerset County or the State of New Jersey cannot be waived and will be due when requested.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Somerville that it hereby approves and authorizes the waiver of all local (Borough) fees associated to or related this project.

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

### **RESOLUTION 22-0118-046**

#### **AUTHORIZING PAYMENT TO PRECISION SERVICE CENTER AND AUTHORIZING A PRIVATE SALE OF SURPLUS PROPERTY IN ACCORDANCE WITH N.J.S.A. 40A: 11-36 (6) FOR TWO VEHICLES AS PART OF PAYMENT**

**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; and

**WHEREAS**, in accordance with N.J.S.A. a private sale of surplus property is authorized if the estimated value of the property to be sold does not exceed the applicable bid threshold in any one sale or is either livestock or perishable goods, it may be sold at private sale without public advertising for bids; and

**WHEREAS**, the surplus property is as follows:

2001 Ford Excursion VIN 1FMSU41FXED04170 has a top market value at \$3,742.00

1979 GMB Bucket Truck VIN T1GDA9V594654 has a top market value of \$2,750.00

**WHEREAS**, both vehicles were located at 170 E. Main Street and suffered damage as a result of Hurricane Ida; and

**WHEREAS**, both vehicles were delivered to Precision Service Center, 444 Route 31 North, Lambertville, New Jersey 080530 for servicing; and

**WHEREAS**, both vehicles were deemed a total loss and remained on site at Precision Service Center and remained on site; and



**WHEREAS**, both vehicles were delivered to Precision Service Center, 444 Route 31 North, Lambertville, New Jersey 080530 has charged the Borough of Somerville, \$45 a day per vehicle for storage of said vehicles for a 139-day total being \$12,510; and

**WHEREAS**, in lieu of making a payment of \$12,510 (139 days of storage) to Precision Service Center, 444 Route 31 North, Lambertville, New Jersey 080530, the Borough of Somerville will make a payment of \$6,000 and provide the surplus equipment as described in the preamble to Precision Service Center at no additional cost; and

**WHEREAS**, the surplus property as identified shall be provided 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; and

**WHEREAS**, the Borough of Somerville is taking these steps to minimize the costs and expects to seek reimbursement through insurance:

**BE IT RESOLVED**, THE Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorizes the following: in lieu of making a payment of \$12,510 (139 days of storage) to Precision Service Center, 444 Route 31 North, Lambertville, New Jersey 080530, the Borough of Somerville will make a payment of \$6,000 and provide the surplus equipment as described in the preamble to Precision Service Center at no additional cost.