

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

**Monday, February 7, 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**
 - a. December 20, 2021
 - b. January 18, 2022
- 4. RESOLUTION 22-0207-049 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment -Parcview
- b. Personnel -AFSCMENJ

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. December 20, 2021
 - b. January 18, 2022
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. New Jersey Urban and Community Forestry Program Annual Accomplishment Report submission
 - b. New Jersey State department of Community Affairs, Division of Fire Safety Inspection Report submission

6. PROCLAMATION

- a. Black History Month February

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

8. DISCUSSION

9. ORDINANCES FOR INTRODUCTION

2662-22-0207 AMENDING CHAPTER 80 ENTITLED FIRE PREVENTION; LIFE SAFETY SECTION 7 ENTITLED “ADDITIONAL REQUIRED INSPECTION AND FEES” SUBSECTION B(9) ENTITLED CLASS IV. AMENDING THE FEE SCHEDULE FOR MULTIPLE DWELLINGS INCLUDING PARKING DECK/PARKING STRUCTURES

2663-22-0207 AMENDING CHAPTER 166-44 SCHEDULE III ENTITLED “NO STOPPING OR STANDING” TO INCLUDE SOUTH BRIDGE STREET BETWEEN VETERANS MEMORIAL DRIVE AND SECOND STREET

2664-22-0207 APPROVING AN AMENDMENT TO THE FINANCIAL AGREEMENT AND AUTHORIZING EXECUTION OF AN AMENDMENT AND RESTATED FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND A & A SOMERVILLE URBAN RENEWAL, LLC PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. FOR PROPERTY LOCATED ON 40 HAYNES STREET, ALSO KNOWN AS LOTS 3, 13 AND 14 IN BLOCK 50, AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF SOMERVILLE, LOCATED IN THE KIRBY AVENUE REDEVELOPMENT AREA

10. 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)

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

(RESOLUTIONS 22-0207-050 THRU 22-0207-059)

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

22-0207-050 ADOPTING CANNABIS CLASS 5 RETAILER LICENSE APPLICATION

- 22-0207-051 APPROVING THE PAYMENT TO EDWARD PURCELL FOR ACCUMULATED TIME EARNED IN ACCORDANCE WITH CONTRACT
- 22-0207-052 APPROVING SEWER OVERPAYMENT REFUND FOR 152 S. BRIDGE STREET BLOCK 22 LOT 1 & 2
- 22-0207-053 APPROVING GIRLS ON THE RUN RACE FOR JUNE 12, 2022 STARTING AT 9:00 A.M. ON THE CORNER OF HIGH STREET AND BRIDGE STREET
- 22-0207-054 MEMORIALIZE EXECUTION OF THE 2021 NEW JERSEY URBAN AND COMMUNITY FORESTRY PROGRAM ANNUAL ACCOMPLISHMENT REPORT AND AUTHORIZING THE ADMINISTRATOR TO EXECUTE SAID REPORT
- 22-0207-055 APPROVING THE HIRING OF NELSON X. SOLIS REMACHE AS FULL TIME PARKING ENFORCEMENT OFFICER EFFECTIVE FEBRUARY 22, 2022
- 22-0207-056 AUTHORIZING MAYOR AND MUNICIPAL CLERK TO EXECUTE AGREEMENT WITH SOMERSET COUNTY PROSECUTOR'S OFFICE FOR USE OF POLICE PERSONNEL
- 22-0207-057 APPROVING CHANGE ORDER #1 TO A CONTRACT TO NATIONAL WATER MAIN CLEANING CO.FOR MANHOLE REHABILITATION REDUCING THE CONTRACT AMOUNT OF \$536,950.00 TO \$414,123.20 AND APPROVING THE ADDITION OF 39 CALENDAR DAYS TO THE CONTRACT DUE TO WEATHER
- 22-0207-058 ACCEPTING THE RETIREMENT RESIGNATION OF JOSEPH RANDIS JR. EFFECTIVE MARCH 2, 2022 (END OF BUSINESS MARCH 1, 2022)
- 22-0207-059 ACCEPTING AWARD OF Y2021 ANNUAL GRANT FROM THE SOMERSET COUNTY BOARD OF COMMISSIONERS FOR MUNICIPAL YOUTH SERVICES COMMISSION IN THE AMOUNT OF \$5,000.00

12. BILLS AND VOUCHERS

13. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances for Introduction

ORDINANCE #2662-22-0207

**AMENDING CHAPTER 80 ENTITLED FIRE PREVENTION;
LIFE SAFETY SECTION 7 ENTITLED “ADDITIONAL REQUIRED INSPECTION AND
FEES” SUBSECTION B(9) ENTITLED CLASS IV. AMENDING THE FEE SCHEDULE FOR
MULTIPLE DWELLINGS INCLUDING PARKING DECK/PARKING STRUCTURES**

WHEREAS, the Borough of Somerville performs fire inspections for apartment buildings and parking structures; and

WHEREAS, Chapter 80, Section 7, entitled “Additional required inspection and fees” subsection B(9) shall be amended to read as follows:

- (9) Class IX. Multiple dwellings and commercial and industrial buildings, businesses, structures or premises with common areas accessible to the tenants or the public shall be ~~\$100 per building.~~

Apartment buildings 100 or less dwelling units:

- \$100.00 per floor.
- \$100.00 Basement
- \$100.00 per parking deck level

Apartment buildings with more than 100 dwelling units

- \$150.00 per floor
- \$150.00 Basement
- \$100.00 per parking deck level

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

ORDINANCE #2663-22-0207

**AMENDING CHAPTER 166-44 SCHEDULE III ENTITLED “NO STOPPING
OR STANDING” TO INCLUDE SOUTH BRIDGE STREET BETWEEN VETERANS
MEMORIAL DRIVE AND SECOND STREET**

WHEREAS, Chapter 166-44 Schedule III entitled “” No stopping and Standing shall be amended to include South Bridge Street between Veterans Memorial Drive and Second Street:

§ 166-44 Schedule III: No Stopping or Standing.

In accordance with the provisions of § 166-8, no person shall stop or stand a vehicle between the times specified upon any of the following described streets or parts of streets:

Name of Street	Side	Hours	Location
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Name of Street	Side	Hours	Location
South Bridge Street	East	All	From Veterans Memorial Drive to Second Street

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

ORDINANCE #2664-22-0207

APPROVING AN AMENDMENT TO THE FINANCIAL AGREEMENT AND AUTHORIZING EXECUTION OF AN AMENDMENT AND RESTATED FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND A & A SOMERVILLE URBAN RENEWAL, LLC PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. FOR PROPERTY LOCATED ON 40 HAYNES STREET, ALSO KNOWN AS LOTS 3, 13 AND 14 IN BLOCK 50, AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF SOMERVILLE, LOCATED IN THE KIRBY AVENUE REDEVELOPMENT AREA

BE IT ORDAINED by the Borough Council of the Borough of Somerville that:

Section 1. Pursuant to and in accordance with the provisions of the Long-Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the “Long Term Tax Exemption Law”, as codified in N.J.S.A. 40A:20-1 et seq.), the Borough is authorized to provide for tax exemptions within a redevelopment area and for payments in lieu of taxes.

Section 2. A & A Somerville Urban Renewal, LLC (the “Redeveloper”) owns Block 50, Lots 3, 13 & 14 (the “Property”) on which it has constructed a 179-unit residential rental project in two 4-story buildings with 329 parking spaces (the “Project”).

Section 3. On January 25, 2019, the Borough and the Redeveloper entered into a financial agreement for the payment of annual service charges for a term of 25 years based on a percentage of Annual Gross Revenues (“AGR”) from the Project pursuant to the Long-Term Tax Exemption Law (the “Financial Agreement”) starting at 10% AGR for years 1-5; 12% AGR for years 6-14; and 15% AGR for years 15-25.

Section 4. In June 2020, just prior to completion of the remaining 4-story residential building in the Project, a fire destroyed the building resulting in the need for its complete demolition and reconstruction, which the Redeveloper is currently undertaking on the Property.

Section 5. As a result of the fire and the need to reconstruct the remaining building in the Project, the completion date for the Project has been setback 18-24 months and the Redeveloper requested that the Borough consider postponing or delaying the effective date of the Financial Agreement as to the remaining building.

Section 6. In order to assist the Redeveloper as a result of the fire and resulting delays in completion of the Project, the Redeveloper requested an amendment to the Financial Agreement for the percentage of Annual Gross Revenues (“AGR”) from the Project pursuant to the Long-Term Tax Exemption Law as follows: 10% AGR for years 1-5 shall be extended for two (2) years; 12% AGR for years 6-14 shall be reduced one (1) year; and 15%

AGR for years 15-25 shall be increased for one (1) year and this request was approved by the Borough by adoption of Ordinance No. 2633 on April 5, 2021.

Section 7. The Redeveloper has requested the Borough extend the term of the financial agreement an additional two (2) years to mitigate the additional costs of reconstruction of the Project after the fire and this amendment to the term of the financial agreement shall be increased by two (2) years for a total duration of twenty-seven (27) years.

Section 8. The Financial Agreement, specifically Section 4.2 shall be amended to provide for the percentage of Annual Gross Revenues (“AGR”) from the Project as follows: 10% AGR for years 1-7; 12% AGR for years 6-13; and 15% AGR for years 14-27.

Section 9. The Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary including the Amended and Restated Financial Agreement, in a form subject to final review and approval by the Borough’s legal counsel.

Section 10. This ordinance shall take effect upon 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 22-0207-050

ADOPTING CANNABIS CLASS 5 RETAILER LICENSE APPLICATION

WHEREAS, the Cannabis Class 5 Committee reviewed and recommends the adoption of the Cannabis Class 5 Retailer License Application.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the adoption of the Cannabis Class 5 Retailer License Application and authorizes the release of said application.

RESOLUTION 22-0207-051

APPROVING THE PAYMENT TO EDWARD PURCELL FOR ACCUMULATED TIME EARNED IN ACCORDANCE WITH CONTRACT

WHEREAS, Edward Purcell is approved to retire effective January 31, 2022; and

WHEREAS, according to Borough records he shall be paid as follows:

Sick time	130 days	\$79,196.00
Years of Service	29 years	\$5,800.00

Total \$84,996.00

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the payment of \$84,996.00 to Edward Purcell.

RESOLUTION 22-0207-052

**APPROVING SEWER OVERPAYMENT REFUND FOR
152 S. BRIDGE STREET BLOCK 22 LOT 1 & 2**

WHEREAS, a sewer overpayment has occurred on property in the Borough of Somerville;
and

WHEREAS, the Sewer Collector has researched and determined that a refund can be issued
on this account.

NOW, THEREFORE, BE IT RESOLVED, that the Sewer Collector be instructed to refund the
amounts to the block and lots listed below:

Block: 22 Lot: 1 & 2 Year: 2021 Name: ROSKO-PHIL REAL ESTATE

Address: 152 S. BRIDGE Amount: \$5,408.00 PO #22-00250

REASON: REFUND PREVIOUSLY PAID 4 Q 2021 NOW INACTIVE-DUE TO HURRICANE
IDA

RESOLUTION 22-0207-053

**APPROVING GIRLS ON THE RUN RACE FOR JUNE 12, 2022 STARTING AT
9:00 A.M. ON THE CORNER OF HIGH STREET AND BRIDGE STREET**

WHEREAS, Girls on the Run race is schedule to take place on Sunday, June 12, 2022,
starting at 9:00 a.m.; and

WHEREAS, the race will be utilizing the regular race route ending on East High Street and
the corner of North Bridge Street and

WHEREAS, the race 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 the Girls on the Race to be held on Sunday, June 12, 2022
contingent on the submission of the appropriate forms and payment to the Police Off-Duty
escrow prior to scheduling of Off-Duty Police Officers.

RESOLUTION 22-0207-054

**MEMORIALIZE EXECUTION OF THE 2021 NEW JERSEY URBAN
AND COMMUNITY FORESTRY PROGRAM ANNUAL ACCOMPLISHMENT REPORT AND
AUTHORIZING THE ADMINISTRATOR TO EXECUTE SAID REPORT**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of
Somerset, State of New Jersey Approvers the New Jersey Urban and Community Forestry

Program Annual Accomplishment Report and authorizes the Administrator to execute said report for submission.

RESOLUTION 22-0207-055

APPROVING THE HIRING OF NELSON X. SOLIS REMACHE AS FULL TIME PARKING ENFORCEMENT OFFICER EFFECTIVE FEBRUARY 22, 2022

WHEREAS, Nelson X. Solis Remache accepted the “Offer of Employment” dated January 25, 2022; and

WHEREAS, a background check was performed by the Borough of Somerville in accordance with authorization; and

WHEREAS, the effective date of hire is February 22, 2022.

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby hire Nelson X. Solis Remache as full time Parking Enforcement Officer, effective February 22, 2022 at an annual salary of \$48,000.

RESOLUTION 22-0207-056

AUTHORIZING MAYOR AND MUNICIPAL CLERK TO EXECUTE AGREEMENT WITH SOMERSET COUNTY PROSECUTOR’S OFFICE FOR USE OF POLICE PERSONNEL

WHEREAS, the County provides various services and functions which require the use of municipal police officers; and

WHEREAS, the County uses additional trained police personnel including municipal police personnel for such programs and services as assistance and training at the Somerset County Police Academy; Somerset County Organized Crime and Narcotics Task Force; Somerset County Emergency Response Teams which includes the S.W.A.T. Team and Crisis Negotiation Team, Dive Rescue team and the Somerset County Vehicular Homicide Task Force, Collision Analysis and Reconstruction Team and Arson Task Force; and

WHEREAS, the Borough of Somerville is willing to provide municipal police officers on an “as available” basis for use by the Somerset County Prosecutor’s Office on a “as needed” basis subject to the terms and conditions of agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Somerville that this agreement is authorized between the County of Somerset and the Borough of Somerville.

RESOLUTION 22-0207-057

APPROVING CHANGE ORDER #1 TO A CONTRACT TO NATIONAL WATER MAIN CLEANING CO.FOR MANHOLE REHABILITATION REDUCING THE CONTRACT AMOUNT OF \$536,950.00 TO \$414,123.20 AND APPROVING THE ADDITION OF 39 CALENDAR DAYS TO THE CONTRACT DUE TO WEATHER

WHEREAS, the Borough of Somerville awarded a contract on June 21, 2021 to National Water Main Cleaning Co., 1806 Newark Turnpike, Kearny, NJ 07032 for Manhole Rehabilitation via Resolution 21-0621-195; and

WHEREAS, it has been determined that the contractor cannot perform the manhole rehabilitation until the temperatures are warmer for a quality product and a change order has been requested for an additional thirty nine (39) days, in addition, it has been determined that adjustments listed below required quantity reductions and additions resulting in a net decrease in the contract amount of \$122,826.80.

Police (\$50,000); Reconstruct Bench and Channel (\$15,105); Manhole Rehabilitation (\$44,268); Chemical grout (\$3,955); Chimney seals (\$13,200); Cleaning 8" to 12" \$5,659.20; Cleaning 15" to 24" (\$2,400); CCTV 8" top 12" \$4,192; CCTV 15"to 24" (\$1,500); Bypass 8' to 12" (\$1,000); Bypass 15"-24" (\$1,250)

Change Order #	Description	Contract	Change	New Contract Amount
#1	Additional days to perform work due to weather adding 39 calendar days & reductions and additions in quantities.	\$536,950	(\$122,826.80)	\$414,123.20

BE IT RESOLVED by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby Change order #1 to a contract with National Water Main Cleaning Co., 1806 Newark Turnpike, Kearny, NJ 07032 reducing the original amount of the contract of \$536,950.00 by \$122,826.80 for a new contract amount of \$414,123.20 and approving an extension of time of 39 calendar days.

RESOLUTION 22-0207-058

ACCEPTING THE RETIREMENT RESIGNATION OF JOSEPH RANDIS JR. EFFECTIVE MARCH 2, 2022 (END OF BUSINESS MARCH 1, 2022)

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 Joseph Randis Jr. effective March 2, 2022 (end of business March 1, 2022) and wishes him well in his future endeavors.

RESOLUTION 22-0207-059

ACCEPTING AWARD OF Y2021 ANNUAL GRANT FROM THE SOMERSET COUNTY BOARD OF COMMISSIONERS FOR MUNICIPAL YOUTH SERVICES COMMISSION IN THE AMOUNT OF \$5,000.00

WHEREAS, the County of Somerset Department of Human Services Office of Youth Services has awarded funding in the amount of \$5,000.00 for Y2021 Annual Grant.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Somerville, County of Somerset, State of New Jersey hereby accepts the award in the amount of \$5,000.00 for the following: Vanderbucks Intervention Program; Be Good-Positive Behavior Support Raffles and Girls on the Run (G.O.T.R.).