

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

**Tuesday, February 22, 2022
6:00 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. February 7, 2022
- 4. RESOLUTION 22-0222-060 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Council Vacancy- discussion with nominees
- b. Sanitary Sewer Contract discussion
- c. Personnel
- d. Redevelopment

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. January 1, 2022
 - b. February 7, 2022
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. St. Hubert's Monthly Report January
 - b. Somerville Division of Health Report January

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

7. CDBG APPLICATIONS

- a. Senior Center
- b. Zufall
- c. Safe and Sound Somerset
- d. Borough Hall
- e. YMCA

8. DOWNTOWN SOMERVILLE ALLIANCE, INC., BUDGET– Public Hearing. DSA Board approved on February 15, 2022

9. DISCUSSION

- a. Presentation- DGM Properties, LLC, - Project at 50 James Street in the Kirby Avenue Redevelopment Area

10. ORDINANCE FOR INTRODUCTION

2665-22-0222 AMENDING CHAPTER 150 ENTITLED "SIDEWALKS" SECTION 34 OF THE BOROUGH CODE ENTITLED VIOLATIONS AND PENALTIES ESTABLISHING A FIXED FINE FOR THE OWNER OR TENANT OF LAND ABUTTING THE SIDEWALK OF ANY STREET OF ONE HUNDRED DOLLARS (\$100) FOR FAILING TO REMOVE SNOW OR ICE FROM SUCH SIDEWALK

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

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

2659-22-0118 AMENDING CHAPTER 166-46.1 SCHEDULE VA: PERMIT PARKING OF THE BOROUGH CODE REMOVING SOUTH STREET FROM SAID SCHEDULE

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

12. RESOLUTION FOR ROLL CALL VOTE

22-0222-061 APPOINTING DEMOCRATIC NOMINEE TO FILL THE BOROUGH COUNCIL VACANCY IN ACCORDANCE WITH N.J.S.A:16-1 et seq

13. 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)

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

(RESOLUTIONS 22-0222-062 THRU 22-0222-063)

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

22-0222-062 AUTHORIZING REFUND ON REMAINING ESCROW BALANCE ON APPLICATION #2020-06P TO RICK ST. PIERRE IN THE AMOUNT OF \$745.00 FOR ADDRESS KNOWN AS 18 EAST MAIN STREET BLOCK 62 LOT 21

22-0222-063 APPROVING IMMACULATA 5K ROAD RACE ON SATURDAY, JUNE 25, 2022 AT 8:30A.M. CONTINGENT ON OEM AND PD APPROVALS

15. RESOLUTIONS FOR ROLL CALL VOTE

22-0222-064 DESIGNATING DGM PROPERTIES, LLC AS CONDITIONAL REDEVELOPER FOR THE PROPERTY KNOWN AS TAX BLOCK 50, LOT 2 LOCATED AT 50 JAMES STREET IN THE KIRBY AVENUE REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A RENTAL RESIDENTIAL PROJECT

22-0222-065 ADOPTING THE 2022 DOWNTOWN SOMERVILLE ALLIANCE, INC., BUDGET IN THE AMOUNT OF \$864,808.00

16. BILLS AND VOUCHERS

17. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinance for Introduction

ORDINANCE #2665-22-0222

AMENDING CHAPTER 150 ENTITLED "SIDEWALKS" SECTION 34 OF THE BOROUGH CODE ENTITLED VIOLATIONS AND PENALTIES ESTABLISHING A FIXED FINE FOR THE OWNER OR TENANT OF LAND ABUTTING THE SIDEWALK OF ANY STREET OF ONE HUNDRED DOLLARS (\$100) FOR FAILING TO REMOVE SNOW OR ICE FROM SUCH SIDEWALK

WHEREAS, Chapter 150 Section 34 of the Borough Code shall be amended to read as follows:

§ 150-34 Violations and Penalties.

Any person who shall violate any of the provisions of this article shall be subject to a fine of \$100 for failing to remove snow or ice. Each day such violation continues shall constitute a separate offense.

Whereas, this ordinance shall take effect upon final passage and publication as required by law.

Ordinance(s) scheduled for Adoption

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:

Name of Street	Side	Location
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 [Added 11-16-2020 by Ord. No. 2624]	Both	Between Grove Street and North Bridge Street
Fairmont Avenue	Both	Entire length
Grant Avenue	Both	Entire length
Lee Way	Both	Entire length

Name of Street	Side	Location
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 Parkway
Putnam Street	Both	From Post Street to Eastern States Parkway
Rehill Avenue	West	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
South Street	South	From a point 87 feet west of the westerly curbline of South Bridge Street to a point 23 feet westerly thereof
Steele Avenue [Repealed 10-15-2018 by Ord. No. 2560]		
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.

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

RESOLUTION 22-0222-061

APPOINTING DEMOCRATIC NOMINEE TO FILL THE BOROUGH COUNCIL VACANCY IN ACCORDANCE WITH N.J.S.A:16-1 et seq.

WHEREAS, Jane C. Kobuta submitted her resignation as Councilmember effective February 1, 2022 creating a vacancy on the Borough Council; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:16-1 et seq. the Municipal Clerk advised the Local democratic Chairperson of the Municipal Vacancy Law and the process required to fill the vacancy; and

WHEREAS, on February 14, 2022 the Democratic Chairperson submitted three nominees to the Municipal Clerk, whom provided the names to the Mayor and Borough Council.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby appoints _____ in accordance with the provisions of N.J.S.A. 40A:16-1 et seq.

RESOLUTION 22-0222-062

AUTHORIZING REFUND ON REMAINING ESCROW BALANCE ON APPLICATION #2020-06P TO RICK ST. PIERRE IN THE AMOUNT OF \$745.00 FOR ADDRESS KNOWN AS 18 EAST MAIN STREET BLOCK 62 LOT 21

WHEREAS, Rick St. Pierre, had an application before the Land Use Board; and

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves a refund to Rick St. Pierre in the amount of \$745.00.

RESOLUTION 22-0222-063

APPROVING IMMACULATA 5K ROAD RACE ON SATURDAY, JUNE 25, 2022 AT 8:30A.M. CONTINGENT ON OEM AND PD APPROVALS

WHEREAS, Immaculata 5K Road Race is schedule to take place on Saturday, June 25, 2022, starting at 8:30a.m.; and

WHEREAS, the event will be take place at Immaculata High School; 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 Immaculata 5K Road Race to be held on June 25, 2022, starting at 8:30a.m., 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 22-0222-064

DESIGNATING DGM PROPERTIES, LLC AS CONDITIONAL REDEVELOPER FOR THE PROPERTY KNOWN AS TAX BLOCK 50, LOT 2 LOCATED AT 50 JAMES STREET IN THE KIRBY AVENUE REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A RENTAL RESIDENTIAL PROJECT

WHEREAS, the Borough of Somerville has been promoting the redevelopment of the Kirby Avenue Redevelopment Area (the "Redevelopment Area") since the adoption of the Kirby Avenue Redevelopment Plan on November 17, 2010 as amended from time to time (the "Redevelopment Plan"); and

WHEREAS, 50 James Street, also known as Block 50, Lot 2 is located in the Redevelopment Area, is privately owned and is commonly referred to as the Truck Form Site (the "Property"); and

WHEREAS, DGM Properties, LLC (hereinafter referred to as the "Redeveloper") is the contract purchaser of the Property which currently contains an industrial building and parking area; and

WHEREAS, the Redeveloper is proposing the redevelopment of the Property for a rental residential project consisting of 112 units in two buildings with 56 units each and surface parking containing approximately 225 parking spaces; and

WHEREAS, the Redeveloper and its related entities have redeveloped other properties in the Borough for residential use including Station House located on Veterans Memorial Parkway and another on North Doughty Street; and

WHEREAS, the proposal has been thoroughly reviewed and found consistent with the Redevelopment Plan, provides the Borough with a significant financial return, and meets the Borough's goals and objectives for redeveloping the Property.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Somerville that DGM Properties, LLC, 313 Route 206, Suite #9, Chester, New Jersey 07930 is hereby conditionally designated as redeveloper for the redevelopment of Tax Block 50, Lot 2, located in the Kirby Avenue Redevelopment Area, for a rental residential project as described herein, the detail of which is subject to further refinement.

BE IT FURTHER RESOLVED that said conditional designation as redeveloper is subject to the following conditions:

1. That the conditional designation is limited to a period of one hundred and eighty (180) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted resolution of the Borough Council.
2. That DGM Properties, LLC and/or an affiliated entity agrees to pay any and all costs incurred by the Borough from the date of the conditional designation to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth herein. The escrow deposit shall be in the amount of \$10,000.00.
3. Within fourteen (14) days of the adoption of this resolution, DGM Properties, LLC and/or an affiliated entity and the Borough enter into an escrow agreement, the form of which is attached hereto and made part of this resolution.
4. That DGM Properties, LLC and/or an affiliated entity and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
5. That DGM Properties, LLC and/or an affiliated entity shall acquire the Property which it does not currently own from the current owner in order for the redevelopment of the Property as provided for in a redevelopment agreement.
6. That the Borough shall amend the Redevelopment Plan as required to permit the redevelopment of the Property as proposed by DGM Properties, LLC.

BE IT FURTHER RESOLVED that upon completion of negotiations on a redevelopment agreement, the Borough Council shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

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

RESOLUTION 22-0222-065

**ADOPTING THE 2022 DOWNTOWN SOMERVILLE ALLIANCE, INC., BUDGET IN THE
AMOUNT OF \$864,808.00**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby adopts the 2022 Downtown Somerville Alliance, Inc., budget in the amount of \$864,808.00