

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

**Monday, March 21, 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. March 7, 2022
- 4. RESOLUTION 22-0321-086 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment
- b. Personnel
- c. Potential Litigation

COUNCIL MEETING AGENDA

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

7. CDBG APPLICATION

- a. Zufall Health Center

8. DISCUSSION

- a. 2022 MUNICIPAL BUDGET INTRODUCTION – PRESENTATION
 - i. Introduction of the Municipal and User Friendly Budget

9. ORDINANCE FOR INTRODUCTION

2670-22-0321

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,417,000 FOR VARIOUS IMPROVEMENTS AND PURPOSES FOR AND BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,444,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

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

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

2669-22-0307

APPROVING AN AMENDMENT TO THE BUILD TO SUIT LEASE FOR PROPERTY KNOWN AS TAX BLOCK 73, LOT 16.02 LOCATED IN THE GASTON AVENUE REDEVELOPMENT AREA WITH FDS SOMERVILLE NJ, LLC, THE CONTRACT REDEVELOPER PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. FOR THE EMERGENCY SERVICES FACILITY PROJECT

11. 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)

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

(RESOLUTIONS 22-0321-087 THRU 22-0321-103)

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

- 22-0321-087 AWARDING A CONTRACT TO ST. HUBERT'S FOR ANIMAL CONTROL SERVICES EFFECTIVE MARCH 1, 2022 TO FEBRUARY 28, 2023 IN THE AMOUNT OF \$21,600.00
- 22-0321-088 REAPPOINTING RICHARD MATHEWS TO THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY BOARD OF COMMISSIONERS (expiration of term February 7, 2027)
- 22-0321-089 AWARDING A CONTRACT TO GENTILINI MOTORS FOR TWO (2) 2022 FORD ESCAPE HYBRID VEHICLES THROUGH NEW JERSEY STATE CONTRACT T-2007 (20-FLEET-01393) IN THE TOTAL AMOUNT OF \$69,054.92
- 22-0321-090 CANCELLING UNCOLLECTIBLE TAXES
- 22-0321-091 AUTHORIZING PAYMENT TO RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY CONSISTENT WITH NJSA 18:6-4.12 REIMBURSEMENT COST ASSOCIATED WITH THE HIRING OF SHANNON KELLIHER
- 22-0321-092 AUTHORIZING TEMPORARY APPROPRIATION FOR 2022 CURRENT OPERATING MUNICIPAL BUDGET
- 22-0321-093 AWARDING A CONTRACT TO DEMCO IN THE AMOUNT OF \$ 12,740.28 FOR LIBRARY FURNITURE UTILIZING THE NATIONAL COOPERTIVE PURCHASING ALLIANCE(NCPA)
- 22-0321-094 AUTHORIZING TEMPORARY APPROPRIATION FOR 2022 PARKING UTILITY BUDGET
- 22-0321-095 AUTHORIZING TEMPORARY APPROPRIATION FOR 2022 SEWER UTILITY BUDGET
- 22-0321-096 AUTHORIZING CHANGE ORDER #1 WITH A CONTRACT FOR CROSSROADS PAVING FOR NORTH MIDDAUGH STREET ROADWAY IMPROVEMENTS (WEST END AVENUE TO ALTAMONT PLACE) REDUCING THE CONTRACT IN THE AMOUNT OF \$446.25 AND ISSUING FINAL PAYMENT AND CLOSING OUT THE PROJECT
- 22-0321-097 ACCEPTING A DONATION FOR THE REHABILITATION OF THE BASKETBALL COURT LOCATED IN CAROL PAGER PARK FROM PAVE-RITE, INC., IN COLLABORATION WITH THE DREW MCLACHLAN FUND AND AUTHORIZING THE WAIVING OF

LOCAL FEES AND NAMING THE BASKETBALL COURT IN
MEMORY OF DREW MCLACHLAN

- 22-0321-098 APPROVING CHURCH WORLD SERVICES HOLDING A NATIONAL CROP HUNGER WALK FOR UKRAINE ON APRIL 22, 2022 AT 10:00 A.M. TO 4:00 P.M. STARTING AT THE UNITED REFORMED CHURCH
- 22-0321-099 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR MUNICIPAL FINANCIAL ADVISORY SERVICES-PHOENIX ADVISORS, LLC FOR SANITARY SEWER VALUATION
- 22-0321-100 APPOINTING KATHERINE E. HOWES AS MUNICIPAL COURT JUDGE RETROACTIVELY EFFECTIVE MARCH 18, 2022 FOR THREE (3) YEARS
- 22-0321-101 AMENDING RESOLUTION 22-0118-048 APPOINTING 2022 OFFICIALS
- 22-0321-102 AWARDED A CONTRACT TO BEN SHAFFER RECREATION, INC., THROUGH THE NEW JERSEY PURCHASING ALLIANCE FOR REPAIRS TO PATRICIA WEBSTER BASKETBALL COURT ON MERCER STREET
- 22-0321-103 APPROVING LEGAL RUNAROUND 5K RUN AND FUN WALK ON THURSDAY, MAY 26, 2022 AT 5:00 P.M.

13. BILLS AND VOUCHERS

14. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinance for Introduction

ORDINANCE # 2670-22-0321

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,417,000 FOR VARIOUS IMPROVEMENTS AND PURPOSES FOR AND BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,444,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough of Somerville, New Jersey (the “Borough”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$2,417,000, such sum includes the sum of (a) \$189,000 received from the American Water Company, (b) \$719,000 received from the capital improvement fund, and (c) \$45,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,444,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$1,444,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements hereby authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
1. Improvements to various roads of the Borough, including but not limited to Eastern States Parkway, Brookside Avenue, Orchard Street, Riviera Drive and Central Avenue, including as required, manhole/catch basin renovations, concrete curbing, concrete sidewalk replacement, granite curbing, milling of pavement, drainage structures, micro surfacing, traffic calming, road striping and resurfacing of various tertiary and secondary roadways, including all structures and appurtenances, work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$1,197,000	\$394,000	20 Years
2. Various curb, sidewalk and/or apron improvements throughout the Borough, including all structures and appurtenances, work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	200,000	190,000	10 Years
3. Improvements for Building and Grounds, including but not limited to roof replacement at West End Hose Company, including all structures and appurtenances, work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	100,000	25,000	15 Years
4. Various park and recreation improvements, including but not limited to Carol Pager ball field, Lepp pool renovations and Pocket Park Transit Village improvements, including all structures and appurtenances, work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved	470,000	455,000	15 Years

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
5. Preliminary expenditures in connection with various redevelopment projects, including Landfill Project Area, East End Redevelopment Area, Eastern Central Business District Redevelopment Area and North Gaston Avenue Redevelopment Area, all as shown on and in accordance with the plans and specifications on file in the office of the Clerk.	50,000	0	15 Years
6. Acquisition and installation of sound/video system and furniture for civic use at the Somerville Civic Center.	400,000	380,000	7.50 Years
TOTAL ALL PURPOSES	2,417,000	1,444,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,444,000.

(c) The estimated cost of the Improvements is \$2,417,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor and grants expected to be received as stated above is the amount of the Down Payment.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal financial officer of the Borough (the "Municipal Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Municipal Financial Officer. The Municipal Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Municipal Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Municipal Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Municipal Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the

Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 13.73 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,444,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$400,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance (including \$394,000 expected to be received from the New Jersey Department of Transportation in connection with certain road improvements and \$170,000 expected to be received from the New Jersey Department of Transportation in connection with the Pocket Park Transit village site enhancements) shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,444,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinances scheduled for Adoption

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 #2669-22-0307

APPROVING AN AMENDMENT TO THE BUILD TO SUIT LEASE FOR PROPERTY KNOWN AS TAX BLOCK 73, LOT 16.02 LOCATED IN THE GASTON AVENUE REDEVELOPMENT AREA WITH FDS SOMERVILLE NJ, LLC, THE CONTRACT REDEVELOPER PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. FOR THE EMERGENCY SERVICES FACILITY PROJECT

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

SECTION 1. Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), a municipality may sell, convey or lease any of its property to a redeveloper for the purpose of clearance, re-planning, development and redevelopment of a redevelopment area provided that the sale, conveyance or lease is made in conjunction with a redevelopment plan.

SECTION 2. Pursuant to the Redevelopment Law, the Borough Council of the Borough of Somerville (the “Borough”) adopted a resolution designating an area in need of redevelopment, known as the Gaston Avenue Redevelopment Area (“Redevelopment Area”).

SECTION 3. Pursuant to the Redevelopment Law, on October 14, 2015, the Borough, by ordinance, adopted a redevelopment plan for the Redevelopment Area entitled the Gaston Avenue Redevelopment Plan, which Redevelopment Plan was amended by the Borough in December 2016 (“Redevelopment Plan”).

SECTION 4. Tax Block 73, Lot 16.02 (the “Property”) is located in the Redevelopment Area and subject to the Redevelopment Plan.

SECTION 5. The Property is owned by the Borough, is currently vacant land and formerly included vacant commercial and residential buildings.

SECTION 6. On September 7, 2021, the Borough adopted a resolution approving a redevelopment agreement (the “Redevelopment Agreement”) with FDS Somerville NJ, LLC, the designated redeveloper for the redevelopment of the Property (the “Redeveloper”).

SECTION 7. The Redevelopment Agreement requires the Redeveloper to redevelop the Property with an emergency services facility project in accordance with the Redevelopment Plan (the “Project”).

SECTION 8. On October 4, 2021, the Borough adopted an ordinance approving and authorizing the Borough to enter into a ground lease with the Redeveloper for the Property and the parties subsequently executed a Ground Lease for the Property on or about January 17, 2022.

SECTION 9. On October 4, 2021, the Borough adopted an ordinance approving and authorizing the Borough to enter into a build to suit lease with the Redeveloper for the

Property and the parties subsequently executed a Build To Suit Lease for the Property on or about January 17, 2022 (the "Build Lease").

SECTION 10. The Borough and Redeveloper have agreed to amend the Build Lease as follows:

- a) Exhibit E, Rent Schedule to modify the annual rent payments by the Borough; and
- b) Section 32 Tenant's Termination Options to include a make whole provision that would permit the Borough to payoff the Build Lease at any time during the Term; and
- c) New provision whereby the Redeveloper would split any savings realized from the construction of the Project with the Borough 50/50 with the Borough being able to utilize the savings as a credit towards rent or a lump sum payment.

SECTION 11. The Mayor and Borough Clerk are authorized to execute any and all documents necessary for the amend the Build To Suit Lease for the Property, in a form substantially consistent with the form of the amended agreement attached hereto, subject to the review and approval of such documents by the Borough's legal counsel.

SECTION 12. 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 22-0321-087

**AWARDING A CONTRACT TO ST. HUBERT'S
FOR ANIMAL CONTROL SERVICES EFFECTIVE MARCH 1, 2022 TO
FEBRUARY 28, 2023 IN THE AMOUNT OF \$21,600.00**

WHEREAS, an award is recommended for St. Hubert's, PO Box 5281, North Branch, New Jersey 08876.

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby award a contract for Animal Control Services to St. Hubert's, PO Box 5281, North Branch, New Jersey 08876 in the amount of \$21,600.00.

RESOLUTION 22-0321-088

**REAPPOINTING RICHARD MATHEWS
TO THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY
BOARD OF COMMISSIONERS (expiration of term February 7, 2027)**

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby reappoint Richard Mathews to the Raritan Valley Sewerage Authority Board of Commissioners (expiration 2/7/27).

RESOLUTION 22-0321-089

AWARDING A CONTRACT TO GENTILINI MOTORS FOR TWO (2) 2022 FORD ESCAPE HYBRID VEHICLES THROUGH NEW JERSEY STATE CONTRACT T-2007 (20-FLEET-01393) IN THE TOTAL AMOUNT OF \$69,054.92

WHEREAS, the Borough of Somerville for the Borough of Somerville has a need for passenger vehicles (Community Development, Public Works); and

WHEREAS, the Borough of Somerville has identified that the 2022 Ford Escape Hybrid fits their needs, which is available through New Jersey State Contract T-2007 through Gentilini Motors, 2703 Fire Road, Egg Harbor Township, New Jersey 08234

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby authorize the purchase of two (2) 2022 Ford Escape Hybrid fits through New Jersey State Contract T-2007 through Gentilini Motors, 2703 Fire Road, Egg Harbor Township, New Jersey 08234 in the total amount of \$69,054.92.

RESOLUTION 22-0321-090

CANCELLING UNCOLLECTIBLE TAXES

WHEREAS, the Tax Collector has advised that the following taxes are uncollectible for the reasons shown below; and

WHEREAS, the Collector has requested that the uncollectible taxes be cancelled of record.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Somerville, that the taxes shown below be cancelled of record and that the Collector be and is hereby authorized to adjust her records accordingly:

<u>Block/ Lot</u>	<u>Year</u>	<u>Amount</u>	<u>Location</u>	<u>Homeowner</u>	<u>Reason</u>
123 3.02	2022	\$ 3,737.00	Robeson St	PHM NJ DEV	Pilot for 2021
123 5.02	2022	\$ 2,989.60	Station Rd	PHM NJ DEV	Pilot for 2021
123.04 2.06	2022	\$31,390.80	Robeson St	PHM NJ DEV	Pilot for 2021
123.05 2.02	2022	\$11,958.40	Sternadori Rd	SOMERSET STATION UR	Pilot for 2021
124 2.07	2022	\$ 8,221.40	Station Rd	PHM NJ DEV	Pilot for 2021

RESOLUTION 22-0321-091

AUTHORIZING PAYMENT TO RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY CONSISTENT WITH NJSA 18:6-4.12 REIMBURSEMENT COST ASSOCIATED WITH THE HIRING OF SHANNON KELLIHER

BE IT RESOLVED, by the Mayor and Council of the Borough of Somerville, County of somerset, State of New Jersey, hereby authorizes payment to, Rutgers, the State University of New Jersey consistent with NJSA 18:6-4.12 reimbursement cost associated with the hiring of Shannon Kelliher

RESOLUTION 22-0321-092

AUTHORIZING TEMPORARY APPROPRIATION FOR 2022 CURRENT OPERATING MUNICIPAL BUDGET

WHEREAS, an emergent condition has arisen with respect to the late adoption of the 2022 Municipal Budget, and adequate provision has not been made in the 2022 Temporary Budget appropriations for the aforesaid purpose, and NJS 40:4-20 provides for the creation of emergency appropriations, and

WHEREAS, the total emergency temporary resolutions for appropriations adopted in the year 2022 pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:20) including this resolution total \$8,251,091.

NOW, THEREFORE BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of NJS 40:4-20:

1. That emergency temporary appropriations be made and the same is hereby made for the titles and amounts listed below.
2. That said emergency temporary appropriations will be provided for in the 2022 budget under the titles listed below.

<u>Appropriations</u>	<u>Salaries/Wages</u>	<u>Other Exp</u>
Administration	\$50,000	\$60,000
Clerk	\$15,000	
Finance	\$35,000	\$25,000
Tax Collector	\$20,000	\$5,000
Tax Assessor	\$5,000	
Dept. of Technology		\$35,000
Legal		\$20,000
Prosecutor	\$5,000	
Municipal Court	\$4,000	\$53,000
Bldg/Grounds	\$20,000	\$40,000
OEM		\$5,000
Fire Department	\$25,000	\$45,000
Fire Safety	\$10,000	
Police	\$750,000	\$50,000
Crossing Guards		\$30,000
Planning Board		\$5,000
Dept of Community	\$35,000	

Dev		
Electrical Sub Code	\$20,000	
Road Repairs/Maint	\$100,000	\$50,000
Garbage		\$200,000
Recycling		\$40,000
Board of Health	\$25,000	\$35,000
Dog Regulation		\$5,000
Recreation	\$20,000	\$20,000
SHB		\$300,000
Liability Insurance		\$200,000
Dental		\$5,000
Fire Hydrant		\$35,000
Utility – Water		\$8,000
Utility – Electric		\$30,000
Utility – Street Lights		\$10,000
Utility – Telephone		\$20,000
PERS		\$301,821
PFRS		\$1,291,218
Social Security		\$40,000
LOSAP		\$45,000
	\$1,139,000.00	\$3,009,039.00

RESOLUTION 22-0321-093

**AWARDING A CONTRACT TO DEMCO IN THE AMOUNT OF \$12,740.28
FOR LIBRARY FURNITURE UTILIZING THE NATIONAL COOPERTIVE PURCHASING
ALLIANCE (NCPA)**

WHEREAS, the Borough of Somerville desires to purchase library furniture; and

WHEREAS, the Board of Trustee for the library will pay the Borough \$6,000.00 to the purchase cost; and

WHEREAS, the library received a quote dated March 3, 2022 and has approved the purchase.

BE IT RESOLVED, by the Mayor and Council of the Borough of Somerville, County of somerset, State of New Jersey, hereby authorizes a contract to Demco in the amount of \$12,740.28 for library furniture utilizing the National Cooperative Purchasing Alliance (NCPA).

RESOLUTION 22-0321-094

**AUTHORIZING TEMPORARY APPROPRIATION FOR
2022 PARKING UTILITY BUDGET**

WHEREAS, an emergent condition has arisen with respect to the late adoption of the 2022 Parking Utility Budget, and adequate provision has not been made in the 2022 Temporary Budget appropriations for the aforesaid purpose, and NJS 40:4-20 provides for the creation of emergency appropriations; and

WHEREAS, the total emergency temporary resolutions for appropriations adopted in the year 2022 pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:20) including this resolution total \$ 258,921.

NOW, THEREFORE BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of NJS 40:4-20:

2. That emergency temporary appropriations be and the same is hereby made for the titles and amounts listed below.
3. That said emergency temporary appropriations will be provided for in the 2022 budget under the titles listed below.

<u>Salaries/Wages</u>	
S&W	\$20,000

<u>Other Expenses</u>	
PERS	\$25,000
O&E	\$50,000

RESOLUTION 22-0321-095

**AUTHORIZING TEMPORARY APPROPRIATION FOR
2022 SEWER UTILITY BUDGET**

WHEREAS, an emergent condition has arisen with respect to the late adoption of the 2022 Sewer Utility Budget, and adequate provision has not been made in the 2022 Temporary Budget appropriations for the aforesaid purpose, and NJS 40:4-20 provides for the creation of emergency appropriations; and

WHEREAS, the total emergency temporary resolutions for appropriations adopted in the year 2022 pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:20) including this resolution total \$1,300,000.

NOW, THEREFORE BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of NJS 40:4-20:

3. That emergency temporary appropriations be and the same is hereby made for the titles and amounts listed below.
4. That said emergency temporary appropriations will be provided for in the 2022 budget under the titles listed below.

<u>Salaries/Wages</u>	
	50,000

<u>Other Expenses</u>	
Sewer O&E	\$50,000
PERS	\$50,000
SRVSA	\$400,000

RESOLUTION 22-0321-096

AUTHORIZING CHANGE ORDER #1 WITH A CONTRACT FOR CROSSROADS PAVING FOR NORTH MIDDLEBURY STREET ROADWAY IMPROVEMENTS (WEST END AVENUE TO ALTAMONT PLACE) REDUCING THE CONTRACT IN THE AMOUNT OF \$446.25 AND ISSUING FINAL PAYMENT AND CLOSING OUT THE PROJECT

WHEREAS, the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey awarded a contract to Crossroads Paving, 386 South Street, Suite 169, Newark, NJ 07105 in the amount of \$317,584.75

WHEREAS, the Change Order #1 is a reduction of \$446.25 and necessary to make final payment and closeout the project; and

Change Order #	Description of Change Order	Contract Amount	Change Order Amount	New Contract Amount
1	Adjustment in quantities	\$31,584.75	\$(446.25)	\$317,138.50

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes Change Order Number #1 and authorizing payment and close of the project.

RESOLUTION 22-0321-097

ACCEPTING A DONATION FOR THE REHABILITATION OF THE BASKETBALL COURT LOCATED IN CAROL PAGER PARK FROM PAVE-RITE, INC., IN COLLABORATION WITH THE DREW MCLACHLAN FUND AND AUTHORIZING THE WAIVING OF LOCAL FEES AND NAMING THE BASKETBALL COURT IN MEMORY OF DREW MCLACHLAN

WHEREAS, the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey desires to refurbish the Basketball Court at Carol Pager Court; and

WHEREAS, the Drew McLachlan Fund has coordinated efforts with Pave-Rite, Inc., 40 Radel Avenue, Bridgewater, New Jersey 08807 to provide a proposal and plans to rehabilitate the basketball court located in Carol Pager Park; and

WHEREAS, Pave- Rite, Inc., desires to donate services to rehabilitate the basketball court in accordance with plans submitted by Stires Associates, P.A. dated March 2, 2022; and

WHEREAS, Pursuant to N.J.S.A. 40:12-29 municipalities are authorized to accept donations and shall recognize the entity by adoption of this resolution; and

WHEREAS, the Borough of Somerville authorizes the waiving of any local fees on this project; and

WHEREAS, the Borough of Somerville will name the basketball court in memory of Drew McLachlan and work with the Drew McLachlan Fund to arrange for signage.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey accepts a donation for the rehabilitation of the basketball court located in Carol Pager Park from pave-Rite, Inc., in collaboration with the Drew McLachlan Fund and authorizing the waiving of local fees and naming the basketball court in memory of Drew McLachlan.

RESOLUTION 22-0321-098

APPROVING CHURCH WORLD SERVICES HOLDING A NATIONAL CROP HUNGER WALK FOR UKRAINE ON APRIL 22, 2022 AT 10:00 A.M. TO 4:00 P.M. STARTING AT THE UNITED REFORMED CHURCH

WHEREAS, Church World Services is holding a national CROP Hunger Walk for Ukraine on April 22, 2022, at 10:00 a.m. to 4:00 p.m.; and

WHEREAS, the walk has multiple ways to participate from volunteering to walking the 3.5 mile or 1.3 mile course and making and donations.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the Church World Services is holding a national CROP Hunger Walk for Ukraine on April 22, 2022, at 10:00 a.m. to 4:00 p.m. starting and ending at the United Reformed Church involving walkers.

RESOLUTION 22-0321-099

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR MUNICIPAL FINANCIAL ADVISORY SERVICES-PHOENIX ADVISORS, LLC FOR SANITARY SEWER VALUATION

WHEREAS, the Borough of Somerville requires professional Municipal Financial Advisory services to perform Sewer System Analysis; 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 Financial 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 advisory services in accordance with their proposal dated March 10, 2022

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 March 10, 2022
Total amount should not exceed \$30,000
 - C. Services: The firm shall provide professional municipal advisory services
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 22-0321-100

**APPOINTING KATHERINE E. HOWES AS MUNICIPAL
COURT JUDGE RETROACTIVE FROM MARCH 18, 2022
FOR THREE (3) YEARS**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby appoints Katherine E. Howes as Municipal Court Judge retroactively effective March 18, 2022 for three (3) years.

RESOLUTION 22-0321-101

AMENDING RESOLUTION 22-0118-048 APPOINTING 2022 OFFICIALS

BE IT RESOLVED by the Borough Council of the Borough of Somerville that Officers and Employees for the year 2022 are hereby appointed by said Council and that they be and are the same as follows:

Municipal Clerk Borough Administrator Qualified Purchasing Agent Election Official License Officer ADA Coordinator Municipal Housing Liaison Assessment Search Officer	Kevin Sluka
Chief Financial Officer	Paige Elster
Sewer Collector Tax Collector	Janet Kelk Paige Elster
Tax Search Officer Deputy Tax Collector	Paige Elster Candice Figliolo
Public Works Director Clean Communities Recycling Coordinator	Rodney Hadley
Borough Engineer	Matt Loper
Surveyor – Ass't to Engineer	Brendan Nally
Sewer System Engineer	Vito Spadavecchia
Community Development Director Construction Official Zoning Officer Building Sub-Code Official/Inspector Code Enforcement Officer	John Muselli
Fire Sub-Code Official/Inspector Electrical Sub-Code Official/Inspector Building Inspector Deputy Code Enforcement Officer Plumbing Sub-Code Official/Inspector	Dave Myers
Fire Official	Robert Lynn
Parking Enforcement Officer	Schucry Lujan-Flores
Health Officer	Namitha Reddy
Borough Planner	Michael Cole

Dir. of Economic. Development	Colin Driver
Borough Attorney	Jeremy Solomon
Municipal Court Judge	Katherine E. Howes
Prosecutor	Aravind Aithal
Special Counsel Redevelopment	DeCotiis, Fitzpatrick, Cole & Giblin, LLP
Special Counsel Labor	Rainone Coughlin Minchello
Bond Counsel	Gibbons, PC
Risk Manager/ Insurance Agent	Brown & Brown Insurance –Dominic Cinnelli
Municipal Auditor	PKF O’Connor Davies
Financial Advisor	Phoenix Advisors, LLC

RESOLUTION 22-0321-102

AWARDING A CONTRACT TO BEN SHAFFER RECREATION, INC., THROUGH THE NEW JERSEY PURCHASING ALLIANCE FOR REPAIRS TO PATRICIA WEBSTER BASKETBALL COURT ON MERCER STREET

WHEREAS, N.J.S.A. 52:34-6.2(b) P.L.2011, c.139 was enacted into law permitting agencies to use purchasing cooperatives: and

WHEREAS, THE Borough of Somerville is member of the New Jersey Cooperative Purchasing Alliance; and

WHEREAS, Ben Shaffer Recreation Inc. holds the Cooperative Purchase contract for shelters the period between June 2, 2021, and June 1, 2023 as Contract Bid #21-24 Co-op #11 BECCP; and

WHEREAS, the basketball court suffered significant damage during Hurricane Ida; and

WHEREAS, Ben Shaffer Recreation Inc., P.O. Box 844, Lake Hopatcong, NJ 07849, provided a quote on February 21, 2022 in the amount of \$152,876.65

WHEREAS, a claim has been filed with the Joint Insurance Fund (“Statewide”) and the proposals have been sent to the Joint Insurance Fund and adjuster for filing; and

WHEREAS, the Chief Finance Officer has certified the availability of funds for this contract.

NOW THEREFORE BE IT RESOLVED, the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey does hereby award the amended contract for repairs of Patricia Webster Basketball Courts at Mercer Street to Ben Shaffer Recreation Inc., P.O. Box 844, Lake Hopatcong, NJ 07849, in the amount of \$152,876.65.

RESOLUTION 22-0321-103

**APPROVING LEGAL RUNAROUND 5K RUN AND FUN WALK ON
THURSDAY, MAY 26, 2022 AT 5:00 P.M.**

WHEREAS, Legal Runaround 5K Run and Fun Walk is schedule to take place on Thursday, May 26, 2022, starting at 5:00 p.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 Legal Runaround 5K Run and Fun Walk to be held on May 26, 2022 at 5:00 p.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.