

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

**Monday, April 4, 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
 - b. March 21, 2022
- 4. RESOLUTION 22-0404-105 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment
- b. Personnel - PBA
- c. Personnel – Parking
- d. Personnel – Non-Union & Management
- e. Contracts – Health Services
- f. Potential Litigation - DeSapio

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. March 21, 2022
- 5. DEPARTMENTAL REPORTS & NOTICES**

6. COMMITTEE REPORTS

7. DISCUSSION

8. ORDINANCES FOR INTRODUCTION

2661-22-0118 AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT(EVSE) & MAKE-READY PARKING SPACES

2671-22-0404 APPROVING AN AMENDMENT TO THE GROUND 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-1ET SEQ. FOR THE EMERGENCY SERVICES FACILITY PROJECT

2672-22-0404 APPROVING A SECOND 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-1ET SEQ. FOR THE EMERGENCY SERVICES FACILITY PROJECT

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

2666-22-0307 ORDINANCE TO EXCEED THE CY 2022 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

2667-22-0307 AMENDING CHAPTER 147 SECTION 5 ENTITLED "PERMITTED NUMBER OF STICKERS; STICKERS, BULK ITEMS" SPECIFICALLY AMENDING SECTION (B) AMENDING THE COSTS FOR STICKERS TO FIVE DOLLARS (\$5) AND SPECIFICALLY ALLOWING BULK ITEMS TO BE PART OF THE SANITATION STICKER PROGRAM

2668-22-0307 AMENDING ORDINANCE #2515-17-0221 CHAPTER 45, ALCOHOLIC BEVERAGES, ARTICLE 1, LICENSING; REGULATIONS SECTION 7; FEES SUBSECTION A, PARAGRAPHS 1-6

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. 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 22-0404-106 THRU 22-0404-117)

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

- 22-0404-106 AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A 2000 Pierce Fire Pumper THROUGH Municibid IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM

- 22-0404-107 MEMORALIZE THE AWARDDING A CONTRACT TO DEMCO IN THE AMOUNT OF \$12,740.28 FOR LIBRARY FURNITURE UTILIZING THE NATIONAL COOPERTIVE PURCHASING ALLIANCE (NCPA)

- 22-0404-108 APPROVING BRIDGEVILLE ICE CREAM TRUCK AS A RENEWAL VENDOR FOR SIX MONTHS

- 22-0404-109 AWARDDING A CONTRACT TO YOUR WAY CONTRUCTION, INC FOR THE 2021 ROAD IMPROVEMENT PROGRAM (SECTIONS OF LISA TERRACE, REIMER STREET, LEE WAY AND LORI DRIVE) IN THE AMOUNT OF \$502,788.53

- 22-0404-110 APPOINTING MARIA RODRIQUEZ TO SERVE ON THE MUNICIPAL ALLIANCE COMMISSION AND YOUTH SERVICES COMMITTEE

- 22-0404-111 APPOINTING DAVE EDWARDS TO THE HISTORIC ADVISORY COMMITTEE (expired term 12/31/22)

- 22-0404-112 APPROVING THE PAYMENT TO JOSEPH RANDIS FOR ACCUMULATED TIME EARNED IN ACCORDANCE WITH CONTRACT

- 22-0404-113 AUTHORIZING THE ISSUANCE OF A REQUEST FOR BIDS PURSUANT TO N.J.S.A. 40:62-1 et. seq., IN CONNECTION WITH THE BOROUGH'S WASTEWATER SYSTEM
- 22-0404-114 AMENDING RESOLUTION 17-0918-350 AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF SOMERSET AND THE BOROUGH OF SOMERVILLE FOR USE OF SIXTEEN SPACES IN PARKING LOT #7 LOCATED ON EAST HIGH STREET BETWEEN N. BRIDGE STREET AND GROVE STREET FOR POLICE VEHICLES & COUNTY USE
- 22-0404-115 ADJUSTING SALARIES TO \$46,000 FOR DONNA D'ANUNCIACAO, REBEKAH HARMS, MARY ANN REH, SUSAN SMOCK AND ZINA VAN NESS RETROACTIVE TO JANUARY 1, 2022
- 22-0404-116 APPROVING A SUBMISSION OF A GRANT APPLICATION TO SOMERSET COUNTY RECREATIONAL GRANT PROGRAM FOR MICHAEL LEPP PARK POOL IMPROVEMENTS LOCATED AT 22 PARK AVENUE
- 22-0404-117 AUTHORIZING PARKLET TO BE PLACED ON DAVENPORT STREET IN FRONT OF 9 DAVENPORT STREET

12. BILLS AND VOUCHERS

13. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances for Introduction

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: 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.

ORDINANCE #2671-22-0404

APPROVING AN AMENDMENT TO THE GROUND 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 (the “Ground Lease”).

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”), which Build Lease was amended by the adoption of an ordinance by the Borough on March 21, 2022.

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

- a) Section 41 of the Lease is hereby amended by deleting “March 31, 2022” in the seventh (7th) and ninth (9th) lines thereof and replacing same with “April 30, 2022.”

SECTION 11. The Mayor and Borough Clerk are authorized to execute any and all documents necessary for the amend the Ground Lease for the Property, in a form substantially consistent with the document 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.

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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. On March 21, 2022, the Borough adopted an ordinance approving an amendment to the Build Lease and authorizing the Borough to enter into the First Amendment to the Build Lease with the Redeveloper for the Property.

SECTION 11. The Borough and Redeveloper have agreed to amend the Build Lease with a second amendment as follows:

- a) Section 35(P) of the Lease is hereby amended by deleting "March 31, 2022" in the sixth (6th) and eighth (8th) lines thereof and replacing same with "April 30, 2022."

SECTION 12. The Mayor and Borough Clerk are authorized to execute any and all documents necessary for the Second Amendment to the Build To Suit Lease for the Property, in a form substantially consistent with the document attached hereto, subject to the review and approval of such documents by the Borough's legal counsel.

SECTION 13. This ordinance shall take effect upon final passage and publication as required by law.

Ordinances scheduled for Adoption

ORDINANCE #2666-22-0307

ORDINANCE TO EXCEED THE CY 2022 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap law, NJSA 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15 provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Somerville, in the County of Somerset, New Jersey, finds it advisable and necessary to increase its CY 2022 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$154,169 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years:
NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Somerville, in the County of Somerset, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Somerville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$539,592 and that the CY 2022 municipal budget for the Borough of Somerville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

This Ordinance shall take effect after publication in accordance with applicable law.

ORDINANCE #2667-22-0307

AMENDING CHAPTER 147 SECTION 5 ENTITLED “PERMITTED NUMBER OF STICKERS; STICKERS, BULK ITEMS” SPECIFICALLY AMENDING SECTION (B) AMENDING THE COSTS FOR STICKERS TO FIVE DOLLARS (\$5) AND SPECIFICALLY ALLOWING BULK ITEMS TO BE PART OF THE SANITATION STICKER PROGRAM

Amending Chapter 147 Section 5 (B) to read as follows:

B. ~~The initial price for a sticker for a garbage bag shall be three dollars (\$3). The price shall be amended from time to time by Mayor and Council.~~ The fee for each sticker is five dollars (\$5) per household trash per each additional garbage bag Household bulk items may be disposed of under the Sanitation Sticker Program only if the item is allowed under the local solid waste program. The number of stickers required for each bulk item is identified at the Municipal Clerk’s Office. The stickers shall be paid in advance of pickup. Bulk items that do not have the appropriate number of stickers shall not be picked up and shall be subject to local code enforcement rules.

Bulk items that have the appropriate number of stickers shall be placed at curbside with the regular household waste in accordance with policy. The effective date shall be July 1, 2022.

ORDINANCE #2668-22-0307

**AMENDING ORDINANCE #2515-17-0221 CHAPTER 45, ALCOHOLIC BEVERAGES,
ARTICLE 1, LICENSING; REGULATIONS SECTION 7;
FEES SUBSECTION A, PARAGRAPHS 1-6**

BE IT ORDAINED, by the Mayor and Council of the Borough of Somerville, County of Somerset, State of New Jersey amend Chapter 45; Alcoholic Beverages, Section 7 Fees of the Borough Code as codified, be amended in the following manner:

REPLACE: Section 7, Sub section A, Paragraphs 1, 2, 3 & 4 and add paragraphs 5 & 6 to read as follows:

- A. The licenses to be issued in the Borough pursuant to the provisions of the Article and the fees for such licenses which shall be paid in advance upon presentation of the application for a license are as follows:
- 1) Plenary Retail Consumption License year commencing July 1, 2022 Two thousand forty dollars (\$2,040.00).
 - 2) Plenary Retail Distribution year commencing July 1, 2022 One thousand seven hundred fifty dollars (\$1,750)
 - 3) Club License year commencing on July 1, 2022 Two hundred dollars (\$200).
 - 4) Special one (1) day social affairs license sixty dollars (\$60)
 - 5) Catering Permit for one day sixty dollars (\$60) per day
 - 6) Extension of Premise Permit one day forty dollars (\$40) per day.

BE IT FURTHER ORDAINED, as follows:

- 1) That all ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.
- 2) This ordinance shall effect upon final publication and adoption in the manner provided by law.

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:

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.

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").

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	470,000	455,000	15 Years

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
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			
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	

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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

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

RESOLUTION 22-0404-106

**AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A
2000 Pierce Fire Pumper 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 **Municibid** 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 **Municibid** is available online at **Municibid.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:

**2000 Pierce Fire Pumper
VIN/ 4P1CT02U8YA000605**

(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 22-0404-107

**MEMORALIZE THE 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 Borough of Somerville will pay \$8,000 and the Board of Trustee will pay the balance (up to \$6,000); 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 22-0404-108

**APPROVING BRIDGEVILLE ICE CREAM TRUCK AS A RENEWAL
VENDOR FOR SIX MONTHS**

BE IT RESOLVED, that the Borough Council of the Borough of Somerville State of New Jersey, hereby approve Bridgeville Ice Cream Truck as a renewal vendor for six months (it will be contingent upon him getting his health permit/inspection).

RESOLUTION 22-0404-109

**AWARDING A CONTRACT TO YOUR WAY CONTRUCTION, INC FOR
THE 2021 ROAD IMPROVEMENT PROGRAM (SECTIONS OF
LISA TERRACE, REIMER STREET, LEE WAY AND LORI DRIVE)
IN THE AMOUNT OF \$502,788.53**

WHEREAS, the Borough of Somerville advertised the Notice to Bidders in the official newspaper on February 2, 2022 for bids to be received on February 24, 2020; and

WHEREAS, on the Municipal Clerk received bids on February 24, 2022 at 10:00 along with several borough officials present and read the bids aloud as required; and

WHEREAS, the bid received Your Way Construction, Inc., 404 Coit Street, Irvington, New Jersey 07111-4607 was the lowest bid in the amount of \$502,788.53; and

WHEREAS, the consulting engineer, Muhammed Assai, P.E. of GPI Greenman-Pedersen, Inc., has provided a recommendation of award; and

WHEREAS, the bid has been reviewed by Kevin Sluka, QPA serving as the Purchasing Agent and recommended the award of the bid to the lowest responsible bidder Your Way Construction, Inc., 404 Coit Street, Irvington, New Jersey 07111-4607 in the amount of \$502,788.53; and

WHEREAS, on February 7, 2021, the Borough of Somerville was awarded a grant from the State of New Jersey, Department of Transportation (2021 Municipal Aid) in the amount of \$400,000 to assist with the funding of the project; and

WHEREAS, the Chief Financial Officer shall provide a certification as part of this resolution that funds are available in full to award the contract to Your Way Construction, Inc., in the amount of \$502,788.53.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey awards a contract to Your Way Construction, Inc., 404 Coit Street, Irvington, New Jersey 07111-4607 for the 2021 Road Improvement Program) Sections of Lisa Terrace, Reimer Street, Lee Way and Lori Drive) in the amount of \$502,788.53.

RESOLUTION 22-0404-110

**APPOINTING MARIA RODRIQUEZ TO SERVE ON THE MUNICIPAL ALLIANCE
COMMISSION AND YOUTH SERVICES COMMITTEE**

BE IT RESOLVED, that the Mayor appoints and the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby consents to the appointment of Maria Rodriguez to serve on the Municipal Alliance and Youth Services Committee for 2022.

RESOLUTION 22-0404-111

APPOINTING DAVE EDWARDS TO THE HISTORIC ADVISORY COMMITTEE (expired
term 12/31/22)

BE IT RESOLVED, that the Mayor appoints and the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby consents to the appointment of Dave Edwards to the Historic Advisory Committee until the end of business on December 31, 2022.

RESOLUTION 22-0404-112

**APPROVING THE PAYMENT TO JOSEPH RANDIS FOR ACCUMULATED TIME EARNED
IN ACCORDANCE WITH CONTRACT**

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

Sick time	\$26.17 rate	7.5 hours	\$196.27
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Total \$196.27

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 \$196.27 to Joseph Randis.

RESOLUTION 22-0404-113

**AUTHORIZING THE ISSUANCE OF A REQUEST FOR BIDS PURSUANT TO N.J.S.A.
40:62-1 et. seq., IN CONNECTION WITH THE BOROUGH'S WASTEWATER SYSTEM**

WHEREAS, the Borough of Somerville (the "Borough") owns and operates a wastewater collection system for the residents and businesses of the Borough (the "System"); and

WHEREAS, the Borough has determined that increasing regulatory obligations, combined with the age of the System and the ever-increasing costs of treatment supplied by the operation and maintenance associated with the System, require that the Borough explore the potential sale of the System to a regulated public utility; and

WHEREAS, N.J.S.A. 40:62-1 authorizes the use of a request for bids process by which the Borough can solicit bids from public utilities for the purchase of the System; and

WHEREAS, the Mayor and Council desire to authorize the development, issuance and administration of a request for bids for the solicitation of bids by public utilities for the purchase of the System.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Somerville that the appropriate Borough Officials are hereby authorized and directed to work with the legal counsel to develop, issue and administer a Request for Bids for the sale of the wastewater collection system pursuant to and in accordance with N.J.S.A. 40:62-1 et. seq.

BE IT FURTHER RESOLVED, that a copy of this resolution be filed with the Borough Clerk and made available for inspection and that a brief notice of the passage thereof be published in Courier News within ten days of the passage as required by law.

RESOLUTION 22-0404-114

AMENDING RESOLUTION 17-0918-350 AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF SOMERSET AND THE BOROUGH OF SOMERVILLE FOR USE OF SIXTEEN SPACES IN PARKING LOT #7 LOCATED ON EAST HIGH STREET BETWEEN N. BRIDGE STREET AND GROVE STREET FOR POLICE VEHICLES & COUNTY USE

WHEREAS, Parking Lot # 7 consist of approximately fifty (50) permitted spaces on a monthly basis; and

WHEREAS, Parking Lot # 7 offers sufficient daily parking spaces; and

WHEREAS, the Prosecutor's Office has the need for sixteen (16) parking spaces in Lot #7 for visiting police and for the need of the County of Somerset; and

WHEREAS, the Borough will identify six additional spaces in parking Lot # 7; and

WHEREAS, the County of Somerset will be responsible for salting and plowing the entire parking Lot # 7 and for signage and markings as necessary for the ten spaces identified in this agreement.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes an agreement between the County of Somerset and the Borough of Somerville for use of sixteen spaces in Parking Lot # 7 in exchange for plowing and salting the entire Parking Lot # 7.

RESOLUTION 22-0404-115

ADJUSTING SALARIES TO \$46,000 FOR DONNA D'ANUNCIACAO, REBEKAH HARMS, MARY ANN REH, SUSAN SMOCK AND ZINA VAN NESS RETROACTIVE TO JANUARY 1, 2022

WHEREAS, the adjusting salaries to \$46,000.00 for all office staff under \$46,000.00 retroactive to January 1, 2022 and said employees are as follows:

Donna d'Anunciacao, Rebekah Harms, Mary Ann Reh, Susan Smock and Zina Van Ness:

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves adjusting salaries to \$46,000.00 for Donna d'Anunciacao, Rebekah Harms, Mary Ann Reh, Susan Smock and Zina Van Ness retroactive to January 1, 2022.

RESOLUTION 22-0404-116

APPROVING A SUBMISSION OF A GRANT APPLICATION TO SOMERSET COUNTY RECREATIONAL GRANT PROGRAM FOR MICHAEL LEPP PARK POOL IMPROVEMENTS LOCATED AT 22 PARK AVENUE

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves a submission of a grant application to Somerset County Recreational Grant Program for Michael Lepp Park Pool Improvements located at 22 Park Avenue.

RESOLUTION 22-0404-117

AUTHORIZING PARKLET TO BE PLACED ON DAVENPORT STREET IN FRONT OF 9 DAVENPORT STREET

WHEREAS, the restaurant located at 9 Davenport Street has requested a parklet to be to be located on Davenport Street in front of 9 Davenport Street; and

WHEREAS, the business shall provide the Borough of Somerville the appropriate insurance prior to locating the parklet.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes a parklet to be placed on Davenport Street in front of 9 Davenport Street.