

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

**Monday, April 18, 2022
6:30 P.M.**

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

FOLLOW SOMERVILLE BOROUGH ON TWITTER @SOMERVILLECLERK

SUBSCRIBE TO E-CONNECT AT WWW.SOMERVILLENJ.ORG
FOR ELECTRONIC NEWSLETTERS

VISIT WWW.DOWNTOWNSOMERVILLE.COM FOR ALL YOUR SOMERVILLE EVENTS

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES- EXECUTIVE SESSION**
 - a. April 4, 2022
- 4. RESOLUTION 22-0418-118 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment
- b. Litigation Settlements
- c. Personnel – Management – Non-Union
- d. Personnel – Parking & DPW
- e. Contract- Health Services

COUNCIL MEETING AGENDA

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

7. PUBLIC HEARING CY-2022 MUNICIPAL BUDGET

(Motion, Second and Roll Call Vote required)

8. CY-2022 MUNICIPAL BUDGET & USER-FRIENDLY BUDGET – ADOPTION

(Motion, Second and Roll Call Vote required)

9. DISCUSSION

a. 50 Kirby Avenue -Fernmoor Homes

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

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

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-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 22-0418-119 THRU 22-0418-128)

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

22-0418-119

APPROVING AND AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN ASSIGNMENT AND ASSUMPTION AGREEMENT FOR THE FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND 50 KIRBY URBAN RENEWAL, LLC PURSUANT TO N.J.S.A. 40A:20-1 ET

SEQ. FOR PROPERTY LOCATED ON BLOCK 1, LOT 4.01
LOCATED IN THE KIRBY AVENUE REDEVELOPMENT AREA

- 22-0418-120 APPOINTING GRACE KOLLMER TO THE GREEN TEAM
(term expiring on 12/31/22)
- 22-0418-121 APPROVING FRANCESCA CARTOZZOLI TO BE HIRED
AS YOUTH SOCCER COACH AT \$20 PER SESSION FROM
APRIL 23, 2022 – JUNE 30, 2022 (PLUS RAIN DATES)
- 22-0418-122 ACCEPTING RESIGNATION OF PAM GAROFALO FROM
THE MUNICIPAL ALLIANCE AND YOUTH SERVICES
COMMISSIONS EFFECTIVE IMMEDIATELY
- 22-0418-123 AUTHORIZING THE REFUND OF MAINTENANCE BOND TO
AFLEX EXTRUSION TECHNOLOGIES, 76 4TH STREET BLOCK
52 LOT 7 & 8 APPLICATION #20170072Z IN THE AMOUNT OF
\$4,735.20
- 22-0418-124 AUTHORIZING THE REFUND OF MAINTENANCE BOND TO
RARITAN VALLEY LODGE, 14 NORTH DOUGHTY AVENUE
BLOCK 115 LOT 28 APPLICATION #2016044P IN THE AMOUNT
OF \$8,643.60
- 22-0418-125 AUTHORIZING THE REFUND OF MAINTENANCE BOND TO
VOLVO, 1028 HWY 22 BLOCK 92 LOT 26.03 APPLICATION
#2017006Z IN THE AMOUNT OF \$17,994.60
- 22-0418-126 AUTHORIZING A COMMITMENT OF CAPITAL FUNDS IN THE
AMOUNT OF \$94,907 TO THE “CONTINUED EXTERIOR
RESTORATION OF THE DANIEL ROBERT HOUSE”
APPLICATION SUBMITTED TO THE NEW JERSEY HISTORIC
TRUST
- 22-0418-127 ACCEPTING THE RESIGNATION OF ROBERTA HARMON
FROM THE GREEN TEAM AND APPOINTING HER TO THE
ENVIRNOMENTAL COMMISSION (expiring December 31, 2022)
- 22-0418-128 APPOINTING REBECCA REITMAN-GAROFALO TO THE FULL
TIME ENVIRONMENT COMMISSION ROLE VACATED FROM
HER CURRENT ALTERNATE POSITION (term expiring on
12/31/24)

13. BILLS AND VOUCHERS

14. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

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.

ORDINANCE #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-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. 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.

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

RESOLUTION 22-0418-119

APPROVING AND AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN ASSIGNMENT AND ASSUMPTION AGREEMENT FOR THE FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND 50 KIRBY URBAN RENEWAL, LLC PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. FOR PROPERTY LOCATED ON BLOCK 1, LOT 4.01 (50 KIRBY AVENUE) LOCATED IN THE KIRBY AVENUE REDEVELOPMENT AREA

WHEREAS, Tax Block 1; Lot 4.01(the “Property”), commonly known as 50 Kirby Avenue is

located in the Kirby Avenue Redevelopment Area (the “Redevelopment Area”) and

WHEREAS, the Property is subject to the Kirby Avenue Redevelopment Plan, as amended (the “Redevelopment Plan”); and

WHEREAS, the Property is owned by 50 Kirby Urban Renewal, LLC (the Redeveloper”); and

WHEREAS, on April 24, 2018, a redevelopment agreement by and between the Redeveloper and the Borough for the redevelopment of the Property was executed by both parties, which redevelopment agreement has been previously amended and was last amended on or about September 8, 2020 (the “Redevelopment Agreement”); and

WHEREAS, on September 26, 2018, the Redeveloper obtained site plan approval from the Borough Planning Board to develop a residential project on the Property consisting of 174 market rate residential multi-family rental apartment units in fifteen buildings, 354 parking spaces, along with associated site improvements (the “Project”); and

WHEREAS, on April 24, 2018, the Borough and the Redeveloper entered into a financial agreement pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “LTTEL”) for the Property and Project (the “Financial Agreement”); and

WHEREAS, the Redeveloper and Fernmoor Somerville Urban Renewal, LLC, an affiliate of Fernmoor Homes, 1 Kathleen Drive, Suite 1, Jackson, New Jersey have entered into an agreement for the sale and purchase of the Property and Project; and

WHEREAS, the Redeveloper seeks to transfer all of its rights, title and interest in and to the Financial Agreement to Fernmoor Somerville Urban Renewal, LLC, an approved urban renewal entity pursuant to the LTTEL; and

WHEREAS, pursuant to the Financial Agreement and the LTTEL, any sale or fee interest transfer in the Project and Property requires the approval of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Somerville that it hereby approves and authorizes the transfer of all of 50 Kirby Urban Renewal, LLC’s rights, title and interest in and to the Financial Agreement to Fernmoor Somerville Urban Renewal, LLC in accordance with the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq.

BE IT FURTHER RESOLVED, that the Financial Agreement remains in full force and effect in accordance with its terms and has not been subsequently amended or modified, and there is no default or breach on the part of the Borough or, to the best of the Borough’s knowledge, 50 Kirby Urban Renewal, LLC.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary or convenient to the transaction(s) contemplated and authorized hereby, including but not limited to, the Assignment and Assumption of Financial Agreement, subject to final review and approval by the Borough Attorney.

BE IT FURTHER RESOLVED, that approval and authorization to execute the documents contemplated herein is subject to and contingent upon the Redeveloper and Fernmoor

Somerville Urban Renewal, LLC closing on the sale and conveyance of the Property.

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

RESOLUTION 22-0418-120

**APPOINTING GRACE KOLLMER TO THE GREEN TEAM
(term expiring on 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 Grace Kollmer to the Green Team until the end of business on December 31, 2022.

RESOLUTION 22-0418-121

**APPROVING FRANCESCA CARTOZZOLI TO BE HIRED
AS YOUTH SOCCER COACH AT \$20 PER SESSION FROM
APRIL 23, 2022 – JUNE 30, 2022 (PLUS RAIN DATES)**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves Francesca Cartozzoli to be hired as a Youth Soccer Coach at \$20 per session from April 23, 2022 – June 30, 2022 at a rate of \$20 per session (plus rain dates).

RESOLUTION 22-0418-122

**ACCEPTING RESIGNATION OF PAM GAROFALO FROM
THE MUNICIPAL ALLIANCE AND YOUTH SERVICES COMMISSIONS EFFECTIVE
IMMEDIATELY**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby accepts the resignation of Pam Garofalo from the Municipal Alliance and Youth Services Commissions effective immediately. We wish her well and thank her for her service.

RESOLUTION 22-0418-123

**AUTHORIZING THE REFUND OF MAINTENANCE BOND TO AFLEX EXTRUSION
TECHNOLOGIES, 76 4TH STREET BLOCK 52 LOT 7 & 8 APPLICATION #2017007Z IN
THE AMOUNT OF \$4,735.20**

WHEREAS, the Borough of Somerville received an email dated April 11, 2022 from Cole & Associates requesting a return of Maintenance Bond for Aflex Extrusion 76 4th Street application #2017007Z in the amount of \$4,735.20; and

WHEREAS, in accordance with the accounting of said fund, the return of Maintenance Bond in the amount of \$4,735.20 is hereby approved.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby authorizes the Chief Finance Officer to return maintenance bond to for Aflex Extrusion 76 4th Street, application #2017007Z.

RESOLUTION 22-0418-124

**AUTHORIZING THE REFUND OF MAINTENANCE BOND TO RARITAN VALLEY LODGE,
14 NORTH DOUGHTY AVENUE BLOCK 115 LOT 28 APPLICATION #2016044P IN THE
AMOUNT OF \$8,643.60**

WHEREAS, the Borough of Somerville received an email dated April 11, 2022, from Cole & Associates requesting a return of Maintenance Bond for Raritan Valley Lodge, 14 North Doughty Avenue Block 115 Lot 28 application #2016044P, in the amount of \$8,643.60; and

WHEREAS, in accordance with the accounting of said fund, the return of Maintenance Bond in the amount of \$8,643.60 is hereby approved.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby authorizes the Chief Finance Officer to return maintenance bond to for Raritan Valley Lodge, 14 North Doughty Avenue Block 115 Lot 28 application #2016044P.

RESOLUTION 22-0418-125

**AUTHORIZING THE REFUND OF MAINTENANCE BOND TO VOLVO,
1028 HWY 22 BLOCK 92 LOT 26.03 APPLICATION #2017006Z IN THE AMOUNT OF
\$17,994.60**

WHEREAS, the Borough of Somerville received an email dated April 11, 2022 from Cole & Associates requesting a return of Maintenance Bond for Volvo, 1028 HWY 22 Block 92 Lot 26.03 application #2017006Z, in the amount of \$17,994.60; and

WHEREAS, in accordance with the accounting of said fund, the return of Maintenance Bond in the amount of \$17,994.60 is hereby approved.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby authorizes the Chief Finance Officer to return maintenance bond to for Volvo, 1028 HWY 22 Block 92 Lot 26.03 application #2017006Z, in the amount of \$17,994.60.

RESOLUTION 22-0418-127

**ACCEPTING THE RESIGNATION OF ROBERTA HARMON
FROM THE GREEN TEAM AND APPOINTING HER TO THE ENVIRONMENTAL
COMMISSION (expiring December 31, 2022)**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey accepts the resignation of Roberta Harmon from the Green Team and appointing her to the Environmental Commission effective immediately.

RESOLUTION 22-0418-128

**APPOINTING REBECCA REITMAN-GAROFOLO TO THE FULL TIME ENVIRONMENT
COMMISSION ROLE VACATED FROM HER CURRENT ALTERNATE POSITION
(term expiring on 12/31/24)**

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 Rebecca Reitman-Garofolo to the full time Environment Commission role vacated from her current alternate position (term expiring on 12/31/24).