

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

**Monday, May 16, 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. May 2, 2022
- 4. RESOLUTION 22-0516-147 TO ENTER INTO EXECUTIVE SESSION**

**EXECUTIVE SESSION AGENDA**

- a. Redevelopment
- b. Personnel – DPW
- c. Personnel – Management and Non-Union

**COUNCIL MEETING AGENDA**

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
  - a. May 2, 2022
- 5. DEPARTMENTAL REPORTS & NOTICES**
  - a. Somerville Division of Health Report April
  - b. St. Hubert’s Report April
  - c. Bid -Eastern States Parkway – June 2, 2022
  - d. Bid – 27” interceptor CCTV – June 1, 2022

**6. COMMITTEE REPORTS**

**7. ORDINANCE FOR INTRODUCTION**

2673-22-0516 AMENDING CHAPTER 5 RECREATION DEPARTMENT SPECIFICALLY INCLUDING APPROPRIATION AND BACKGROUND CHECKS

2674-22-0516 AMENDING ORDINANCE # 2627-21-0201 ESTABLISHING A SALARY RANGE FOR EMPLOYEE TITLES TO BE PAID TO CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF SOMERVILLE

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

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

**9. MEETING OPEN TO THE PUBLIC**

(Motion and 2<sup>nd</sup> 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)

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

**(RESOLUTIONS 22-0516-148 THRU 22-0516-154)**

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

22-0516-148 ADOPTING JOB DESCRIPTION FOR SEASONAL LIFEGUARD

22-0516-149 ADOPTING JOB DESCRIPTION FOR POOL SUPERVISOR

22-0516-150 APPROVING THE "Z" CAR CLUB TO UTILIZE PARKING SPACES IN FRONT OF HISTORIC COURTHOUSE ON JUNE 10TH FROM 5:00 P.M. – 9:00 P.M. FOR CRUISE NIGHT DISPLAY

22-0516-151 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN-FAIR CONTRACT TO T & M ASSOCIATES FOR PROFESSIONAL SERVICES FOR ENGINEERING DESIGN AND CONTRACT ADMINISTRATION & INSPECTION SERVICES FOR 2022 ROAD IMPROVEMENT PROGRAM

22-0516-152 APPROVING SOMERSET COUNTY LIBRARY SYSTEM OF NJ TO USE THE SIDEWALK AROUND THE FIREFIGHTERS'

MONUMENT AT BOROUGH HALL ON JUNE 22, 2022 FOR  
"CHALK ON THE WALK" PROGRAM

- 22-0516-153 APPROVING THE TOUR OF SOMERVILLE FOR VENDORS AREA ON MAY 30, 2022 FROM 11:00 A.M. – 5:00 P.M. ON EAST MAIN STREET BETWEEN BRIDGE AND GROVE TO HOST SOME LIVE MUSIC AND VENDORS FOR MEMORIAL DAY RACES
- 22-0516-154 APPROVING THE GRANT APPLICATION AND ACCEPTANCE OF GRANT FUNDING FOR YOUTH LEADERSHIP FROM THE DEPARTMENT OF HUMAN SERVICES/DIVISION ON MENTAL HEALTH AND ADDITION SERVICES (DMHAS)

**11. BILLS AND VOUCHERS**

**12. ADJOURNMENT**

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Introduction

**ORDINANCE #2673-22- 0516**

**AMENDING CHAPTER 5 RECREATION DEPARTMENT SPECIFICALLY INCLUDING APPROPRIATION AND BACKGROUND CHECKS**

**BE IT ORDAINED** by the Borough Council of the Borough of Somerville that by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey that the "Code of the Borough of Somerville" is hereby amended as follows:

1. Chapter 36, entitled "Board of Recreation Commissioners" is hereby repealed in its entirety.
2. Article VIII entitled "Departments of Chapter 5, entitled Administrative Organization" is amended by adopting Section 5-75

**5-75. Department of Recreation**

- A. There is hereby established a Department of Recreation consisting of a Director of Recreation who shall be the head of the Department and such subordinate officers and employees as shall be authorized by resolution of the Governing Body.
- B. The Department of Recreation shall, within the limitations of available funding, plan, develop, implement, conduct, supervise and control programming of recreational activities.
- C. The Director of Recreation shall be in charge of and have supervision over the operation of the Department of Recreation and shall supervise and/or perform recreational activities and recreational related functions and duties as assigned to the Department. The Director shall report to the Borough Administrator

D. The Department of Recreation will be funded through the municipal budget and all revenue received shall be paid over to the Borough of Somerville.

#### **5-61. Recreation Committee**

A. There is hereby established a Recreation Committee. The Committee will be effective January 1, 2017.

#### **5-62. Committee Membership; Meeting Schedule**

- A. Said Committee shall consist of nine (9) members.
- B. The Recreation Committee shall select annually a Chairperson and a Vice Chairperson.
- C. The Committee Members shall meet monthly or as designated as per the Chair.
- D. The meetings shall be public meetings and open to the public as per the Open Public Meetings Act

#### **5-63. Term; vacancies; absences**

A. The Committee Members shall be appointed on January 1, 2017 as follows:

- 3 members shall be for a one year appointment
- 3 members shall be for a two year appointment
- 3 members for a three year appointment

Upon expiration of the initial term the members shall be appointed to a three year term

- B. The Mayor shall appoint all Committee Members with consent of Borough Council.
- C. The Committee members shall receive no compensation for their service.
- D. The length of the terms shall be for 3 years upon expiration of the initial term period.
- E. If a member is absent for more than 60% of the annual meetings the Member shall be considered resigned unless provided a stay by the Committee in cases of extraordinary circumstances.

#### **5-64. Appropriation**

The Borough shall through its budgeting process appropriate funds for the function of recreation. The ~~Committee Members~~ or Department shall not incur any expenses in excess of the amounts appropriated for the Department in the Municipal Budget.

On December 31, 2016 the Recreation Commission will have remaining funds in an account; said funds shall be used in the year of 2017 by the Department of Recreation as directed by

the Recreation Committee, if a balance of funds exist on December 31, 2017, said balance shall ~~become municipal surplus.~~ remain in a trust account for use.

## 5-65. Powers

The Recreation Committee Members shall consult with, advise and assist the Director of Recreation with planning, developing, implementing, conducting programs, and providing policy decision making recommendations. The Committee shall identify specific training and education requirements to qualify to be a volunteer. (For example Rutgers Safety Certification)

## 5-66. Criminal history background checks of employees and volunteers involved with recreation programs. [Added 12-17-07 by Ord. No. 2250; amended 3-16-09 by Ord. No. 2288]

### A. Background checks required.

- (1) Any nonprofit, youth serving organization, as defined by State law, N.J.S.A. 15A:3A-1, including the Department of Recreation, which operates a youth sports program that receives funding from Somerville Borough or utilizes facilities owned or maintained by Department of Recreation shall require all employees and volunteers of that organization who have regular, unsupervised contact with minors to obtain a criminal history background check.
- (2) All such employees or volunteers shall file completed applications for the background check including fingerprints, prior to their first day of service. No such employee or volunteer shall be permitted to serve the organization unless that person consents in writing to the background check, Until a background check is complete, employees and volunteers shall not have regular, unsupervised contact with any minor.
- (3) The employee or nonprofit youth-serving organization shall bear the costs associated with conducting the background check, in accordance with N.J.S.A. 15A:3A-2(d).
- (4) ~~The Recreation Committee Members at a public meeting may exempt any person who has undergone a Federal and State criminal history background check by nature of their professional position or has undergone a similar background check simultaneously in nature to the requirements contained herein, and who can provide proof of results of such background check is exempt from requirements during the time period in which the individual is an employee or volunteer. [Amended 3-17-14 by Ord. No. 2433]~~
- (5) Any person who is employed as a full-time staff member with the Borough of Somerville School District shall be exempt from the requirements hereunder. And the Borough will accept backgrounds checks conducted as part of employment and volunteerism from accredited organizations.

### B. Conditions under which a person shall be disqualified from service.

- (1) A person shall be disqualified from serving as an employee or volunteer of a nonprofit youth-serving organization if that person's criminal history background check reveals a record of conviction of any of the following crimes and offenses:
  - (a) In New Jersey, any crime or disorderly persons offense:
    - [1] Involving danger to the person, meaning those crimes and disorderly persons offenses as set forth in N.J.S.A. 2C:11-1, et seq., such as criminal homicide; N.J.S.A. 2C:12-1,

et seq., such as assault, reckless endangerment, threats, stalking; N.J.S.A 2C:13-1, et seq., such as kidnapping; N.J.S.A 2C:14-1, et seq., such as sexual assault; or, N.J.S.A. 2C:15-1, et seq., such as robbery;

- [2] Against the family, children or incompetents, meaning those criminal and disorderly persons offenses set forth in N.J.S.A. 2C:24-1, et seq., such as endangering the welfare of a child;
  - [3] Involving theft as set forth in Chapter 20 of Title 2C of the State of New Jersey Statutes;
  - [4] Involving any controlled dangerous or controlled substance analog as set forth in Chapter 35 of Title 2C of the State of New Jersey Statutes except paragraph (4) of subsection (a) of N.J.S.A. 2C:3510.
- (2) In any other State or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in this section.

C. Submissions, exchange of background information.

- (1) Each employee or volunteer shall submit his or her application for a criminal history background check through the New Jersey State Police Volunteer Review Operation (VRO) which requires fingerprint samples be taken for all volunteers. The fingerprinting is arranged through ~~Live Scan program under contract to Sagem Morpho, Inc.~~ the designated agency conducting fingerprinting. The Director of Recreation shall coordinate the background checks with the Somerville Police Department and the New Jersey State Police, in accordance with the requirements of N.J.S.A. 15A:3A-1 et seq.
- (2) If the background check disqualifies the individual from employment or volunteering, he or she shall be so notified by the ~~Somerville Chief of Police, or the Chief's designee,~~ the Recreation Department and such information shall be kept confidential ~~by the Police Department~~.
- (3) Successful background checks shall be reported to the Director of Recreation, who shall maintain a list of all individuals who are qualified to serve as employees or volunteers with nonprofit youth-serving organizations by virtue of their having successfully completed the background check. The Director of Recreation may share that list with organizations who would like to know if a prospective employee or volunteer has passed the background check.
- (4) A successful background check remains valid for the term in which the employee and/or volunteer remains active, however the Recreation ~~Commission~~ Department may exercise its right to request a background check at its discretion at any time during active service as an employee and/or volunteer. **[Amended 3-17-14 by Ord. No. 2433]**
- (5) Access to criminal history record information shall be limited in accordance with law, including N.J.S.A. 15A:3A-1 et seq. and N.J.A.C. 13:59-1.1 et seq.

D. Appeal procedure.

- (1) Any person whose criminal history background check disqualifies that person from employment or from volunteering, may appeal his or her disqualification.
  - (a) A person may challenge the accuracy of the criminal history check;
  - (b) ~~A person may claim to be rehabilitated;~~
  - (c) No person may appeal a disqualification on the grounds of rehabilitation, if the person has been rejected because that person has been convicted, adjudicated, delinquent or acquitted by reason of insanity of aggravated sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph

(2) of subsection c. of N.J.S.A. 2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A. 2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. on N.J.S.A. 2C:24-4; luring or enticing pursuant to section 1 of P.L. 1993, c.291 (N.J.S.A. 2C:13-6); criminal sexual contact pursuant to N.J.S.A. 2C:14-3b. if the victim is a minor; kidnapping pursuant to N.J.S.A. 2C:13-2, or false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.A. 2C:34-1; or an attempt to commit any of these enumerated offenses.

- (2) A challenge to the accuracy of the report shall be filed with the Borough of Somerville Chief of Police, who shall coordinate the challenge with the New Jersey State Police.
- (3) ~~An appeal based on rehabilitation shall be made to an Appeals Committee, which shall consist of the Director of Recreation, the Somerville Chief of Police, the Borough Administrator and/or their designees. Any such appeal must be made within thirty (30) days of receipt of the notice of disqualification.~~
- (4) ~~In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Committee shall consider the following factors:~~
  - ~~(a) — The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;~~
  - ~~(b) — The nature and seriousness of the offense;~~
  - ~~(c) — The circumstances under which the offense occurred;~~
  - ~~(d) — The date of the offense;~~
  - ~~(e) — The age of the person when the offense was committed;~~
  - ~~(f) — Whether the offense was an isolated or repeated incident;~~
  - ~~(g) — Any social conditions which may have contributed to the offense; and~~
  - ~~(h) — Any other evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.~~
- (5) ~~If the Appeals Committee determines that the disqualified person has been successfully rehabilitated, it shall enter that person's name on the list of qualified employees and volunteers maintained by the Director of Recreation.~~

#### E. Penalty.

- (1) Failure to comply with this section will result in the Recreation Department prohibiting the use of facilities or withholding sponsorship for the facility.
- (2) In the event that any portion of this section is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the section actually adjudged to be invalid, and the remaining portions of this section shall be deemed severable there from and shall not be affected.

F. Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of the inconsistencies.

- G. In the event that any provision of this ordinance or application thereof to any person or circumstances is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and to realize this intent the provisions and applications of this ordinance are declared to be severable.
- H. This ordinance shall be effective immediately upon adoption, approval and publication in accordance with law.

**ORDINANCE# 2674-22-0516**

**AMENDING ORDINANCE # 2627-21-0201 ESTABLISHING A SALARY RANGE FOR EMPLOYEE TITLES TO BE PAID TO CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF SOMERVILLE**

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Somerville, in the County of Somerset, and the State of New Jersey, as follows:

**SECTION 1.** The salaries, wages or other compensation to be paid to the following officers and employees of the Borough of Somerville, in the County of Somerset, shall be fixed and determined from time to time by resolution of the Council, of the said Borough, at amounts or rates of not less than the respective minimum, nor more than the respective maximum amounts or rates hereinafter set forth opposite the title of the respective officers or employees as follows:

PRIMARY TITLE	MIN	MAX
MAYOR	\$3,500	\$5,500
COUNCIL MEMBER	\$3,000	\$4,500
BORO ADMINISTRATOR	\$81,600	\$132,000
BORO CLERK	\$54,400	\$90,000
DEPUTY CLERK	\$35,000	\$70,000
BORO ATTORNEY	\$30,000	\$65,000
EXECUTIVE ASSISTANT	\$35,000	\$55,000
ASST TO ENGINEER	\$40,000	\$115,000
PROJECT MANAGER	\$39,000	\$65,000
PUBLIC WORKS MANAGER	\$65,000	\$145,000
DIR OF COMM DEV	\$45,000	\$125,000
CHIEF FINANCIAL OFFICER	\$65,000	\$125,000
ASISTANT TO THE CFO/PAYROLL	\$45,000	\$70,000
RECREATION DIRECTOR	\$45,000	\$90,000
SUPT OF FIRE MAINT.	\$40,000	\$85,000
ASST SUPT FIRE	\$35,000	\$60,000
TAX ASSESSOR	\$20,000	\$60,000
ASST TAX ASSESSOR	\$20,000	\$40,000
CORRESPONDING SECTY	\$25,000	\$50,000
SECRETARY	\$22,000	\$60,000
CONFIDENTIAL SECTY	\$25,000	\$60,000
MUNICIPAL JUDGE	\$20,000	\$70,000
ASS'T TO FINANCE OFFICER/RECEPTIONIST	\$39,000	\$70,000
TAX COLLECTOR	\$20,000	\$80,000
DEP TAX COLL	\$30,000	\$70,000



DEP SEWER UTY COLL	\$15,000	\$35,000
PLUMBING SUB-CODE	\$3,000	\$25,000
FIRE SUB-CODE INSP PT	\$10,000	\$30,000
FIRE OFFICIAL	\$30,000	\$90,000
FIRE INSPECTOR/PROPERTY MTC	\$42,000	\$50,000
PART-TIME FIRE INSPECTOR	\$10,000	\$50,000
PART-TIME ASSISTANT TO FIRE OFFICIAL	\$10,000	\$30,000
PART-TIME TECHNICAL ASSISTANT TO CONSTRUCTION OFFICIAL	\$10,000	\$30,000
FULL-TIME TECHNICAL ASSISTANT TO CONSTRUCTION OFFICIAL	\$35,000	\$65,000
ELECTRICAL SUBCODE/CONST CODE OFF.	\$35,000	\$95,000
HOUSING INSP	\$3,000	\$40,000
DEPY CODE ENF OFF	\$20,000	\$50,000
BUILDING SUB-CODE	\$2,000	\$25,000
BOOKKEEPER/CLERK	\$25,000	\$50,000
SR. CLK/TYPIST	\$25,000	\$45,000
CLERK/TYPIST	\$20,000	\$40,000
CLERK*	\$10,000	\$30,000
SECTY PL/ZONING BDS	\$25,000	\$80,000
REGISTRAR/VITAL STAT	\$30,000	\$75,000
DEP REGISTRAR/ADMIN ASS'T	\$30,000	\$70,000
PARK ENFORC OFF	\$30,000	\$60,000
RECEPTIONIST – PT	\$15.00/hr	\$26.00/hr
PARK ENFORC. – PT.	\$15.00/hr	\$26.00/hr
PART-TIME INTERN	\$15.00/hr	\$20.00/hr
PART-TIME CLERICAL	\$12.00/hr	\$30.00/hr
RECREATION ASSISTANTS	\$15.00/hr	\$30.00/hr
LIFEGUARDS	\$17.00/hr	\$21.00/hr
POOL SUPERVISOR	\$20.00/hr	\$25.00/hr
PART-TIME FIRE MAINTENANCE (hourly)	\$15.00/hr	\$35.00/hr
PART-TIME FIRE MAINTENANCE	\$10,000	\$35,000
INTERN	\$15.00/hr	\$20.00/hr
FIRE MAINTENANCE	\$15.00/hr	\$26.00/hr

FIRE DEPARTMENT:

FIRE APPARATUS DRIVER	\$600	\$2,000
FIRE DUTY	\$15.00/hr	\$20.00/hr
FIRE WATCH	\$15.00/hr	\$20.00/hr
FIRE ON-CALL	\$15.00/hr	\$20.00/hr

POLICE DEPARTMENT: (salary as per collective bargain contract)

CHIEF OF POLICE	\$140,000	\$190,000
CAPTAIN	\$115,000	\$180,000
LIEUTENANT	\$105,000	\$175,000
SERGEANT	\$79,000	\$160,000
DETECTIVE	\$60,000	\$145,000
PATROLMAN	\$50,000	\$145,000

PUBLIC WORKS: DPW employees are hourly employees salary as per collective bargaining contract

GENERAL	\$40,000	\$85,000
SUPERVISING MECHANIC	\$42,000	\$75,000
MECHANIC	\$44,000	\$65,000
HEAVY EQUIP OPR	\$44,000	\$70,000
LIGHT EQUIP OPR	\$44,000	\$70,000
DRIVER LABORER	\$42,000	\$65,000
LABORERS	\$25,000	\$55,000
DRIVER-LABORER-INSPECTOR	\$30,000	\$60,000
CUSTODIAN	\$24,000	\$55,000
HEAD CUSTODIAN	\$26,000	\$58,000
PART- TIME LABORER	\$15.00/hr	\$22.00/hr
SEASONAL EMPLOYEES	\$15.00/hr	\$25.00/hr

**Part time employees and Public Works employees are hourly employees.**

**Contracts for PBA, OPEIU and AFSCME shall govern salary adjustments of fulltime and unionized part-time employees.**

**Hourly, non-unionized and management are governed by the Borough Council.**

SECTION 2. The Borough Council reserves the right to hire any individual within the range by Resolution.

SECTION 3. This ordinance shall take effect immediately upon its final passage and publication as required by law.

Ordinance scheduled for Adoption

### **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 **{Optional}**: 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.

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

#### **RESOLUTION 22-0516-148**

##### **ADOPTING JOB DESCRIPTION FOR SEASONAL LIFEGUARD**

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey Adopts the job description for lifeguard and will amend the salary ordinance to include a pay range.

#### **RESOLUTION 22-0516-149**

##### **ADOPTING JOB DESCRIPTION FOR POOL SUPERVISOR**

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey Adopts the job description for pool supervisor and will amend the salary ordinance to include a pay range.

**RESOLUTION 22-0516-150**

**APPROVING THE “Z” CAR CLUB TO UTILIZE PARKING SPACES IN FRONT OF HISTORIC COURTHOUSE ON JUNE 10<sup>TH</sup> FROM 5:00 P.M. – 9:00 P.M. FOR CRUISE NIGHT DISPLAY**

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the “Z” Car Club to use parking spaces located on Main Street in front of the Historic Courthouse on June 10<sup>th</sup> for Cruise Night display.

**RESOLUTION 22-0516-151**

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN-FAIR CONTRACT TO T & M ASSOCIATES FOR PROFESSIONAL SERVICES FOR ENGINEERING DESIGN AND CONTRACT ADMINISTRATION & INSPECTION SERVICES FOR 2022 ROAD IMPROVEMENT PROGRAM**

**WHEREAS**, the Borough of Somerville has a need to acquire engineering services to consult the Borough as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.7 as appropriate and the Borough of Somerville ordinance regulating pay to play; and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is for one year; and

**WHEREAS**, T & M Associates has submitted a full proposal dated December 1, 2021 that included a Fee breakdown, along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable Cole & Associates to provide such services; and

**NOW THEREFORE, BE IT RESOLVED** that the Borough of Somerville of the authorizes the Administrator to enter into a contract with T & M Associates as described herein; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Political Contribution Disclosure Form be placed on file with this resolution.

**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 T & M Associates, 1455 Broad Street, Suite 250, Bloomfield, New Jersey 07003 is hereby authorized
2. The Mayor and Clerk are authorized to sign a contract T & M Associates, 1455 Broad Street, Suite 250, Bloomfield, New Jersey 07003 in accordance with the following terms and conditions:

A. Term: A month to month contract for a period of not to exceed 12 months or for length of project

- B. Rate: As per the Fee breakdown, for a blanket sum of \$23,940 then divided into work finished/inspected
- C. Services: The firm shall provide professional services for Engineering Design and Contract Administration & Inspection Services for 2022 Road Improvement Program

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.
5. 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 22-0516-152**

**APPROVING SOMERSET COUNTY LIBRARY SYSTEM OF NJ TO USE THE SIDEWALK AROUND THE FIREFIGHTERS' MONUMENT AT BOROUGH HALL ON JUNE 22, 2022 FOR "CHALK ON THE WALK" PROGRAM**

**WHEREAS**, the Borough of Somerville received an letter from Somerset County Library System of NJ to use the sidewalk around the firefighters' monument at Borough Hall on June 22, 2022 for "Chalk on the Walk" Program; and

**WHEREAS**, the event organizer will submitted the Emergency Action Plan as required and all emergency services will be notified of the event which will occur from 10:00a.m. to 11:00a.m.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the use of the sidewalk around the firefighters' monument at Borough Hall June 22, 2022 from 10:30a.m. to 11:30a.m.

**RESOLUTION 22-0516-153**

**APPROVING THE TOUR OF SOMERVILLE FOR VENDORS AREA ON MAY 30, 2022 FROM 11:00 A.M. – 5:00 P.M. ON EAST MAIN STREET BETWEEN BRIDGE AND GROVE TO HOST SOME LIVE MUSIC AND VENDORS FOR MEMORIAL DAY RACES**

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves The Tour of Somerville for vendor area on May 30, 2022 from 11:00 A.M. – 5:00 P.M. on East Main Street between Bridge and Grove to host some live music and vendors for Memorial Day Races.

**RESOLUTION 22-0516-154**

**APPROVING THE GRANT APPLICATION AND ACCEPTANCE  
OF GRANT FUNDING FOR YOUTH LEADERSHIP FROM THE DEPARTMENT  
OF HUMAN SERVICES/DIVISION ON MENTAL HEALTH AND  
ADDITION SERVICES (DMHAS)**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

**WHEREAS**, The Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Somerset;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Somerville, County of Somerset, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Somerville Municipal Alliance for Year One Grant Term 7/1/22 – 3/14/23 in the amount of:  
DMHAS Grant Funding      \$3702.50
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Borough Council accepts subsequent award of this grant.