

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

**Tuesday, July 5, 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**
- 4. RESOLUTION 22-0705-211 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Parking Garage litigation
- b. Sanitary Sewer Sale Bid update
- c. Potential Litigation -174 Grove Street

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. June 20, 2022
- 5. DEPARTMENTAL REPORTS & NOTICES**
- 6. COMMITTEE REPORTS**
- 7. DISCUSSION**
 - a. Somerville Drives 25

8. ORDINANCES FOR INTRODUCTION

- 2675-22-0705 BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$5,200,000 FOR STATION ROAD EXTENSION TO ROUTE 206 IN AND BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$5,200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION
- 2676-22-0705 AMENDING CHAPTER 166 SECTION 47 OF THE BOROUGH CODE ENTITLES SCHEDULE VI: TRUCKS OVER FOUR TONS EXCLUDED
- 2677-22-0705 BOND ORDINANCE AMENDING BOND ORDINANCE #2650-21-1018 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOMERVILLE, NEW JERSEY ON NOVEMBER 1, 2021

9. 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)

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

(RESOLUTIONS 22-0705-212 THRU 22-0705-225)

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

- 22-0705-212 APPROVING LIFE CHAIN EVENT FOR SUNDAY, OCTOBER 2, 2022 ON SOMERSET STREET AND MOUNTAIN AVENUE FROM 2:00PM UNTIL 3:30PM
- 22-0705-213 AUTHORIZING APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AMERICAN RESCUE PLAN FIREFIGHTERS GRANT
- 22-0705-214 EXTENDING THE GRACE PERIOD ON MUNICIPAL CHARGES FOR PROPERTY TAXES, SEWER UTILITY BILLING AND SPECIAL IMPROVEMENT DISTRICT TAXES
- 22-0705-215 APPROVING ANNUAL RENEWAL OF TAXI DRIVER LICENSES FOR YEAR 2022-2023
- 22-0705-216 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT

OF TRANSPORTATION 2023 SAFE STREETS TO TRANSIT 2023
APPLICATION SST-2023-N. DOUGHTY AVENUE, WEST HIGH
STREET, SOUTH STREET AND SOUTH BRIDGE STREET
PEDESTRIAN SAFETY IMPROVEMENTS

- 22-0705-217 MEMORIALIZING THE AWARD TO TOP LINE CONSTRUCTION CORP. FOR REMOVAL AND REPLACEMENT OF 120 LINEAR FEET OF 8" SANITARY SEWER MAIN
- 22-0705-218 AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH OF SOMERVILLE, COUNTY OF SOMERSET, NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-139(a), et seq. COMMONLY KNOWN AS 106 VETERANS MEMORIAL DRIVE EAST AND FOUND ON THE TAX MAP AS BLOCK 58 LOT 25
- 22-0705-219 AUTHORIZING MAYOR AND BOROUGH CLERK TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, NEW JERSEY (AFSCMENJ)
- 22-0705-220 AWARDED A CONTRACT FOR THE PURCHASE OF TURNOUT GEAR TO MOOSE SAFETY SUPPLY FOR THE SOMERVILLE FIRE DEPARTMENT
- 22-0705-221 MEMORIALIZING APPLICATION TO THE US DEPT OF JUSTICE PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP FOR GRANT FUNDING
- 22-0705-222 AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE AGREEMENT WITH ROUTE 23 FORD AUTOMALL UTILIZING THE MORRIS COUNTY COOPERATIVE IN THE AMOUNT OF \$25,087.00
- 22-0705-223 APPOINTING KEVIN SLUKA AND BRYAN O'NEILL AS DEPUTY OEM COORDINATORS (EXPIRED TERM 12/31/22)
- 22-0705-224 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION 2023 STATE AID GRANT PROGRAM FOR MA-2023-2023 ROAD IMPROVEMENT PROGRAM INCLUDING REHILL AVENUE
- 22-0705-225 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION 2023 STATE AID GRANT PROGRAM FOR MA-2023-2023 ROAD IMPROVEMENT PROGRAM INCLUDING LINCOLN AVENUE

11. BILLS AND VOUCHERS

12. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Introduction

ORDINANCE #2675-22-0705

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$5,200,000 FOR STATION ROAD EXTENSION TO ROUTE 206 IN AND BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$5,200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

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

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Borough of Somerville, in the County of Somerset, New Jersey (the "Borough") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$5,200,000. No down payment is 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") as the purpose authorized herein is in a redevelopment area as permitted by N.J.S.A. 40A:12A-37c.

SECTION 2:

In order to finance the cost of the Improvement, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$5,200,000 pursuant to the provisions of the Local Bond Law (the "Bonds") at a maximum rate of interest of 6.00%. In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$5,200,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for the Station Road extension to Route 206 in connection with the Somerset Station Urban Renewal redevelopment project, and including all work and materials necessary therefor and incidental thereto. The redevelopment project consists of mix of residential rental multi-family units and for-sale townhouse units with a total of up to 765 units, related amenities,

ground level retail, civic space, public plaza and structured parking, including public parking to serve commuters utilizing the New Jersey Transit Somerville train station.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$5,200,000.

(c) The estimated cost of the Improvement is \$5,200,000 which amount represents the initial appropriation made by the Borough.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Borough (the "Chief 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 Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief 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 Chief 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 Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$5,200,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,500,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Borough authorized therefore 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 Improvement shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

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

SECTION 9.

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

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvement 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 cost of the Improvement is \$5,200,000.

SECTION 11.

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

ORDINANCE #2676-22-0705

**AMENDING CHAPTER 166 SECTION 47 OF THE BOROUGH CODE ENTITLES
SCHEDULE VI: TRUCKS OVER FOUR TONS EXCLUDED**

WHEREAS, the Borough of Somerville desires to amend Chapter 166 Section 47, Schedule VI: trucks over Four Tons Excluded to include, Davenport Street, Grove Street, N. Bridge Street and portions of Gaston Avenue:

§ 166-47 Schedule VI: Trucks Over Four Tons Excluded.

In accordance with the provisions of § 166-11, trucks over four tons' gross weight are hereby excluded from the following described streets or parts of streets, except for the pickup and delivery of materials on such streets:

Name of Street	Side	Location
Adams Street	Both	Between North Auten Avenue and Adamsville Road
Adamsville Road	West	Between Union Avenue and East Main Street
Davenport Street	Both	Between Route 22 and West Main Street
Gaston Avenue	Both	Between Route 22 and Union Avenue/William Street
Grove Street	Both	Between Route 22 and East Main Street/West Main Street
Hope Street	Both	Between North Auten Avenue and Adamsville Road
Madison Street	Both	Between North Auten Avenue and Adamsville Road
North Bridge Street	Both	Between Route 22 and West Main Street
Putnam Street	Both	Between North Auten Avenue and Adamsville Road

Name of Street	Side	Location
William Street	Both	Between Gaston Avenue and Culver Street
William Street	Both	Between Grove Street and North Bridge Street

NOW THEREFORE BE IT ORDAINED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby amends Chapter 166 Section 47, Schedule VI: Trucks over Four Tons Excluded to include, Davenport Street, Grove Street, N. Bridge Street and portions of Gaston Avenue and directs the Municipal Clerk to send this adopted ordinance to the State of New Jersey Department of Transportation, Township of Bridgewater, County of Somerset and Regional Center Partnership.

ORDINANCE #2676-22-0705

BOND ORDINANCE AMENDING BOND ORDINANCE #2650-21-1018 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOMERVILLE, NEW JERSEY ON NOVEMBER 1, 2021

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 the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Borough Council of the Borough of Somerville, in the County of Somerset, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$800,000 For Acquisition Of A Fire Truck For And By The Borough Of Somerville, In The County Of Somerset, New Jersey And Authorizing The Issuance Of \$760,000 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation" finally adopted on November 1, 2021 (the "Ordinance"), is hereby incorporated by reference in its entirety.

Section 2. The Ordinance is hereby amended by deleting the reference of "\$800,000" for the appropriation and estimated cost and substituting in lieu thereof "\$820,000"

This Ordinance is further amended by amending the second sentence in Section 1 as follows: "For the said Improvements there is hereby appropriated the amount of \$800,000, such sum includes the sum of (a) \$20,000 expected to be received from the Capital Improvement Fund and (b) \$40,000 as 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")".

Section 3. 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 resolutions 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 of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. 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 \$760,000.

Section 5. All other provisions of the Ordinance shall remain unchanged.

Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

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

RESOLUTION 22-0705-212

APPROVING LIFE CHAIN EVENT FOR SUNDAY, OCTOBER 2, 2022 ON SOMERSET STREET AND MOUNTAIN AVENUE FROM 2:00PM UNTIL 3:30PM

WHEREAS, the Life Chain Event is sponsored by the Pro-Life of Somerset County; and

WHEREAS, the Life Chain Event takes place on Sunday, October 2, 2022 from 2:00PM until 3:30PM and utilizes sidewalks within the Borough of Somerville that include Somerset Street to Mountain Avenue and from Mountain Avenue to Immaculate Conception Church; and

WHEREAS, it is pending an approved Emergency Action Plan.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the Life Chain Event on Sunday, October 2, 2022 from 2:00PM until 3:30PM on Somerset Street and Mountain Avenue.

RESOLUTION 22-0705-213

AUTHORIZING APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AMERICAN RESCUE PLAN FIREFIGHTERS GRANT

WHEREAS, the Borough of Somerville desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for \$75,000 to carry out a project to procure 26 sets of turn out gear consisting of Veridian jackets, pants, protective hoods, Phoenix leather structural gloves, Haix fire eagle air structural boots, TC-1 composite New Yorker style helmet bourkes and goggles and custom leather ID shields; and

BE IT THEREFORE RESOLVED,

1. that the Borough of Somerville does hereby authorize the application for such a grant; and
2. recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between Borough of Somerville and the New Jersey Department of Community Affairs.

RESOLUTION 22-0705-214

EXTENDING THE GRACE PERIOD ON MUNICIPAL CHARGES FOR PROPERTY TAXES, SEWER UTILITY BILLING AND SPECIAL IMPROVEMENT DISTRICT TAXES

WHEREAS, due to a delay in the mailing of property tax, sewer utility billing and special improvement district tax bills the Borough of Somerville is extending the grace period for the 3rd quarter property tax, sewer utility charges and special improvement district payments

WHEREAS, the grace period for payment without interest on the 3rd quarter of 2022 tax, sewer and SID tax payments are due August 1st is usually 10 days

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Somerville hereby grant an additional grace period through and including **August 19, 2022**. Interest on late payments made after August 19, 2022 will be calculated from the due date of August 1, 2022.

RESOLUTION 22-0705-215

APPROVING ANNUAL RENEWAL OF TAXI DRIVER LICENSES FOR YEAR 2022-2023

WHEREAS, the following have made application for annual renewal of taxi driver license for 2022-2023

Lillian Culbertson	1 Mountain Avenue/Apt. 106	Somerville
Walter Gary Bohac	223 N. 8 th Avenue	Manville
John D’Agostino	16 Colfax Street/Apt. 4	Raritan
Douglas Dorsey	159 Fairview Avenue	Somerville
Lisa Cunningham	PO Box 8093	Bridgewater

RESOLUTION 22-0705-216

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION 2023 SAFE STREETS TO TRANSIT 2023 APPLICATION SST-2023-N. DOUGHTY AVENUE, WEST HIGH STREET, SOUTH STREET AND SOUTH BRIDGE STREET PEDESTRIAN SAFETY IMPROVEMENTS

NOW, THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, formally approve the grant application for the New Jersey Department of Transportation, Safe Streets to Transit 2023 Application SST-2023- “N. Doughty Avenue, W. High Street, South Street, and S. Bridge Street Pedestrian Safety Improvements”

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application “identified as Application SST-2023- “N. Doughty Avenue, W. High Street, South Street, and S. Bridge Street Pedestrian Safety Improvements” to the New Jersey Department of Transportation on behalf of the Borough of Somerville.

BE IT FURTHER RESOLVED, that Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Somerville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 22-0705-217

**MEMORIALIZING THE AWARD TO TOP LINE CONSTRUCTION CORP.
FOR REMAOVAL AND REPLACEMENT OF 120 LINEAR FEET OF
8” SANITARY SEWER MAIN**

WHEREAS, a sanitary sewer collapse occurred on June 00, 2022, requiring immediate action; and

WHEREAS, Topline Construction Corp., 22 Fifth Street, Somerville NJ 08876 possessed the ability to attend to the immediate emergency; and

WHEREAS, Big Mike’s Drain and Sewer Cleaning, 730 Roycefield Road Unit #1, Hillsborough NJ 08844 performed televising and jetting services at a cost of \$450.00; and

WHEREAS, Topline Construction Corp., 22 Fifth Street, Somerville NJ 08876 removed and replaced 120 linear feet of 8” sanitary sewer at a cost of \$31,514.35.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Somerville hereby authorizes payment of \$31, 514.35 to Topline Construction Corp.

RESOLUTION #22-0705-218

**AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH OF
SOMERVILLE, COUNTY OF SOMERSET, NEW JERSEY, NOT REQUIRED FOR PUBLIC
PURPOSES PURSUANT TO N.J.S.A. 40A:12-139(a), et seq. COMMONLY KNOWN AS
106 VETERANS MEMORIAL DRIVE EAST AND FOUND ON THE
TAX MAP AS BLOCK 58 LOT 25**

WHEREAS, the Local Lands and Building Laws, N.J.S.A. 40A:12-13(a), et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Borough of Somerville is the owner of certain real property being Block 58, Lot 25 on the Tax Map of the Borough of Somerville, commonly known as 106 Veterans Memorial Drive East not needed for public use, and the Mayor and Council have determined that it is in the best interest of the City to sell the same to generate revenue, reduce taxes and liabilities.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, as follows:

Section 1. 106 Veterans Memorial Drive East shall be offered for sale, pursuant to N.J.S.A. 40A:12- 139(a) at a public auction to the highest bidder, subject to acceptance of such bid by resolution of Somerville Borough Council which reserves the right to reject all bids where the highest bid is not accepted. The public auction shall be held at the Borough of Somerville, Borough Hall 25 West End Avenue, Somerville, New Jersey 08876 or such other place as shall be designated by the Borough at a date to be set by the Borough Clerk and published in accordance with law, subject to the terms and conditions set forth in the within resolution.

Section 2. The property sale shall be subject to the following terms:

- A. That no representations of any kind are made by the Borough of Somerville as to the condition of the property, said property is being sold in its present condition "as is". Additionally, the Borough makes no representation as to the presence or absence of wetlands or any other environmental conditions on the property.
- B. That the Borough will execute a Bargain and Sale Deed.
- C. That the Purchaser, at its sole expense, shall have a right to conduct environmental and other inspections of the property with results satisfactory to Purchaser and its lender but must complete such inspections within thirty (30) days of bid acceptance.
- D. That the Purchaser shall obtain a survey and meets and bounds description of the entire tract, which said survey and description will be at Purchaser's sole expense, in form and substance satisfactory to the Borough and the Purchaser; and said survey and meets and bounds description shall be certified to the Borough.
- E. Purchaser's receipt of a title commitment, which said title commitment will be at Purchaser's sole expense, with respect to the property, to be obtained, stating that Seller has good, indefeasible and marketable fee simple title to the property, free and clear of all liens and encumbrances except such matters as may be acceptable to Purchaser or as otherwise provided for herein or public or private utility easements or rights-of-way.
- F. It is understood that the Acquisition is subject to applicable New Jersey law concerning disposition of municipal real estate.

Section 3. This sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title.

Section 4. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Borough of Somerville.

Section 5. Should the title to the property prove to be unmarketable for any reason, the liability of the Borough shall be limited to the repayment to the Purchaser of the deposit and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any alleged defect in title or claim must be served on the Borough Clerk, by the Purchaser, in writing no later than thirty (30) days after the sale is approved by the Borough Council, failure upon the part of the Purchaser to give written notice within said time shall be deemed conclusive proof that the Purchaser accepts the title in its present condition.

Section 6. The successful bidder agrees to the following conditions:

- A. To deposit cash, check or money order in an amount not less than 10% of the bid price at the time that the bid is submitted.
- B. To pay by the time of closing:
 - a. The balance of the purchase price.
 - b. The cost of preparation of all legal documents including any special property description.
 - c. The prorated real estate taxes, water and sewer charges and/or any and all other municipal or governmental assessments for the balance of the current year as of the date of closing.
- C. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from these regulations.
- D. That in the event Purchaser fails to close title, Purchaser shall forfeit to the Borough of Somerville any and all money deposited with the Borough.
- E. That the description of the property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Borough of Somerville as to the conditions of the property; the premises are being sold in their present conditions "as is".
- F. The properties will be conveyed by a Bargain and Sale Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representations as to character of title of the property to be conveyed.
- G. All sales are subject to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq. and all rights reserved to the Borough by such law.

- H. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
- I. That the title shall close within 60 days of the Borough's acceptance of a bid, and that date shall be considered time of the essence. The Borough reserves the right to require that two or more pieces of contiguous property under the same ownership, be merged and treated as one piece of property.
- J. Acceptance by Borough Council of the highest bid shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
- K. Bidder shall not be permitted to withdraw Bidder's Bid without approval of Borough Council.
- L. The successful bidder shall be required to pay, at the time of closing of title, the cost of legal advertising of the sale of this property which is the subject of this auction plus their proportionate cost of the transcript, if applicable.
- M. The successful bidder shall bear the cost of the recording of deeds and agree that deeds shall be recorded on behalf of the purchaser by the title company handling the closing or the Borough Attorney for the Borough of Somerville. The successful bidder, prior to closing of title, will not be permitted to assign his or her bid nor any right, title or interest in the property on which the bid was made without the prior approval of Borough Council which may be withheld at the Borough's sole discretion.
- N. This sale is also subject to the further condition that if the State of New Jersey or any upland owner has any rights or claims to the land being sold herein by reason of a riparian interest or otherwise, any charges which are levied or are to be so levied by the State of New Jersey or upland owner for said riparian interest or otherwise are to be borne by the purchaser, in addition to the sale price bid for said property.
- O. All prospective purchasers are put on notice that no employee, agent or officer of the Borough of Somerville has authority to waive, modify or amend any of the conditions of sale.
- P. If the successful bidder was the sole or part owner of the property to be sold at the time the Borough acquired title by tax foreclosure, said bidder may not reacquire the property directly or indirectly without complying with the following conditions: Payment to the Borough at closing of title the difference, if any, between the total amount of taxes, plus interest and penalties, attorney's fees and costs, due at the time of the judgment of foreclosure was entered and the amount of the successful bid.
- Q. It is conclusively presumed that a bidder prior to making his or her bid has done the following:

(a) checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps which are available at the Assessor's Office;

(b) checked the zoning restrictions to ascertain the legal use of property (this information can be obtained from the Zoning Office); and

(c) made a personal inspection of the property prior to bidding on a piece of property. Responsibility for failure to comply with the abovementioned conditions and guidelines will be fully assumed by the purchaser.

R. A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Borough of Somerville, as a material breach of the conditions of sale whereupon the Borough of Somerville may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Borough as its liquidated damages and it may thereafter resell said property and/or pursue such other and further legal and/or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Borough of Somerville by reason of any such default.

Section 7. The Borough reserves the right to withdraw the offer of sale and reject all bids if the highest bid is not accepted.

Section 8. All sales are subject to final approval by the Borough Council. Parties interested in submitting bids and who require additional information should contact: Kevin Sluka, Clerk-Administrator, Borough of Somerville, 25 West End Avenue, Somerville, New Jersey 08876

Section 9. If any section or provision of this Resolution shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 10. The Mayor and Clerk-Administrator are hereby authorized to execute all documents necessary for the conduct of this auction and for the conveyance of the properties listed herein, including but not limited to executing all contracts, Deeds and other conveyance documents.

Section 11. This Resolution shall take effect immediately after final passage and publication in the manner provided by law.

RESOLUTION 22-0705-219

AUTHORIZING MAYOR AND BOROUGH CLERK TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, NEW JERSEY (AFSCMENJ)

WHEREAS, it is necessary to execute and MOU with AFSCME as it relates to part time employees to ensure compliances with a past practices relating to permeant part time employees:

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves Mayor and Borough Clerk to execute memorandum of understanding with American Federation of State, County and Municipal Employees, New Jersey (AFSCMENJ).

RESOLUTION 22-0705-220

AWARDING A CONTRACT FOR THE PURCHASE OF TURNOUT GEAR TO MOOSE SAFETY SUPPLY FOR THE SOMERVILLE FIRE DEPARTMENT

WHEREAS, THE Borough of Somerville intends to participate in the New Jersey Purchasing Contract 17-FLEET-00824 with Moose Safety Supply, Inc., 426 Chapman Court, New Jersey 070840 for the purchase of turnout gear identified in Estimate # 843 through New Jersey state pricing under the Viridian Fire Protective Gear contract; and

WHEREAS, Veridian Fire Protective Gear, 3710 W. Milwaukee Street, Spencer NU 14883 has a New Jersey State Contract distributed through Moose Safety Supply, Inc., 426 Chapman Court, New Jersey 070840; and

WHEREAS, the Borough of Somerville, pursuant to NJSA 40A11-12a and NJAC 5:34.7.29(c) may be resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Pricing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and property in the Department of Treasury; and

WHEREAS, funds are available to purchase 11 full sets of gear in the amount of \$42,222.95; and

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 Moose Safety Supply, Inc., 426 Chapman Court, New Jersey 070840 for the purchase of turnout gear identified in Estimate #843 through state pricing under the Viridian Fire Protective Gear contract in the amount of \$42,222.95

RESOLUTION 22-0705-221

MEMORIALIZING APPLICATION TO THE US DEPT OF JUSTICE PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP FOR GRANT FUNDING

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby authorized the Mayor and Administrator to complete and submit all grant documents for Bulletproof vest funding.

RESOLUTION 22-0705-222

**AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE
AGREEMENT WITH ROUTE 23 FORD AUTOMALL UTILIZING THE MORRIS COUNTY
COOPERTIVE IN THE AMOUNT OF \$25,087.00**

WHEREAS, the Fire Official's Office for the Borough of Somerville has a need for a additional car; and

WHEREAS, the Borough has identified that the 2022 Escape S AWD fits their needs; and

WHEREAS, the vehicle is available under the Morris County Cooperative Pricing system:

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby authorize the execution of a lease purchase agreement for the lease of 2022 Escape S AWD in the amount of \$25,087.00.

RESOLUTION 22-0705-223

**APPOINTING KEVIN SLUKA AND BRYAN O'NEILL AS
DEPUTY OEM COORDINATORS (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 Kevin Sluka and Bryan O'Neill as Deputy OEM Coordinators until the end of business on December 31, 2022.

RESOLUTION 22-0705-224

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE
A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION 2023 STATE AID GRANT PROGRAM
FOR MA-2023-2023 ROAD IMPROVEMENT PROGRAM
INCLUDING REHILL AVENUE**

NOW, THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, formally approve the grant application for the New Jersey Department of Transportation 2023 State Aid Grant Program for MA-2023-2023 Road Improvement Program Including Rehill Avenue.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application "identified as MA-2023-2023 Road Improvement Program Including "Rehill Avenue" to the New Jersey Department of Transportation on behalf of the Borough of Somerville.

BE IT FURTHER RESOLVED, that Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Somerville and that their signature

constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 22-0705-225

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION 2023 STATE AID GRANT PROGRAM FOR MA-2023-2023 ROAD IMPROVEMENT PROGRAM INCLUDING LINCOLN AVENUE

NOW, THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, formally approve the grant application for the New Jersey Department of Transportation 2023 State Aid Grant Program for MA-2023-2023 Road Improvement Program Including Lincoln Avenue.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application “identified as MA-2023-2023 Road Improvement Program Including “Lincoln Avenue” to the New Jersey Department of Transportation on behalf of the Borough of Somerville.

BE IT FURTHER RESOLVED, that Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Somerville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.