

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

**Monday, August 1, 2022
6:30 P.M.**

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

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EVENTS

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES- EXECUTIVE SESSION**
 - a. July 18, 2022
- 4. RESOLUTION 22-0801-241 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Personnel
- b. Redevelopment

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. July 18, 2022
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. National Night Out Tuesday, August 2nd
(6:00p.m.-8:00p.m. Carol Pager Park)
- 6. COMMITTEE REPORTS**

7. PRESENTATION

- a. Sanitary Sewer Sale

8. DISCUSSION

- a. FTE site work -50 Kirby Avenue
- b. Flood Zone Advisory

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

2678-22-0718

APPROVING AN AGREEMENT OF SALE BETWEEN THE BOROUGH AND NEW JERSEY AMERICAN WATER COMPANY, INC. FOR THE SALE OF THE BOROUGH'S WASTEWATER COLLECTION SYSTEM AND AUTHORIZING A PROPOSAL TO BE PRINTED ON THE BALLOT FOR CONSIDERATION BY THE VOTERS WITHIN THE BOROUGH AT THE GENERAL ELECTION ON NOVEMBER 8, 2022 PROVIDING FOR THE SALE OF THE BOROUGH'S WASTEWATER COLLECTION SYSTEM TO AMERICAN WATER COMPANY, INC.

2679-22-0718

APPROVING AMENDMENTS TO THE LEASE WITH HATHAWAY SOLAR, LLC, THE CONTRACT REDEVELOPER FOR TWO LEASES WITH AFFILIATED ENTITIES OF HATHAWAY SOLAR, LLC FOR PROPERTY KNOWN AS TAX BLOCK 124, PORTIONS OF LOTS 1 & 21 LOCATED IN THE LANDFILL REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. FOR A SOLAR PROJECT

10. MEETING OPEN TO THE PUBLIC

(Motion and 2nd needed and roll call vote to open and close the meeting to the public. Regulations that apply during public meetings also apply during electronic meetings. Comments may be submitted prior to the meeting and maybe summarized during the meeting)

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

(RESOLUTIONS 22-0801-242 THRU 22-0801-258)

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

- 22-0801-242 APPROVING PAIGE MCDONOUGH TO BE HIRED AS A LIFEGUARD AT \$17 PER HOUR FROM JUNE 18, 2022 - AUGUST 21, 2022
- 22-0801-243 APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS AID FOR SOMERVILLE SENIOR HOUSING FACILITY UV LIGHTS
- 22-0801-244 AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A THROUGH Municibid IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM
- 22-0801-245 AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A THROUGH Municibid IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM
- 22-0801-246 AUTHORIZING THE REJECTION OF ALL BIDS FOR CLEANING AND TELEVISION OF 27 -IN INTERCEPTOR
- 22-0801-247 APPROVING THE CENTRAL JERSEY VOLKSWAGEN SOCIETY TO UTILIZE PARKING SPACES IN FRONT OF HISTORIC COURTHOUSE ON AUGUST 26TH 2022 FROM 5:00 P.M. – 9:00 P.M. FOR CRUISE NIGHT DISPLAY
- 22-0801-248 RESOLUTION OF THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE “LOCAL UNIT”) AUTHORIZING THE LOCAL UNIT’S PARTICIPATION IN THE POOLED LOAN FINANCING PROGRAM OF THE SOMERSET COUNTY IMPROVEMENT AUTHORITY AND AUTHORIZING THE MAKING OF AN APPLICATION TO THE LOCAL FINANCE BOARD IN CONNECTION THEREWITH AND PURSUANT TO N.J.S.A. 40A:2-26(e) AND CERTAIN OTHER MATTERS IN CONNECTION WITH ISSUANCE OF THE LOCAL UNIT BONDS
- 22-0801-249 APPROVING SOMERVILLE STREET FAIR ON OCTOBER 2, 2022 FROM 11:00 A.M. – 5:00 P.M. ON MAIN STREET FROM GROVE STREET TO DOUGHTY AVENUE (Road closure from 7:00 a.m. to 7:00 p.m.)
- 22-0801-250 APPROVING NEW WRECKER & TOWING LICENSE FOR 2022-2023
- 22-0801-251 AWARDDING A CONTRACT TO DESANTIS CONSTRUCTION, INC. FOR EASTERN STATES PARKWAY AND RESURFACING OF MADISON STREET IN THE AMOUNT OF \$657,418.46

- 22-0801-252 MEMORIALIZING KELLY GRIFFIN TO BE HIRED AS A LIFEGUARD AT \$17 PER HOUR FROM JUNE 18, 2022 - AUGUST 21, 2022
- 22-0801-253 MEMORIALIZING MEGAN MACK TO BE HIRED AS A POOL SUPERVISOR AT \$20 PER HOUR FROM JUNE 18, 2022 - AUGUST 21, 2022
- 22-0801-254 MEMORIALIZING KAYLA HNASKO TO BE HIRED AS A POOL SUPERVISOR AT \$20 PER HOUR FROM JUNE 18, 2022 - AUGUST 21, 2022
- 22-0801-255 MEMORIALIZING THE CLERK TO EXECUTE AN ACCESS AGREEMENT WITH GEOSYNTEC TO GRANT ACCESS TO HOLLY GLEN ROAD FOR PLACEMENT OF A MONITORING WELL
- 22-0801-256 APPROVING THE REDUCTION OF PERFORMANCE BOND AND CASH BOND AMOUNT FOR SOMERSET STATION URBAN RENEWAL, LLC, WITH CHA PROJECT #32956-5000
- 22-0801-257 ACCEPTING AN AWARD OF \$2,541,600.00 FROM DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR CHAMBRES PARK IMPROVEMENT GRANT NUMBER B-22-CP-NJ-0588
- 22-0801-258 AUTHORIZING BONDS AGGREGATING THE PRINCIPAL SUM NOT TO EXCEED \$5,200,000 AUTHORIZED BY ONE BOND ORDINANCE HERETOFORE ADOPTED TO FINANCE PART OF THE COST OF VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH OF SOMERVILLE, COUNTY OF SOMERSET, NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF BONDS AND PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF SAID CONSOLIDATED ISSUE

12. BILLS AND VOUCHERS

13. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Public Hearing

ORDINANCE #2678-22-0718

APPROVING AN AGREEMENT OF SALE BETWEEN THE BOROUGH AND NEW JERSEY AMERICAN WATER COMPANY, INC. FOR THE SALE OF THE BOROUGH'S WASTEWATER COLLECTION SYSTEM AND AUTHORIZING A PROPOSAL TO BE PRINTED ON THE BALLOT FOR CONSIDERATION BY THE VOTERS WITHIN THE BOROUGH AT THE GENERAL ELECTION ON NOVEMBER 8, 2022 PROVIDING FOR THE SALE OF THE BOROUGH'S WASTEWATER COLLECTION SYSTEM TO AMERICAN WATER COMPANY, INC.

WHEREAS, the Borough of Somerville, in the County of Somerset, New Jersey (the "Borough") currently owns and operates a wastewater collection system servicing the residents and property owners (the "Customers") within the geographic boundaries of the Borough and a portion of Bridgewater Township (the "System"); and

WHEREAS, the Borough has determined that it is in the best interest of such Customers to sell the System to an entity with experience and expertise in owning and operating such systems in order to meet all necessary demands associated with such System including all present and future requirements of various state and federal regulatory agencies and to make necessary capital improvements to the System; and

WHEREAS, the Borough prepared and distributed a Request for Bids for the Sale of the Wastewater Collection System (the "RFB") dated May 3, 2022 requesting bids for the purchase of the System pursuant to N.J.S.A. 40:62-1 et seq. (the "Public Utilities Law"); and

WHEREAS, on June 22, 2022 the Borough received two bids from two regulated utilities, New Jersey American Water Company, Inc., and Aqua New Jersey to purchase the Borough's System; and

WHEREAS, based on the review of the above referenced bids, the Borough has determined that the bid submitted by New Jersey American Water Company Inc. in the amount of \$7,000,000 was the highest responsible bid; and

WHEREAS, under the terms of the RFB, the Borough would sell all of the Borough's rights and interests in the land and improvements comprising the System, provided that any purchaser of the System would continue to provide wastewater collection services to the Customers in accordance with all applicable state and local standards, make all capital improvements as required by the RFB, and meet other requirements set forth in the RFB; and

WHEREAS, the Borough and New Jersey American Water Company Inc. have agreed to the terms of the sale of the System; and

WHEREAS, the Public Utilities Law requires that in addition to the approval of the Borough, the legal voters of the Borough must also approve the sale of the System; and

WHEREAS, the Public Utilities Law, specifically N.J.S.A. 40:62-5, authorizes the Borough to request that the clerk of the County of Somerset place the question of the sale of the System on the ballot used at the next general election in the Borough, which is scheduled for November 8, 2022; and

WHEREAS, the Borough desires to enter into the Agreement of Sale, subject to the approval of the voters of the Borough as set forth in N.J.S.A. 40:62-5 and any other regulatory approvals set forth in the Public Utilities Law.

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

SECTION I

The recitals are hereby incorporated as if set forth in full herein.

SECTION II

The Borough hereby approves the sale of the System to New Jersey American Water Company Inc. for \$7,000,000 in accordance with its bid and in accordance with the terms and conditions of the RFB and the Agreement of Sale, subject to the approval of the voters of the Borough as set forth in N.J.S.A. 40:62-5.

SECTION III

The Agreement of Sale between the Borough and New Jersey American Water Company Inc. entitled "Agreement of Sale between the Borough of Somerville, New Jersey and New Jersey American Water Company Inc." substantially in the form on file in the office of the Borough Clerk, is hereby approved with such further changes, insertions and amendments as deemed necessary by the governing body of the Borough, in consultation with the Borough staff and professionals. The approval of this Agreement of Sale is subject to compliance with the provisions of N.J.S.A. 40:62-5 of the Public Utilities Law.

SECTION IV

The Mayor and Council and all other appropriate officials of the Borough are hereby authorized and directed to execute the Agreement of Sale and any other documents deemed necessary to effectuate the terms of this Ordinance and to proceed with the regulatory process and approvals required under the provisions of the Agreement of Sale and the Public Utilities Law subject to approval of the sale by the voters of the Borough pursuant to N.J.S.A. 40:62-5.

SECTION V

The Mayor and Council hereby requests and directs the Clerk of the County of Somerset to place the following question and explanation on the ballot of the next general election, such to be substantially in the form provided in N.J.S.A. 40:62-5 as follows:

PROPOSAL

"Shall the Borough of Somerville, in the County of Somerset, New Jersey, be authorized to sell its wastewater collection system (commonly known as the "system") to New Jersey American Water Company Inc. for the sum of \$7,000,000?"

_____ Yes

_____ No

Explanation

If a majority of the legal votes cast in the Borough are "yes", the Borough of Somerville will sign an agreement with New Jersey American Water Company Inc. for the sale of the system servicing the residents and property owners within the geographic boundaries of the Borough and a portion of Bridgewater in the amount of \$7,000,000.

This agreement provides that New Jersey American Water Company Inc. will provide and maintain all wastewater collection services to the existing customers of the Borough's system and will make substantial capital improvements to such system in accordance with the terms of the Agreement of Sale approved by the Borough. Subject to the final review and approval of the New Jersey Board of Public Utilities, the service rates to the customers of the Borough's System are proposed to be changed as follows for up to a maximum of 7 years following the sale:

Year	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Rate Increase	0%	0%	3%	3%	3%	4%	4%

Upon the completion of the rate schedule approved by the Board of Public Utilities future rate changes shall be subject to approval by the New Jersey Board of Public Utilities.

If a majority of the legal votes cast in the Borough are “no”, the Borough will retain the system and will immediately begin a process to increase rates to the extent required to address the need for additional capital improvements and maintenance activities.

SECTION VI

This Ordinance shall take effect as provided by law.

ORDINANCE #2679-22-0718

APPROVING AMENDMENTS TO THE LEASE WITH HATHAWAY SOLAR, LLC, THE CONTRACT REDEVELOPER FOR TWO LEASES WITH AFFILIATED ENTITIES OF HATHAWAY SOLAR, LLC FOR PROPERTY KNOWN AS TAX BLOCK 124, PORTIONS OF LOTS 1 & 21 LOCATED IN THE LANDFILL REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1ET SEQ. FOR A SOLAR 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, on September 8, 1997 the Borough Council of the Borough of Somerville (the “**Borough**”) adopted a resolution designating an area in need of redevelopment, now known as the Borough Landfill Redevelopment Area (“**Redevelopment Area**”).

SECTION 3. Pursuant to the Redevelopment Law, on March 16, 1998, the Borough, by ordinance, adopted a redevelopment plan for the Redevelopment Area entitled the Borough Landfill Redevelopment Plan, which Redevelopment Plan was amended by the Borough on September 4, 2007, and the amended Redevelopment Plan is entitled “Redevelopment Plan for the Station Area and Landfill Redevelopment Area”, which was prepared by Phillips Preiss Shapiro Associates, Inc., dated September 2007 (“**Redevelopment Plan**”), which Redevelopment Plan has been amended from time to time.

SECTION 4. Tax Block 124, portions of Lots 1 & 21 (the “**Property**”) are located in the Redevelopment Area.

SECTION 5. The Property is owned by the Borough, is currently vacant land and was used as a former municipal landfill (the “**Landfill**”), is approximately 25 acres and requires remediation and closure in accordance with applicable law.

SECTION 6. On May 26, 2021, the Borough entered into a redevelopment agreement (the “**Redevelopment Agreement**”) with Hathaway Solar, LLC, the designated redeveloper for the redevelopment of the Property (the “**Redeveloper**”).

SECTION 7. The Redevelopment Agreement requires the Redeveloper to redevelop the Property and to install, interconnect, and maintain the solar project on the Lease Area (the “**Solar Project**”).

SECTION 8. On February 22, 2022, the Borough entered into that certain Amended and Restated Redevelopment Agreement (the “**First Amended Redevelopment Agreement**”) with the Redeveloper.

SECTION 9. On March 7, 2022, the Borough entered into that certain Supplemental Agreement to Amended and Restated Redevelopment Agreement for remediation of landfill (the “**Supplemental Redevelopment Agreement**”) with the Redeveloper.

SECTION 10. On June 9, 2021, the Borough and the Redeveloper executed a lease for the Property (the “**Original Lease**”) in accordance with the Redevelopment Law, whereby the Borough leased the Property to the Redeveloper for the purposes of redevelopment in accordance with the Redevelopment Agreement and the Redevelopment Plans.

SECTION 11. The Redeveloper has assigned the Original Lease to its affiliate, who partially assigned its interest in the Original Lease to another affiliate of the Redeveloper (each such affiliate, a “**Lessee**”), and the Borough shall enter into amended and restated leases with each Lessee (such amended and restated leases, collectively, the “**Lease**”), which Lease includes amendments to Exhibit G, Annual Lease Payment Calculation and Payment Procedure, therein to address lease payment reductions based on Redeveloper contributions towards the remediation of the Property pursuant to the applicable terms and conditions in the Redevelopment Agreement and Lease.

SECTION 12. The Borough and Redeveloper have also agreed to amendments to the Redevelopment Agreement consistent with the Lease amendments and other related issues, which have been approved by the Borough.

SECTION 13. The Mayor and Borough Clerk are authorized to execute any and all documents necessary to amend the Original Lease, including the Lease, consisting of two separate lease agreements, in a form substantially consistent with the documents attached hereto, subject to the review and approval of such documents by the Borough’s legal counsel.

SECTION 14. 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 22-0801-242

APPROVING PAIGE MCDONOUGH TO BE HIRED AS A LIFEGUARD AT \$17 PER HOUR FROM JUNE 18, 2022 - AUGUST 21, 2022

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves Paige McDonough to be hired as a Lifeguard at \$17 per hour from June 18, 2022 – August 21, 2022.

RESOLUTION 22-0801-243

**APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY
COMMUNITY DEVELOPMENT BLOCK GRANT
CORONAVIRUS AID FOR SOMERVILLE SENIOR HOUSING FACILITY
UV LIGHTS**

WHEREAS, NJSA 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Borough of Somerville has been awarded \$80,000.00 from the Community Development Block Grant administered by Somerset County and wishes to amend its 2022 Budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Somerville hereby requests the Director of the Division of Local Government Services to approve the amendment of an additional item of revenue in the budget of the year 2022 in the sum of \$80,000.00 to be received from grants as revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local
Government Services:
Public and Private Revenues off-set with
Appropriations:
Community Development Block Grant
Grant \$80,000.00

BE IT FURTHER RESOLVED that a like sum of..... \$80,000.00
be and the same is hereby appropriated under the caption of:

General Appropriations:
Operations-Excluded from "CAPS"
Public and Private Programs Offset by Revenues:
Community Development Block Grant

BE IT FURTHER RESOLVED, that the Borough Clerk of the Borough of Somerville forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION 22-0801-244

**AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A
THROUGH Municibid IN ACCORDANCE WITH STATE COOPERATIVE PRICING
SYSTEM**

WHEREAS, the Borough is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough Council are desirous of selling said surplus property in an "as is" condition without express or implied warranties.

BE IT RESOLVED by the Council in the Borough of Somerville, County of Somerset, as follows:

- (1) The sale of the surplus property shall be conducted through **Municibid** pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with **Municibid** is available online at **Municibid.com** and also available from the Borough of Somerville.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.

- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

**2005 DODGE DAKOTA
VIN/ 1D7HW22K55S231635**

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough reserves the right to accept or reject any bid submitted.

RESOLUTION 22-0801-245

**AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A
THROUGH Municibid IN ACCORDANCE WITH STATE COOPERATIVE PRICING
SYSTEM**

WHEREAS, the Borough is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough Council are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

BE IT RESOLVED by the Council in the Borough of Somerville, County of Somerset, as follows:

- (1) The sale of the surplus property shall be conducted through **Municibid** pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with **Municibid** is available online at **Municibid.com** and also available from the Borough of Somerville.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

**2006 DODGE MAGNUM
VIN/ 2D8FV47V06H126191M**

- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough reserves the right to accept or reject any bid submitted.

RESOLUTION 22-0801-246

**AUTHORIZING THE REJECTION OF ALL BIDS FOR CLEANING AND TELEVISION
OF 27 -IN INTERCEPTOR**

WHEREAS, the Borough of Somerville advertised bids for Cleaning And Television Of 27 - In Interceptor; and

WHEREAS, bids were accepted on June 1, 2022 at 10:00 a.m. in Executive Conference Room as required by the Municipal Clerk; and

WHEREAS, Borough of Somerville received one (1) bid; and

WHEREAS, after the receipt of the bid, review of the bid and review of the bid documents the Borough of Somerville recognized that the bid specifications require revision to ensure that the specifications meet the required work.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the rejection of all bids.

RESOLUTION 22-0801-247

**APPROVING THE CENTRAL JERSEY VOLKSWAGEN SOCIETY TO UTILIZE
PARKING SPACES IN FRONT OF HISTORIC COURTHOUSE
ON AUGUST 26TH 2022 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 Central Jersey Volkswagen Society to use parking spaces located on Main Street in front of the Historic Courthouse on August 26th for Cruise Night display.

RESOLUTION 22-0801-248

**RESOLUTION OF THE BOROUGH OF SOMERVILLE, IN THE COUNTY
OF SOMERSET, STATE OF NEW JERSEY (THE “LOCAL UNIT”) AUTHORIZING
THE LOCAL UNIT’S PARTICIPATION IN THE POOLED LOAN FINANCING
PROGRAM OF THE SOMERSET COUNTY IMPROVEMENT AUTHORITY AND
AUTHORIZING THE MAKING OF AN APPLICATION TO THE LOCAL FINANCE
BOARD IN CONNECTION THEREWITH AND PURSUANT TO N.J.S.A. 40A:2-26(e)
AND CERTAIN OTHER MATTERS IN CONNECTION WITH ISSUANCE OF THE
LOCAL UNIT BONDS**

WHEREAS, the Borough of Somerville, in the County of Somerset, State of New Jersey (the “Local Unit”), has previously duly adopted or will be duly adopting various bond ordinances authorizing the issuance of bonds or notes to finance the costs of various capital improvements (the “Capital Improvement Project”); and

WHEREAS, the Local Unit desires to issue bonds to permanently finance the Local Unit Projects; and

WHEREAS, the Local Unit believes that there is volatility in the long-term bond market for municipalities resulting in the following problems: (1) increased and unpredictable interest rates causing interest rate risk and budgeting problems, (2) shrinking investor pools to purchase municipal bonds, and (3) a reduced number of bids at municipal bond sales; and

WHEREAS, the Local Unit has reviewed the Pooled Loan Financing Program proposed by The Somerset County Improvement Authority (the "SCIA"), whereby the Local Unit would issue bonds (collectively, the "Local Unit Bonds") through the Pooled Loan Financing Program of the SCIA; and

WHEREAS, the Local Unit believes that the SCIA's Pooled Loan Financing Program cures many of the problems of the volatile bond market by providing (1) a more predictable interest rate, whereby the Local Unit will benefit from reduced interest costs as a result of the "AAA" guaranty by the County of Somerset, State of New Jersey (the "County Guaranty") on the debt service of the SCIA Pooled Loan Financing Program, (2) market access to sell the Local Unit Bonds, (3) a certain investor pool to purchase the Local Unit Bonds, (4) a guaranteed purchaser of the Local Unit Bonds, and (5) decreased costs due to all the local units in the Pooled Loan Financing Program sharing in the costs of the SCIA Pooled Loan Financing Program; and

WHEREAS, the Local Unit further believes that any savings the Local Unit can achieve for its taxpayers, especially during this time of financial instability, is of utmost importance to its community and accordingly, the Local Unit desires to issue its Local Unit Bonds through the Pooled Loan Financing Program of the SCIA; and

WHEREAS, the Local Unit also desires to seek the Local Finance Board's approval pursuant to N.J.S.A. 40A:2-26(e) for a non-conforming principal maturity schedule for the Local Unit Bonds in order to minimize the tax and financial impact of the debt service schedule for the Local Unit Bonds on the taxpayers in the Local Unit; and

WHEREAS, such Local Unit Bonds shall be issued in accordance with the provisions of the Local Bond Law, *N.J.S.A. 40A:2-1 et seq.*

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOMERVILLE, THAT

Section 1. The Local Unit hereby authorizes the Local Unit's participation in the SCIA Pooled Loan Financing Program.

Section 2. The Local Unit consents to the SCIA's application to the Local Finance Board of the Division of Local Government Services, in the New Jersey Department of Community Affairs (the "Local Finance Board") in connection with the Pooled Loan Financing Program and to seek the Local Finance Board's approval pursuant to N.J.S.A. 40A:2-26(e) for a non-conforming principal maturity schedule for the Local Unit Bonds.

Section 3. The Chief Financial Officer of the Local Unit is hereby authorized to, or direct the appropriate party to, enter into one or more loans with the SCIA and is further authorized to execute one or more bond purchase contracts, loan agreements and any and all documents, certificates, opinions and other instruments that are necessary and as may be reasonably required by the Authority in connection with such loan, after consultation with council to the Local Unit.

Section 4. This resolution shall take effect immediately.

RESOLUTION 22-0801-249

**APPROVING SOMERVILLE STREET FAIR ON OCTOBER 2, 2022 FROM 11:00 A.M.
– 5:00 P.M. ON MAIN STREET FROM GROVE STREET TO DOUGHTY AVENUE
(Road closure from 7:00 a.m. to 7:00 p.m.)**

WHEREAS, Streetfairs.org has requested to conduct a Street fair on October 2, 2022 from 11:00 a.m. to 5:00 p.m. on Main Street from Grove Street to Doughty Avenue; and

WHEREAS, Daryl Walker the event organizer has filed the Event Application Plan as required and shall file for all necessary state and local permits, including security and sanitation.

WHEREAS, Daryl Walker is required to coordinate with the Downtown Somerville Alliance, Inc., to curate the event and to work with the DSA to ensure that Main Street merchants are accommodated in accordance with the terms established.

WHEREAS, the roadway closure request is from 7:00 a.m. to 7:00 p.m. on October 2, 2022.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approve the Somerville Street fair on October 2, 2022 from 11:00 a.m. to 5:00 p.m. on Main Street from Grove Street to Doughty Avenue (Road closure from 7:00 a.m. to 7:00 p.m.)

RESOLUTION 22-0801-250

APPROVING NEW WRECKER & TOWING LICENSE FOR 2022-2023

WHEREAS, the following have made application for a new wrecker & towing license for 2022-2023:

Stephen Musial
t/a Musial & Sons
Transport Services, LLC

550 New Market Road
Piscataway, NJ 08854

RESOLUTION 22-0801-251

**AWARDING A CONTRACT TO DESANTIS CONSTRUCTION, INC.
FOR EASTERN STATES PARKWAY AND RESURFACING OF MADISON STREET IN
THE AMOUNT OF \$657,418.46**

WHEREAS, the Borough of Somerville scheduled a public bid for June 15, 2022 for Eastern States Parkway and Resurfacing of Madison Street; and

WHEREAS, Kevin Sluka on behalf of the Borough of Somerville and received (6) six bids on June 15, 2022 and publicly read them aloud; and

WHEREAS, DeSantis Construction, Inc., PO Box 6030, Somerset, NJ 08875 was the lowest responsible bidder.

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby awards a contract to DeSantis Construction, Inc., PO Box 6030, Somerset, NJ 08875 in the amount of \$657,418.46.

RESOLUTION 22-0801-252

MEMORIALIZING KELLY GRIFFIN TO BE HIRED AS A LIFEGUARD AT \$17 PER HOUR FROM JUNE 18, 2022 - AUGUST 21, 2022

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves Kelly Griffin to be hired as a Lifeguard at \$17 per hour from June 18, 2022 – August 21, 2022.

RESOLUTION 22-0801-253

MEMORIALIZING MEGAN MACK TO BE HIRED AS A POOL SUPERVISOR AT \$20 PER HOUR FROM JUNE 18, 2022 - AUGUST 21, 2022

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves Megan Mack to be hired as a pool Supervisor at \$20 per hour from June 18, 2022 – August 21, 2022.

RESOLUTION 22-0801-254

MEMORIALIZING KAYLA HNASKO TO BE HIRED AS A POOL SUPERVISOR AT \$20 PER HOUR FROM JUNE 18, 2022 - AUGUST 21, 2022

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves Kayla Hnasko to be hired as a pool Supervisor at \$20 per hour from June 18, 2022 – August 21, 2022.

RESOLUTION 22-0801-255

MEMORIALIZING THE CLERK TO EXECUTE AN ACCESS AGREEMENT WITH GEOSYNTEC TO GRANT ACCESS TO HOLLY GLEN ROAD FOR PLACEMENT OF A MONITORING WELL

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the clerk to execute an agreement with Geosyntec.

RESOLUTION 22-0801-256

**APPROVING THE REDUCTION OF PERFORMANCE BOND AND CASH BOND
AMOUNT FOR SOMERSET STATION URBAN RENEWAL, LLC,
WITH CHA PROJECT #32956-5000**

WHEREAS, the applicant has requested a 10% cash bond reduction and performance bond reduction; and

WHEREAS, in a letter dated May 31, 2022 from Christopher Borinski, PE, of CHA to Kevin Sluka, Municipal Clerk recommends the 10% cash bond amount reduction from \$313,757.52 to \$94,127.26 and performance bond amount reduction from \$2,823,817.68 to \$847,145.30.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approves the 10% cash bond reduction and performance bond reduction for Somerset Station Urban Renewal, LLC an affiliate of Somerset Development, LLC.

RESOLUTION 22-0801-257

**ACCEPTING AN AWARD OF \$2,541,600.00 FROM DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT FOR CHAMBRES PARK IMPROVEMENT
GRANT NUMBER B-22-CP-NJ-0588**

WHEREAS, the Borough of Somerville has applied for and has been awarded a grant in the amount of \$2,541,600.00 in grant #B-22-CP-NJ-0588 from Department of Housing and Urban Development for Chambres Park Improvement; and

WHEREAS, in July 2022 the Borough acceptance of this grant #B-22-CP-NJ-0588; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Somerville that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Borough of Somerville.

RESOLUTION 22-0801-258

**AUTHORIZING BONDS AGGREGATING THE PRINCIPAL SUM NOT TO EXCEED
\$5,200,000 AUTHORIZED BY ONE BOND ORDINANCE HERETOFORE ADOPTED
TO FINANCE PART OF THE COST OF VARIOUS GENERAL IMPROVEMENTS IN
THE BOROUGH OF SOMERVILLE, COUNTY OF SOMERSET, NEW JERSEY INTO
ONE CONSOLIDATED ISSUE OF BONDS AND PROVIDING FOR THE FORM,
MATURITIES AND OTHER DETAILS OF SAID CONSOLIDATED ISSUE**

WHEREAS, the Borough Council of the Borough of Somerville, in the County of Somerset, New Jersey (the "Borough"), has heretofore adopted one bond ordinance

authorizing bonds to finance part of the cost of various general improvements in said Borough; and

WHEREAS, it is necessary to issue bonds pursuant to said ordinance in an aggregate principal amount not to exceed \$5,200,000 and it is deemed advisable and in the best interests of the Borough, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said one ordinance into one consolidated issue in the aggregate principal amount not to exceed \$5,200,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey; and

NOW, THEREFORE, BE IT RESOLVED BY 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) that:

There shall be issued bonds of the Borough in the following principal amounts pursuant to the following bond ordinance:

A. An amount not to exceed \$5,200,000 bonds, being bonds authorized by an ordinance entitled: (Ord. No. 2675):

“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.”

heretofore finally adopted. The average period of usefulness is 20 years.

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount not to exceed \$5,200,000 and are sometimes hereinafter collectively referred to as the “Bonds.” The bonds referred to in Subsection A shall be designated “General Obligation Bonds, Series 2022” and shall be numbered with the prefix G from one (1) consecutively upward. The bonds of said consolidated issue shall be dated the date of delivery of the Bonds and will be issued in fully registered form. The Bonds of said issue (i) shall be dated the date of delivery of the Bonds, (ii) shall mature in the years 2023 through 2037, or such other years as may be determined by the Chief Financial Officer, (iii) shall bear interest at the interest rates per annum as determined by the Chief Financial Officer, (iv) shall be sold at such price or prices as determined by the Chief Financial Officer, and (v) may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer, as shall be set forth in the proposal for the purchase of the Bonds acceptance of which is authorized pursuant to Section 5 hereof. The Bonds shall be numbered one consecutively upward and will be issued in fully registered form.

Section 3. The Bonds shall be payable as to interest at the corporate trust office of U.S. Bank Trust Company, National Association, Iselin, New Jersey, (or other

trustee bank selected by the hereinafter defined Authority) payable on the February 15 and August 15 prior to each March 1 and September 1, commencing March 1, 2023, in an amount equal to the interest accruing to each such March 1 and September 1, and payable as to principal at the corporate trust office of U.S. Bank Trust Company, National Association, payable on the 15th day of the month immediately preceding the due date therefor. Interest on the Bonds shall be calculated on the basis of a 360-day year or nine 30-day calendar months.

Section 4. The Bonds shall be signed by the Mayor and the Borough Chief Financial Officer (each an "Authorized Officer"), by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk of the Borough.

Section 5. The Bonds are hereby sold and awarded to the Somerset County Improvement Authority (the "Authority") by an Authorized Officer at a price determined by the Authorized Officer pursuant to the terms of a Bond Purchase Agreement between the Borough and the Authority (the "Bond Purchase Agreement"). The Mayor and Chief Financial Officer are hereby authorized on behalf of the Borough to execute the Bond Purchase Agreement by and between the Borough and the Somerset County Improvement Authority and the Continuing Disclosure Agreement by and between the Borough and U.S. Bank Trust Company, National Association, if necessary.

Section 6. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form: