

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

**Monday, September 19, 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. September 6, 2022
- 4. RESOLUTION 22-0919-289 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment
- b. Personnel

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. September 6, 2022
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. St. Hubert's Monthly Report August
 - b. Somerville Division of Health Report August
- 6. PROCLAMATION**
 - a. Diaper Need Awareness Week -September 24th - October 2nd

7. COMMITTEE REPORTS

8. MAYORAL APPOINTMENT

- a. Lisa Werner -Planning Board - Alternate II (term expires 12/31/2023)

9. DISCUSSION

- a. E. Cliff Street and Grove Street Intersection
- b. Somerville Civic Center

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

- | | |
|---------------------|---|
| <u>2680-22-0906</u> | APPROVING COTTAGE FOOD OPERATOR USE IN THE BOROUGH OF SOMERVILLE (<i>this public hearing will need be table since the Planning Board cancelled it's meeting and unable to formally comment</i>) |
| <u>2681-22-0906</u> | AMENDING CHAPTER 166 SECTION 51 SCHEDULE X: ENTITLED YIELD INTERSECTIONS TO DELETE LEE WAY ON THE INTERSECTION OF LISA TERRACE AND LEE WAY AND TO AMEND CHAPTER 166 SECTION 50 SCHEDULE IX ENTITLED STOP INTERSECTIONS TO INCLUDE LEE WAY ON THE INTERSECTION OF LISA TERRACE AND LEE WAY |
| <u>2682-22-0906</u> | AMENDING ORDINANCE #2674-22-0516 ESTABLISHING A SALARY RANGE FOR EMPLOYEE TITLES TO BE PAID TO CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF SOMERVILLE |
| <u>2683-22-0906</u> | APPROVING AND AUTHORIZING AN AMENDED AND RESTATED FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND 50 KIRBY AVENUE URBAN RENEWAL, LLC PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. FOR PROPERTY LOCATED AT 50 KIRBY AVENUE, ALSO KNOWN AS LOT 4.01 IN BLOCK 1, AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF SOMERVILLE, LOCATED IN THE KIRBY AVENUE REDEVELOPMENT AREA |
| <u>2684-22-0906</u> | AMENDING BOND ORDINANCE NUMBER 2670 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOMERVILLE, NEW JERSEY ON APRIL 4, 2022 |

11. MEETING OPEN TO THE PUBLIC

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

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

(RESOLUTIONS 22-0919-290 THRU 22-0919-302)

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

- 22-0919-290 URGING THE NEW JERSEY LEGISLATURE TO DRAFT AND ADOPT LEGISLATION TO REQUIRE MANDATED PERIODIC INSPECTIONS OF PUBLIC AND PRIVATE PARKING STRUCTURES
- 22-0919-291 APPROVING THE HIRING OF MARY ANN REH AS THE REGISTRAR
- 22-0919-292 AWARDDING A CONTRACT TO MOTIVATED SECURITY SERVICES, INC., FOR CROSSING GUARD SERVICES FOR SEPTEMBER 2022 THROUGH JUNE 2024
- 22-0919-293 SUPPORTING AND CONSENTING TO A PHASE 2 OF THE DEVELOPMENT OF A MIXED-USE PROJECT BY SOMERSET STATION URBAN RENEWAL, LLC ON PROPERTY KNOWN AS TAX BLOCK 123, LOT 2.03 IN THE LANDFILL REDEVELOPMENT AREA
- 22-0919-294 APPROVING CHAPTER 159 FOR NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION-HDSRF, PUBLIC ENTITY GRANT PROGRAM APPLICATION #00301883 FOR ADDITIONAL REMEDIAL ACTION OF CERTAIN SECTIONS OF THE SOMERVILLE LANDFILL BDA AREA
- 22-0919-295 APPROVING TAX OVERPAYMENT REFUNDS
- 22-0919-296 APPOINTING RON CZAJKOWSKI TO THE HISTORIC ADVISORY COMMITTEE (expired term 12/31/22)
- 22-0919-297 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR T & M ASSOCIATES FOR SURVEY, ENGINEERING DESIGN AND CONTRACT ADMINISTRATION & INSPECTION SERVICES FOR IMPROVEMENTS AT THE MICHAEL LEPP PARK POOL

- 22-0919-298 APPROVING GIRLS ON THE RUN RACE FOR NOVEMBER 20, 2022 STARTING AT 11:00 A.M. ON THE CORNER OF HIGH STREET AND BRIDGE STREET
- 22-0919-299 ACCEPTING THE RETIRMENT RESIGNATION OF MARCIE TYSON EFFECTIVE OCTOBER 1, 2022 (END OF BUSINESS SEPTEMBER 30, 2022) AND AUTHORIZING FINAL PAYMENT FOR TIME ACCUMULATED
- 22-0919-300 APPROVING CHAPTER 159 FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT #UCF-2022-0014 FOR 2022 NJUCF STEWARDSHIP GRANT – REFORESTATION AND TREE PLANTING GRANT
- 22-0919-301 APPROVING THE HIRING OF JEREMY SUSSER AS FULL TIME FIRE MAINTENANCE ASSISTANT EFFECTIVE OCTOBER 3, 2022
- 22-0919-302 AUTHORIZING EXECUTION FOR RIGHT OF ENTRY AGREEMENT FOR PSE&G-CHAMBRES PARK KNOWN AS BLOCK 301 LOT 1

13. BILLS AND VOUCHERS

14. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

ORDINANCE #2680-22-0906

**AMENDING THE SOMERVILLE BOROUGH LAND USE LAW TO INCLUDE
CHAPTER 102 SECTION 120(K) APPROVING COTTAGE FOOD OPERATION**

WHEREAS, the Borough of Somerville amends the Somerville Borough Land Use Law to include Chapter 102 Section 120(K) permitting Cottage Food Operation as an accessory use in all zone districts that allow residences subject to the following requirements:

1. There shall be only one such use in any dwelling unit.
2. The use shall be operated by or shall employ in the dwelling unit only a resident or residents who are permanent full-time residents of the dwelling unit, and no other persons.
3. The use shall be located only within the principal building, and not within any accessory buildings. There shall not be permitted the conversion of garage parking areas to cottage food use.
4. The dwelling unit shall not be divided or partitioned in any way to prevent free access between all portions of the dwelling unit and the area devoted to the cottage food use.
5. There shall be no change to the exterior of buildings or other structures for the use, and no outside appearance of a business use, including but not limited to parking, storage, signs, or lights.
6. The use shall not operate any equipment or conduct any process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with telephone, radio, or television reception, any of the foregoing which are detectable by neighboring residents.
7. The use shall not require any increased or enhanced electrical, water, natural gas or other utility service, supply, or usage, above what is typically required for residential use in the zone district.
8. The quantity and type of solid waste disposal shall be the same as for other residential uses in the zone district.
9. The capacity and quality of effluent shall be the same as is typical of normal residential use in the zone district and shall create no potential or actual detriment to the sanitary sewer system or its components.
10. Deliveries to and from the use shall be made by the same types of trucks used by the U.S. Postal Service, United Parcel Service, Federal Express and other similar

delivery services when providing regular service to residential uses in the zone district (e.g. no larger than a box truck).

11. All vehicular traffic to and from the cottage food use shall be limited in volume, type, and frequency to that which is normally associated with other residential uses in the zone district.
12. Such uses shall have a Cottage Food Operator Permit issued by the NJ Department of Health and is exempt from the requirement to obtain either a zoning permit or site plan approval.
13. Upon request, the resident shall allow inspection of the dwelling by the Borough.
14. Effective upon review of the Somerville Borough Planning Board and adoption of the Borough Council and advertising required by law.

ORDINANCE #2681-22-0906

**AMENDING CHAPTER 166 SECTION 51 SCHEDULE X: ENTITLED
YIELD INTERSECTIONS TO DELETE LEE WAY ON THE
INTERSECTION OF LISA TERRACE AND LEE WAY AND TO AMEND
CHAPTER 166 SECTION 50 SCHEDULE IX ENTITLED STOP
INTERSECTIONS TO INCLUDE LEE WAY ON THE INTERSECTION OF
LISA TERRACE AND LEE WAY**

§ 166-51 Schedule X: Yield Intersections.

In accordance with the provisions of § 166-15, the following described intersections are hereby designated as yield intersections, and yield signs shall be installed as follows:

Yield Sign On	Intersection
Bell Avenue (westbound)	Cornell Boulevard and Bell Avenue (westbound)
Catalina Drive	South Cadillac Drive and Catalina Drive
Eastern States Parkway	Halsey Street and Eastern States Parkway
Fleetwood Drive	Everit Drive and Fleetwood Drive
Fleetwood Drive	Riviera Drive and Fleetwood Drive
Imperial Drive	Fleetwood Drive and Imperial Drive
Imperial Drive	Seville Drive and Imperial Drive
Kirby Avenue	Haynes Street and Kirby Avenue
Lee Way	Lisa Terrace and Lee Way

Yield Sign On	Intersection
Lisa Terrace	Reimer Street and Lisa Terrace
Michael Lane	South Cadillac Drive and Michael Lane
North Middaugh Street	Prospect Street and North Middaugh Street
Robin Road	Nagle Drive and Robin Road
Sycamore Street	South Cadillac Drive and Sycamore Street

§ 166-50 Schedule IX: Stop Intersections.

In accordance with the provisions of § 166-14, the following described intersections are hereby designated as stop intersections:

Stop Sign	On Intersection
Bartine Street	Culver Street and Bartine Street
Bell Avenue	North Middaugh Street and Bell Avenue
Cammann Place	North Middaugh Street and Cammann Place
Catherine Street	Culver Street and Catherine Street
Center Street	Fifth Street and Center Street
Center Street	Fourth Street and Center Street
Center Street	Second Street and Center Street
Center Street	Third Street and Center Street
Central Avenue	Loeser Avenue and Central Avenue
Culver Street	East Cliff Street and Culver Street
DeMond Place	Sycamore Street and DeMond Place
East Cliff Street	Eastern Avenue and East Cliff Street
Eastern Avenue	East High Street and Eastern Avenue
Fairview Avenue	Haynes Street and Fairview Avenue

Stop Sign	On Intersection
Fairview Avenue	South Gaston Avenue and Fairview Avenue
Grant Avenue	Vanderveer Avenue and Grant Avenue
Hunterdon Street	Davenport Street and Hunterdon Street
Ivanhoe Avenue	North Bridge Street and Ivanhoe Avenue
Kirby Avenue	South Adamsville Road and Kirby Avenue
<u>Lee Way</u>	<u>Lisa Terrace and Lee Way</u>
Lincoln Avenue	Cleveland Street and Lincoln Avenue
Lori Drive	Reimer Street and Lori Drive
Meadow Street	Veterans Memorial Drive East and Meadow Street
Middaugh Street	Altamont Place and Middaugh Street
North Doughty Avenue	West Summit Street and North Doughty Avenue
North Middaugh Street	West Summit Street and North Middaugh Street
Prospect Drive	Prospect Street and Prospect Drive
Reimer Street	Eastern Avenue and Reimer Street
Roosevelt Place	Schoolhouse Lane and Roosevelt Place
South Gaston Avenue	Central Avenue and South Gaston Avenue
South Middaugh Street	Washington Place and South Middaugh Street
South Street	Division Street and South Street
Steele Avenue	Vanderveer Avenue and Steele Avenue
Third Street	Third Street and Center Street
Vanderveer Avenue	East High Street and Vanderveer Avenue
Vanderveer Avenue	Reimer Street and Vanderveer Avenue
West Summit Street	North Middaugh Street and West Summit Street

This Ordinance shall take effect as provided by law.

ORDINANCE# 2682-22-0906

**AMENDING ORDINANCE #2674-22-0516 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:

<u>PRIMARY TITLE</u>	<u>MIN</u>	<u>MAX</u>
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
RECEPTIONIST/ADMINISTRATIVE ASSISTANT	\$40,000	\$50,000
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 MAINTENCE	\$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 #2683-22-0906

APPROVING AND AUTHORIZING AN AMENDED AND RESTATED FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND 50 KIRBY AVENUE URBAN RENEWAL, LLC PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. FOR PROPERTY LOCATED AT 50 KIRBY AVENUE, ALSO KNOWN AS LOT 4.01 IN BLOCK 1, AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF SOMERVILLE, LOCATED IN THE KIRBY AVENUE REDEVELOPMENT AREA

BE IT ORDAINED by the Borough Council of the Borough of Somerville that:

Section 1. Pursuant to and in accordance with the provisions of the Long-Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the “Long Term Tax Exemption Law”, as codified in N.J.S.A. 40A:20-1 et seq.), the Borough is authorized to provide for tax exemptions within a redevelopment area and for payments in lieu of taxes.

Section 2. 50 Kirby Avenue Urban Renewal, LLC (the “Redeveloper”) owns Block 1, Lot 4.01, (the “Property”) on which it proposes to construct a 174-unit residential rental townhouse style apartment community with 400 parking spaces (the “Project”).

Section 3. On November 17, 2017, the Borough and the Redeveloper entered into a financial agreement for the payment of annual service charges for a term of 25 years based on a percentage of Annual Gross Revenues (“AGR”) from the Project pursuant to the Long-Term Tax Exemption Law (the “Financial Agreement”) starting at 10% AGR for years 1-5; 12% AGR for years 6-14; and 15% AGR for years 15-25.

Section 4. As a result of finding unexpected soil contamination that exceeds the NJDEP maximum standards, including PCB's, the Redeveloper requested that the Borough consider amending the Financial Agreement due to the additional time and expense associated with the remediation of the unexpected soil contamination at the Property.

Section 5. In order to assist the Redeveloper as a result of this unexpected environmental contamination and resulting delays and costs in completing the Project, the Redeveloper requested and the Borough has agreed to an amendment of the Financial Agreement for the percentage of Annual Gross Revenues ("AGR") from the Project pursuant to the Long-Term Tax Exemption Law as follows: the original 10% AGR for years 1-5 shall be extended for five (5) years; the original 12% AGR for years 6-14 shall be amended for years 11-15; and original 15% AGR for years 15-25 shall be amended for years 16-25.

Section 6. The Financial Agreement, specifically Section 4.2 shall be amended to provide for the percentage of Annual Gross Revenues ("AGR") from the Project as follows: 10% AGR for years 1-10; 12% AGR for years 11-15; and 15% AGR for years 16-25.

Section 7. The Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary including an Amended and Restated Financial Agreement, in a form subject to final review and approval by the Borough's legal counsel.

Section 8. This ordinance shall take effect upon final passage and publication as required by law.

ORDINANCE #2684-22-0906

AMENDING BOND ORDINANCE NUMBER 2670 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOMERVILLE, NEW JERSEY ON APRIL 4, 2022

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 \$2,417,000 For Various Improvements And Purposes For And By The Borough Of Somerville, In The County Of Somerset, New Jersey And Authorizing The Issuance Of \$1,444,000 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation" finally adopted on April 4, 2022 (the "Ordinance"), is hereby incorporated by reference in its entirety.

Section 2. Section 3(a)(1) of the Ordinance is hereby amended in its entirety as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
1. Improvements to various roads of the Borough, including but not limited to Eastern States Parkway, Brookside Avenue, Orchard Street, Riviera Drive and Central Avenue, including as required, manhole/catch basin renovations, concrete curbing, concrete sidewalk replacement, granite curbing, milling of pavement, drainage structures, micro surfacing, traffic calming, road striping and resurfacing of various tertiary and secondary roadways, including all structures and appurtenances, work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$1,497,000	\$679,000	20 Years

This Ordinance is further amended by (a) deleting the reference of “\$2,417,000” for the appropriation and estimated cost and “\$1,444,000” for the estimated maximum amount of bonds or notes and substituting in lieu therefor “\$2,717,000” and “\$1,729,000”, respectively; by (b) deleting the reference to “\$45,000” for the down payment required by the Local Bond Law and substituting in lieu therefor “\$60,000”, (c) by deleting the reference to “\$400,000” for section 20 costs and substituting in lieu therefor “\$500,000” and (d) by deleting the reference to “13.73” for useful life and substituting in lieu therefor “14.76.

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 \$1,729,000.

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 22-0919-290

URGING THE NEW JERSEY LEGISLATURE TO DRAFT AND ADOPT LEGISLATION TO REQUIRE MANDATED PERIODIC INSPECTIONS OF PUBLIC AND PRIVATE PARKING STRUCTURES

WHEREAS, at least eight (8) privately owned and managed parking structures exists within the Borough of Somerville; and

WHEREAS, neglected and poorly maintained structures pose a safety risk to users, pedestrians and risk of property damage; and

WHEREAS, as a result falling debris in a parking structure located in the Borough of Somerville, Borough officials had to conduct an inspection of a private parking structure which resulted in an unsafe structure notice; and

WHEREAS, New Jersey does not have a mandated periodic inspection requirement for owners and operators of public or private parking structures for structural soundness and safety; and

WHEREAS, we urge the New Jersey Legislature to adopt legislation that would mandate periodic inspection requirements for public and private parking structures aimed at protecting the public from failing and unmaintained structures; and

WHEREAS, such legislation shall require the periodic inspections to be performed by structural engineers at a cost of owners and operators; and

WHEREAS, the Borough of Somerville willing to share its vision of said law and craft legislation in collaboration with the State of New Jersey:

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey urges the New Jersey legislature to draft and consider a periodic inspection law for public and private parking decks.

BE IT FURTHER RESOLVED, that the Mayor and Council and Borough officials of the Borough of Somerville offer its talents and experience in assisting in the drafting of said legislation.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall send a copy of this sealed and signed resolution to Somerville Borough's legislative delegation and to the Office of Governor Philip Murphy.

RESOLUTION 22-0919-291

APPROVING THE HIRING OF MARY ANN REH AS REGISTRAR

WHEREAS, the Borough of Somerville advertised for the full time position of Registrar; and

WHEREAS, the Personnel Committee recommended the hiring of Mary Ann Reh at an annual salary of \$62,000, prorated for 2022.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the hiring of Mary Ann Reh at an annual salary of \$62,000 prorated for 2022.

RESOLUTION 22-0919-292

AWARDING A CONTRACT TO MOTIVATED SECURITY SERVICES, INC., FOR CROSSING GUARD SERVICES FOR SEPTEMBER 2022 THROUGH JUNE 2024

WHEREAS, on August 18, 2022, the Borough of Somerville legally advertised that sealed bids would be received on September 9, 2022; and

WHEREAS, the Borough received a bid on September 9, 2022 as follows:
Motivated Security Services, Inc.

WHEREAS, the lowest responsible bid submitted by Motivated Security Services, Inc., 34 W. Main Street, Somerville, New Jersey 08876 is as follows:

	Crossing Guard per hour	Supervisor per hour
2022 September - December	\$23.15	\$27.36
2023 January – June & September - December	\$23.73	\$28.08
2024 January – June	\$24.59	\$28.80

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby awards a contract to by Motivated Security Services, Inc., 34 W. Main Street, Somerville, New Jersey 08876 as per the preamble.

RESOLUTION 22-0919-293

SUPPORTING AND CONSENTING TO A PHASE 2 OF THE DEVELOPMENT OF A MIXED-USE PROJECT BY SOMERSET STATION URBAN RENEWAL, LLC ON PROPERTY KNOWN AS TAX BLOCK 123, LOT 2.03 IN THE LANDFILL REDEVELOPMENT AREA

WHEREAS, on December 8, 1997, the Somerville Borough Council, by resolution designated an area in need of redevelopment, now known as the Borough Landfill Redevelopment Area; and

WHEREAS, on March 16, 1998, the Borough Council, by ordinance adopted a redevelopment plan for the Redevelopment Area (as defined below) entitled the Borough Landfill Redevelopment Plan, which 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 has been amended from time-to-time; and

WHEREAS, Tax Block 123, Lots 2.01, 3, 5, 12 & 12.01 and Tax Block 124, Lots 18, 19 & 20 (the “Properties”) are located in the Redevelopment Area, which Properties have been subdivided to create new lots; and

WHEREAS, Redeveloper’s affiliate, Somerset Development, LLC, a New Jersey limited liability company (“Somerset”), and New Jersey Transit Corporation (“NJT”) entered into a Memorandum of Understanding, dated August 21, 2014, with regards to the redevelopment and sale of the Properties, which has been superseded and replaced by the Master Development Agreement, dated June 19, 2016 between the Somerset and NJT, which has been amended multiple times by the parties; and

WHEREAS, Somerset Development made a presentation to the Borough Council regarding its revised proposal to develop a mixed use project on the Property consisting of approximately 527 residential units, up to 4,000 square feet of non-residential public/civic space, 4,000 square feet of commercial/retail space, two structured parking facilities consisting of approximately 526 spaces and 338 spaces, and approximately 1,193 total parking spaces, respectively as part of the initial Phase of the project (“Phase 1”); and

WHEREAS, Somerset Development obtained site plan approval from the Planning Board on May 9, 2018 and memorialized on June 27, 2018 for Phase 1; and

WHEREAS, Somerset subsequently formed a new entity, Somerset Station Urban Renewal, LLC (the “Redeveloper”); and

WHEREAS, on March 18, 2019, the Borough and Redeveloper entered into a redevelopment agreement for Phase 1, which also contemplated a Phase 2; and

WHEREAS, the Redeveloper and/or its qualified developers are currently constructing the Phase 1 project which is anticipated to be completed in 2023; and

WHEREAS, the Redeveloper has requested the Borough’s support and consent as it seeks to begin the development of Phase 2, which is anticipated to include additional multi-family residential of between 125-200 units; and

WHEREAS, the Borough believes that the redevelopment of Phase 2 in the manner proposed by the Redeveloper is in the vital and best interests of the community and promotes the health, safety, morals and welfare of the Borough’s residents and is in accord with the public purpose and provisions of the Local Redevelopment and Housing Law, and is consistent with the Redevelopment Plan, Planning Board approval and the Redevelopment Agreement; and

WHEREAS, the purpose of this resolution is to express the Borough's support and consent for Phase 2 of the Redeveloper's redevelopment of Block 123, Lot 2.03 consistent with the Redevelopment Plan and subject to certain conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Somerville that it hereby offers its support and consents to a Phase 2 of the mixed use project by Somerset Station Urban Renewal, LLC on Tax Block 123, Lot 2.03 located in the Landfill Redevelopment Area, subject to the Redeveloper obtaining any required approvals from NJT for Phase 2, the Borough and Redeveloper entering into an amendment to the Redevelopment Agreement for Phase 2 and the Redeveloper obtaining any and all other required permits and approvals for the development of Phase 2.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute any and all documents that may be required by the support and consent provided for Phase 2.

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

RESOLUTION 22-0919-294

APPROVING CHAPTER 159 FOR NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION- HDSRF, PUBLIC ENTITY GRANT PROGRAM APPLICATION #00301883 FOR ADDITIONAL REMEDIAL ACTION OF CERTAIN SECTIONS OF THE SOMERVILLE LANDFILL BDA AREA

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 received notice of an award of \$5,000,000.00 from New Jersey Department of Environmental Protection and wishes to amend its 2022 Budget to include this amount as 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..... \$5,000,000.00 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:
 The New Jersey Department of Environmental Protection -
 Remedial Action\$5,000,000.00

BE IT FURTHER RESOLVED that a like sum of.....\$5,000,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:
 Operations-Excluded from "CAPS"
 Public and Private Programs Offset by Revenues:
 The New Jersey Department of Environmental Protection -
 Remedial Action

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 22-0919-295

APPROVING TAX OVERPAYMENT REFUNDS

WHEREAS, a tax overpayment has occurred on property in the Borough of Somerville; and

WHEREAS, the Tax Collector has research and determined that a refund should be issued on this account.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be instructed to refund the amounts to the blocks and lots listed below:

Block/Lot	Year	Name	Address	Reason	Amount	PO#
111/6	2022	F. Piccirillo	29 Ross St	Duplicate	\$2,854.83	22-01145
124/2.07 C1309	2022	M. Wilkins	1042 Station Rd	Duplicate	\$3,749.10	22-01146

RESOLUTION 22-0919-296

APPOINTING RON CZAJKOWSKI TO THE HISTORIC ADVISORY COMMITTEE
 (expired term 12/31/22)

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

RESOLUTION 22-0919-297

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR

**T & M ASSOCIATES FOR SURVEY, ENGINEERING DESIGN AND CONTRACT
ADMINISTRATION & INSPECTION SERVICES FOR IMPROVEMENTS AT THE
MICHAEL LEPP PARK POOL**

WHEREAS, the Borough of Somerville requires professional engineering services for Survey, Engineering Design and Contract Administration & Inspection Services for Improvements at the Michael Lepp Park Pool; and

WHEREAS, the Borough Administrator has determined and certified in writing by copy of this Resolution that the value of the contract will exceed \$17,500; and

WHEREAS, the firm of T & M Associates submitted a proposal that exhibited a familiarity with the Borough of Somerville, experience with municipalities within the County, the County itself and public clients of similar size and budgets; and

WHEREAS, the Borough of Somerville has utilized the firm of T & M Associates in the past and found their work to be satisfactory; and

WHEREAS, the firm of T & M Associates has submitted a proposal along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable the firm of T & M Associates to provide such services; and

WHEREAS, all work shall be authorized prior to commencement, however this contract shall be considered a month-to-month contract and shall not exceed 12 months.

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 NJ 07003 is hereby authorized
2. The Mayor and Clerk are authorized to sign a contract with the Firm of T & M Associates, 1455 Broad Street, Suite 250, Bloomfield NJ 07003 in accordance with the following terms and conditions:
 - A. Term: Month to Month for a period of not to exceed 12 months or for length of project
 - B. Rate: Fee as stated in proposal dated September 1, 2022.
 - C. Services: The firm shall provide professional engineering services for Survey, Engineering Design and Contract Administration & Inspection Services for Improvements at the Michael Lepp Park Pool

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.
4. 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 22-0919-298

APPROVING GIRLS ON THE RUN RACE FOR NOVEMBER 20, 2022 STARTING AT 11:00 A.M. ON THE CORNER OF HIGH STREET AND BRIDGE STREET

WHEREAS, Girls on the Run race is schedule to take place on Sunday, November 20, 2022, starting at 11:00 a.m.; and

WHEREAS, the race will be utilizing the regular race route ending on East High Street and the corner of North Bridge Street; and

WHEREAS, the race organizers must complete the road closure and police request forms and make payment to the Police Off-Duty escrow prior to scheduling of officers.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, hereby approve the Girls on the Race to be held on Sunday November 20, 2022 contingent on the submission of the appropriate forms and payment to the Police Off-Duty escrow prior to scheduling of Off-Duty Police Officers.

RESOLUTION 22-0919-299

ACCEPTING THE RETIRMENT RESIGNATION OF MARCIE TYSON EFFECTIVE OCTOBER 1, 2022 (END OF BUSINESS SEPTEMBER 30, 2022) AND AUTHORIZING FINAL PAYMENT FOR TIME ACCUMULATED

BE IT RESOLVED by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby accepts the retirement resignation of Marcie Tyson effective October 1, 2022 (end of business September 30, 2022) and wishes her well in her future endeavors and authorizes final payment for time accumulated at a rate of \$272.79 @ 186.38 days = \$17,727.91, which shall be paid as follows: 2022: \$2,727.91 (Personal, Vacation, Holiday); 2023: \$15,000 (Accumulated sick cap)

RESOLUTION 22-0919-300

APPROVING CHAPTER 159 FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT #UCF-2022-0014 FOR 2022 NJUCF STEWARDSHIP GRANT – REFORESTATION AND TREE PLANTING GRANT

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 received notice of an award of \$137,210.00 from the Department of Environmental Protection Grant #UCF-2022-0014 For 2022 NJUCF Stewardship Grant – Reforestation and Tree Planting Grant 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.....\$137,210.00 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:
 - 2022 NJUCF Stewardship Grant – Reforestation and Tree Planting Grant\$137,210.00

BE IT FURTHER RESOLVED that a like sum of.....\$137,210.00 be and the same is hereby appropriated under the caption of:

- General Appropriations:
 - Operations-Excluded from “CAPS”
 - Public and Private Programs Offset by Revenues:
 - 2022 NJUCF Stewardship Grant – Reforestation and Tree Planting 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 22-0919-301

APPROVING THE HIRING OF JEREMY SUSSER AS FULL TIME FIRE MAINTENANCE ASSISTANT EFFECTIVE OCTOBER 3, 2022

WHEREAS, the Borough of Somerville approves the hiring of Jeremy Susser; and

WHEREAS, this position is a Union position covered by AFSCMENJ and a collective bargaining agreement; and

WHEREAS, Jeremy Susser shall be paid a salary of \$52,000.00 per year.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the hiring of Jeremy Susser as full time Fire Maintenance Assistant effective October 3, 2022 at a salary of \$52,000.00 per year.

RESOLUTION 22-0919-302

**AUTHORIZING EXECUTION FOR RIGHT OF ENTRY AGREEMENT FOR PSE&G-
CHAMBRES PARK KNOWN AS BLOCK 301 LOT 1**

BE IT RESOLVED by the Borough Council of the Borough of Somerville hereby authorizes execution and signature for right of entry agreement for PSE&G-Chambres Park known as Block 301 Lot 1.