

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

**Monday, October 3, 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 19, 2022
- 4. RESOLUTION 22-1003-303 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 19, 2022
- 5. DEPARTMENTAL REPORTS & NOTICES**
- 6. COMMITTEE REPORTS**
- 7. DISCUSSION**

8. ORDINANCE FOR INTRODUCTION

2685-22-1003 AMENDING CHAPTER 166-44 SCHEDULE III
ENTITLED NO STOPPING OR STANDING TO
INLCUDE SECTIONS OF MOUNTAIN AVENUE ON
EAST SIDE OF MOUNTAIN AVENUE

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

2680-22-0906 AMENDING THE SOMERVILLE BOROUGH LAND
USE LAW TO INCLUDE CHAPTER 102 SECTION
120(K) APPROVING COTTAGE FOOD OPERATION

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 22-1003-304 THRU 22-1003-312)

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

- 22-1003-304 AMENDING RESOLUTION 22-0906-276 HOURS OF
OPERATION FOR THE PICKLE BALL AND TENNIS COURT
AT HENRY P. VANDER VEER MEMORIAL PARK FROM
DAWN TO 10:00PM
- 22-1003-305 ACCEPTING A GRANT OF \$2,625.50 FROM THE BUREAU
OF JUSTICE ASSISTANCE-2022 PATRICK LEAHY
BULLETPROOF VEST PARTNERSHIP
- 22-1003-306 MEMORIALIZING AND APPROVING THE EXECUTION OF
CONTRACT FOR E-TICKET RENEWAL AGREEMENT
AMENDMENT BETWEEN SOMERVILLE POLICE
DEPARTMENT AND GTBM, INC.
- 22-1003-307 AUTHORIZING THE EXECUTION OF AN INTERLOCAL
SERVICES AGREEMENT BETWEEN THE BOROUGH OF
BOUND BOOK FOR STREET CLEANING
- 22-1003-308 CONFIRMING THE SALE OF \$4,570,000 GENERAL
OBLIGATION BONDS, SERIES 2022 OF THE BOROUGH OF
SOMERVILLE, IN THE COUNTY

OF SOMERSET, NEW JERSEY TO THE SOMERSET
COUNTY IMPROVEMENT AUTHORITY

- 22-1003-309 AUTHORIZING APPLICATION FOR FUNDING THROUGH GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE AND AUTHORIZING ACCEPTANCE OF THE AWARD
- 22-1003-310 APPROVING CHAPTER 159 FOR THE BUREAU OF JUSTICE ASSISTANCE-2022 BULLETPROOF VEST PARTNERSHIP
- 22-1003-311 AMENDING RESOLUTION 21-0517-157 AUTHORIZING THE RELEASE OF A PERFORMANCE BOND- APPLICATION #2016-025P LOCATED AT BLOCK 123 LOT 4 KNOWN AS 110 SOUTH BRIDGE STREET
- 22-1003-312 AUTHORIZING SPOOKTACULAR EVENT TO BE HELD ON FRIDAY, OCTOBER 28, 2022 AND WAIVING PARKING FEES IN LOTS 1, 2 & 4 FROM 3:00 P.M. TO 7:00 P.M.

12. BILLS AND VOUCHERS

13. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinance scheduled for Introduction

ORDINANCE #2685-22-1003

**AMENDING CHAPTER 166-44 SCHEDULE III ENTITLED NO STOPPING OR
STANDING TO INLCUDE SECTIONS OF MOUNTAIN AVENUE ON EAST SIDE OF
MOUNTAIN AVENUE**

WHEREAS, the Borough of Somerville desires to amend Chapter 166, Section 44 Schedule III entitled No Stopping and Standing to read as follows:

§ 166-44 Schedule III: No Stopping or Standing.

In accordance with the provisions of § **166-8**, no person shall stop or stand a vehicle between the times specified upon any of the following described streets or parts of streets:

Name of Street	Side	Hours	Location
<u>Mountain Avenue</u>	East	All	<u>From a point 274 feet north of the northerly curbline of Brookside Avenue to a point 23 feet northerly thereof</u>
<u>Mountain Avenue</u>	East	All	<u>From a point 775 feet north of the northerly curbline of Brookside Avenue to a point 18 feet northerly thereof</u>
<u>Mountain Avenue</u>	East	All	<u>From a point 853 feet north of the northerly curbline of Brookside Avenue to a point 56 feet northerly thereof</u>

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

Ordinances scheduled for public hearing and adoption

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. If the dwelling unit is rented, the property owner shall be notified of the proposed use.

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

RESOLUTION 22-1003-304

**AMENDING RESOLUTION 22-0906-276 HOURS OF OPERATION
FOR THE PICKLE BALL AND TENNIS COURT AT HENRY P.
VANDER VEER MEMORIAL PARK FROM DAWN TO 10:00PM**

WHEREAS, the pickleball and tennis court at Henry P. Vander Veer Memorial Park has operational timed lights and are able to be safely used past dusk.

THEREFORE, BE IT RESOLVED by the governing body of the Borough of Somerville, the pickleball and tennis court at Henry P. Vander Veer Memorial Park has operational hours until 10:00pm effective immediately.

RESOLUTION 22-1003-305

**ACCEPTING A GRANT OF \$2,625.50 FROM THE BUREAU
OF JUSTICE ASSISTANCE-2022 PATRICK LEAHY BULLETPROOF VEST
PARTNERSHIP**

WHEREAS, the Borough of Somerville has applied for and has been awarded a grant in the amount of \$2,625.50 from the Bureau of Justice Assistance-2022 Patrick Leahy Bulletproof Vest Partnership.

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 and Clerk is hereby authorized to execute grant documents as authorized representatives thereunder, as the representative for the Borough of Somerville.

RESOLUTION 22-1003-306

**MEMORIALIZING AND APPROVING THE EXECUTION OF
CONTRACT FOR E-TICKET RENEWAL AGREEMENT AMENDMENT BETWEEN
SOMERVILLE POLICE DEPARTMENT AND GTBM, INC.**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey memorializes and approves a contract for E-Ticket Renewal Agreement Amendment between Somerville Police Department and GTBM, Inc.

RESOLUTION 22-1003-307

**AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT
BETWEEN THE BOROUGH OF BOUND BOOK FOR STREET CLEANING**

WHEREAS, pursuant to N.J.S.A. 40A: 65-1 the Borough of Somerville desires to enter into an Interlocal Services Agreement with another local government entity; and

WHEREAS, the Borough of Somerville has the need for street cleaning and the Borough of Bound Book is able to satisfy those needs on a temporary basis; and

BE IT FURTHER RESOLVED, that the Borough of Somerville, County of Somerset, State of New Jersey authorizes the Borough Administrator to enter into an Interlocal Services Agreement until such time the agreement is no longer necessary.

RESOLUTION 22-1003-308

CONFIRMING THE SALE OF \$4,570,000 GENERAL OBLIGATION BONDS, SERIES 2022 OF THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY TO THE SOMERSET COUNTY IMPROVEMENT AUTHORITY

WHEREAS, pursuant to the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, the Borough adopted a resolution on August 1, 2022 (the "Authorization Resolution"), providing for the issuance and sale of bonds to The Somerset County Improvement Authority (the "Authority") in an aggregate amount not to exceed \$5,200,000 to be issued as one series designated as General Obligation Bonds, Series 2022 (collectively, the "Bonds"); and

WHEREAS, pursuant to the Authorization Resolution, the terms of the Bonds shall be confirmed by the provisions set forth herein (the "Confirming Resolution").

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) that:

SECTION 1. Ordinances. There shall be issued bonds of the Borough in the following principal amounts pursuant to the following bond ordinances:

A. \$4,570,000 bonds, being a portion of the 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. Amount of Bonds. The Bonds in the principal amount of \$4,570,000 are hereby issued and sold in accordance with the provisions of the Authorization Resolution and the provisions of this Confirming Resolution. The Bonds shall constitute and shall be designated "General Obligation Bonds, Series 2022".

SECTION 3. Average Useful Life. It is hereby found, determined and declared, that the average period of usefulness of the improvements or purposes for which the said General Obligation Bonds, Series 2022 are to be issued, taking into consideration the amount of such General Obligation Bonds, Series 2022 to be issued for said improvements or purposes, is 20 years.

SECTION 4. Description of the Bonds.

(a) Terms of the Bonds. The Bonds shall be dated and shall bear interest from the date of delivery at the rates, and shall mature, subject to prepayment as herein provided, on September 1 in the year and in the principal amount set opposite such year in the following table:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>
2023	\$ 85,000	5.00%
2024	125,000	5.00
2025	245,000	5.00
2026	260,000	5.00
2027	270,000	5.00
2028	285,000	5.00
2029	300,000	5.00
2030	315,000	5.00
2031	330,000	5.00
2032	345,000	5.00
2033	365,000	5.00
2034	380,000	5.00
2035	400,000	5.00
2036	420,000	5.00
2037	445,000	5.00

(b) Form of the Bonds. The Bonds shall be in substantially the form set forth in the Authorization Resolution, which form is by this reference incorporated in full as if set forth herein, with such omissions, insertions and variations as are properly required and which are not contrary to any of the provisions of the Authorization Resolution or any of the provisions of this Confirming Resolution.

SECTION 5. Redemption of the Bonds.

The Bonds maturing on or before September 1, 2032 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after September 1, 2033 shall be subject to redemption prior to their respective maturity dates, on or after September 1, 2032 at the option of the Borough, upon notice as described in a bond resolution adopted by the Somerset County Improvement Authority on August 11, 2022, either in whole or in part by lot within a single maturity from maturities selected by the Borough, on any date, at a redemption price equal to 100% of the principal amount thereof (the "Redemption Price"), plus in each case accrued interest to the date fixed for redemption.

If notice of redemption has been given as provided herein, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption.

SECTION 6. Award of the Bonds. The Bonds are authorized to be sold and awarded to The Somerset County Improvement Authority (the "Authority") at a purchase price of \$5,070,666.20 for the Bonds. The terms and conditions of such offer are set

forth in a bond purchase agreement, dated September 22, 2022 (the “Bond Purchase Agreement”), a copy of which is attached hereto as Exhibit A and which by this reference is made a part hereof as if set forth in full herein. Settlement for the Bonds was made in immediately available funds on September 29, 2022.

SECTION 7. Additional Acts. On behalf of the Borough, the appropriate representatives of the Borough are authorized and directed to take all steps which are necessary or convenient to effectuate the terms of the Authorization Resolution and the terms of this Confirming Resolution with respect to the issuance, sale and delivery of the Bonds.

SECTION 8. Effective Date. This Confirming Resolution shall take effect upon adoption hereof.

RESOLUTION 22-1003-309

AUTHORIZING APPLICATION FOR FUNDING THROUGH GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE AND AUTHORIZING ACCEPTANCE OF THE AWARD

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in an effort to prevent alcoholism and drug abuse in communities throughout New Jersey; and

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

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

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Somerset.

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

1. The Borough Council does hereby authorize submission of a strategic plan for the Somerville Municipal Alliance grant for fiscal year 2022-2023 in the amount of:

DEDR	\$ 6,795.26
Cash Match	\$ 1,698.25
In-Kind	\$ 5,094.75

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Borough Council accepts subsequent award of this grant.

RESOLUTION 22-1003-310

**APPROVING CHAPTER 159 FOR THE BUREAU OF JUSTICE ASSISTANCE-2022
BULLETPROOF VEST PARTNERSHIP**

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 \$2,625.50 from The Bureau of Justice(BJA)- 2022 BULLETPROOF VEST PARTNERSHIP(BVP)Grant 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..... \$2,625.50

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 Bureau of Justice(BJA)- 2022 BULLETPROOF VEST
PARTNERSHIP(BVP)Grant.....\$2,625.50

BE IT FURTHER RESOLVED that a like sum of.....\$2,625.50be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations-Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

The Bureau of Justice(BJA)- 2022 BULLETPROOF VEST
PARTNERSHIP(BVP)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 22-1003-311

AMENDING RESOLUTION 21-0517-157 AUTHORIZING THE RELEASE OF A PERFORMANCE BOND- APPLICATION #2016-025P LOCATED AT BLOCK 123 LOT 4 KNOWN AS 110 SOUTH BRIDGE STREET

WHEREAS, Soma/Sterling posted a performance guarantee for work being performed at Block 123 Lot 4; and

WHEREAS, the work has been inspected and approved by Cole & Associates, LLC and all payments have been made; and

WHEREAS, the return of the cash performance guarantee is recommended.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the release of a performance bond of \$241,217.40.

RESOLUTION 22-1003-312

AUTHORIZING SPOOKTACULAR EVENT TO BE HELD ON FRIDAY, OCTOBER 28, 2022 AND WAIVING PARKING FEES IN LOTS 1, 2 & 4 FROM 3:00 P.M. TO 7:00 P.M.

WHEREAS, the Borough of Somerville Recreation Department and DSA is holding a "Spooktacular" event to be held on October 28, 2022; and

WHEREAS, the Borough of Somerville shall waive parking fees in Parking Lots 1, 2 & 4 from 3:00 p.m. to 7:00 p.m.

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Somerville hereby authorize "Spooktacular" event to be held on Friday, October 28, 2022 and approve the waiving of parking fees in Lots 1, 2 & 4 from 3:00 p.m. to 7:00 p.m.