

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

**Monday, October 17, 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. October 3, 2022
- 4. RESOLUTION 22-1017-313 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment
- b. Personnel
- c. PBA Negotiations
- d. Parking Deck

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. October 3, 2022
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. St. Hubert's Monthly Report September
 - b. Somerville Board of Health Report September

6. PROCLAMATION

- a. November Native American Heritage Month

7. COMMITTEE REPORTS

8. PRESENTATION

- a. Housing Affordability – Elizabeth McManus

9. ORDINANCES FOR INTRODUCTION

<u>2686-22-1017</u>	AMENDING ORDINANCE #2588-19-1007 THE RULES AND REGULATIONS SECTION OF ORDINANCE 2575-19-0603, ORDINANCE 933, ORDINANCE 232 ORDINANCE 2431-14-0218 REGULATING THE TOWING OF MOTOR VEHICLES AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF RAISING THE FEES FOR STORAGE AND TOWING OF VEHICLES
<u>2687-22-1017</u>	AMENDING CHAPTER 166 SECTION 51 SCHEDULE X: ENTITLED YIELD INTERSECTIONS TO DELETE N. MIDDAUGH ON THE INTERSECTION OF PROSPECT STREET & N. MIDDAUGH AND TO AMEND CHAPTER 166 SECTION 50 SCHEDULE IX ENTITLED STOP INTERSECTIONS TO INCLUDE N. MIDDAUGH ON THE INTERSECTION OF PROSPECT STREET AND NORTH MIDDAUGH
<u>2688-22-1017</u>	AMENDING CHAPTER 166 SECTION 46.1 ENTITLED SCHEDULE VA: PERMIT PARKING TO INCLUDE SECOND STREET AND THIRD STREET FROM S. BRIDGE STREET TO HAMILTON STREET
<u>2689-22-1017</u>	CREATING CHAPTER 164 IN THE BOROUGH CODE ENTITLED VACANT AND ABANDONED PROPERTIES
<u>2690-22-1017</u>	AMENDING CHAPTER 80 ENTITLED FIRE PREVENTION; LIFE SAFETY, SECTION 70 C. ENTITLED WAIVERS FROM LOCAL PERMIT AND REGISTRATION FEES TO INCLUDE THE DOWNTOWN SOMERVILLE ALLIANCE, INC.

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

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

11. RESOLUTION FOR ROLL CALL VOTE

22-1017-314 APPROVING PLAYGROUND DEVELOPMENT FOR PROPERTY KNOWN AS 134 FAIRVIEW AVENUE ON BLOCK 50 LOTS 13 & 14 AS PART OF THE 40 HAYNES REDEVELOPMENT, LLC PLANNING BOARD APPLICATION #2017-007P

12. 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)

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

(RESOLUTIONS 22-1017-315 THRU 22-1017-326)

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

22-1017-315 AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH SOMERSET COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FOR 2022 ADA SIDEWALK IMPROVEMENTS PROJECT #22-U1821-18

22-1017-316 AWARDING A CONTRACT WITH CAPITAL PAVING AND CONTRACTING FOR 2021 CDBG CURB RAMPS FOR THE BOROUGH OF SOMERVILLE, SOMERSET COUNTY, NEW JERSEY IN THE TOTAL AMOUNT OF \$107,294.00

22-1017-317 ACCEPTING A GRANT AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AGREEMENT FROM PRESERVE NEW JERSEY HISTORIC PRESERVATION FUND IN THE AMOUNT OF \$218,907.00

22-1017-318 APPROVING THE HIRING OF MABEL RODRIGUEZ AS FULL TIME RECEPTIONIST/ADMINISTRATIVE ASSISTANT EFFECTIVE NOVEMBER 7, 2022

- 22-1017-319 EXTENDING THE CONDITIONAL DESIGNATION OF DGM PROPERTIES, LLC AS REDEVELOPER FOR THE PROPERTY KNOWN AS TAX BLOCK 50, LOT 2 LOCATED AT 50 JAMES STREET IN THE KIRBY AVENUE REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A RENTAL RESIDENTIAL PROJECT
- 22-1017-320 EXTENDING THE CONDITIONAL DESIGNATION OF OAK SOMERVILLE, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS 2-10 EAST MAIN STREET BLOCK 62, LOT 1 IN THE EAST CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A COMMERCIAL PROJECT
- 22-1017-321 APPROVING THE HIRING OF CLAUDIA BAYAIT AS FULL TIME DEPUTY REGISTRAR EFFECTIVE NOVEMBER 7, 2022
- 22-1017-322 AUTHORIZING MAYOR TO SIGN AN AGREEMENT BETWEEN THE TOWNSHIP OF BRIDGEWATER, BOROUGH OF MANVILLE, AND BOROUGH OF SOMERVILLE CONCERNING WORKER'S COMPENSATION INSURANCE COVERAGE FOR EMERGENCY MEDICAL SERVICE PERSONNEL
- 22-1017-323 EXTENDING THE CONDITIONAL DESIGNATION OF SOMERVILLE MULTI FAMILY, LLC AS REDEVELOPER FOR PROPERTY KNOWN 23, 25, 27 AND 37 SOUTH BRIDGE STREET TAX BLOCK 62, LOTS 2, 3, 4 and 5 IN THE EAST CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A RESIDENTIAL PROJECT
- 22-1017-324 APPROVING THE 30TH ANNUAL ST. PATRICK'S DAY PARADE FOR SUNDAY, MARCH 12, 2023 STARTING PARADE AT 1:30 P.M. AND APPROVES REQUEST FOR ROAD CLOSURE OF MAIN STREET BEGINNING AT GROVE STREET AND ENDING AT BOROUGH HALL
- 22-1017-325 APPROVING NASYR PETTIES-JACKSON TO BE HIRED AS A SEASONAL LABORER AT AN HOURLY RATE OF \$17.00 PER HOUR FOR THE PUBLIC WORKS DEPARTMENT (EFFECTIVE NOVEMBER 1, 2022 TO JANUARY 31, 2023)
- 22-1017-326 AUTHORIZING THE 7th ANNUAL SOMERVILLE 5K TURKEY TROT ON THANKSGIVING DAY, NOVEMBER 24, 2022

14. BILLS AND VOUCHERS

15. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Introduction

ORDINANCE #2686-22-1017

AMENDING ORDINANCE #2588-19-1007 THE RULES AND REGULATIONS SECTION OF ORDINANCE 2575-19-0603, ORDINANCE 933, ORDINANCE 232 ORDINANCE 2431-14-0218 REGULATING THE TOWING OF MOTOR VEHICLES AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF RAISING THE FEES FOR STORAGE AND TOWING OF VEHICLES

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

1. The roster rules and regulations of Ordinance 933 "Regulating the Towing of Motor Vehicles and Establishing penalties for Violation thereof" shall be amended to read "(8) The fee for storage of vehicles shall be \$65.00 for inside storage and \$45.00 for outside storage as a daily rate". Trucks (dual wheels) / Single axle \$110.00 daily rate, Tractor/Dump Truck/Tractor and Trailer Combo \$145 daily rate. Buses \$170 daily rate. In addition it shall be amended to read "The towing fee limit on normal automobile tow shall be \$145.00 for all tows. Medium and heavy trucks (10,000 lbs. – 16,000 lbs.) shall be \$185.00. All tows must be to the vendor's storage yard, any request to further than the mileage to the storage yard may be charged at a rate up to \$6.00 per mile.
2. If any or provision of this Ordinance shall be held invalid in any Court, the same shall not affect the other section or provisions of this Ordinance, except as far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.
3. The borough may at his sole discretion arrange for storage of the vehicles if storage spaces are not available and such storage fees above shall apply on daily rate. Day of storage shall be the date in which the vehicle arrives at the storage facility and day 2 shall be the time in which the facility opens on the following day after the vehicle arrives at the storage facility
4. All Ordinances or part of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
5. This Ordinance shall take effect January 1, 2023, after final passage and publication in the manner provided by law.

ORDINANCE #2687-22-1017

AMENDING CHAPTER 166 SECTION 51 SCHEDULE X: ENTITLED YIELD INTERSECTIONS TO DELETE N. MIDDAUGH ON THE INTERSECTION OF PROSPECT STREET & N. MIDDAUGH AND TO

AMEND CHAPTER 166 SECTION 50 SCHEDULE IX ENTITLED STOP INTERSECTIONS TO INCLUDE N. MIDDAUGH ON THE INTERSECTION OF PROSPECT STREET AND NORTH MIDDAUGH

§ 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
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

Stop Sign	On Intersection
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
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
Lincoln Avenue	Cleveland Street and Lincoln Avenue
Lori Drive	Reimer Street and Lori Drive
Meadow Street	Veterans Memorial Drive East and Meadow Street

Stop Sign	On Intersection
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
<u>North Middaugh Street</u>	<u>Prospect Street and North Middaugh</u>
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 #2688-22-1017

AMENDING CHAPTER 166 SECTION 46.1 ENTITLED SCHEDULE VA: PERMIT PARKING TO INCLUDE SECOND STREET AND THIRD STREET FROM S. BRIDGE STREET TO HAMILTON STREET

WHEREAS, Chapter 166, section 46.1 Schedule VA shall be amended to read as follows
 § 166-46.1 **Schedule VA: Permit Parking.**

- A. A decal is to be displayed, in accordance with § **166-10.1**, during the following hours: 9:00 a.m. to 8:00 p.m.
- B. In accordance with § **166-10.1**, no person shall park a vehicle without a permit during the

above times on any of the following streets or parts of streets:

Name of Street	Side	Location
Adams Street	Both	From Post Street to Eastern States Parkway
Davenport Street	West	From West Cliff Street to West High Street (except for the most northerly parking stall which shall be specifically reserved for the clergy of the St. Thomas A.M.E. Zion Church)
East Cliff Street [Added 11-16-2020 by Ord. No. 2624]	Both	Between Grove Street and North Bridge Street
Fairmont Avenue	Both	Entire length
Grant Avenue	Both	Entire length
Lee Way	Both	Entire length
Lisa Terrace	Both	From Lee Way to Reimer Street
Madison Street	Both	From Post Street to Eastern States Parkway
Mechanic Street	West	Entire length
Monroe Street	Both	From Post Street to Eastern States Parkway
Putnam Street	Both	From Post Street to Eastern States Parkway
Rehill Avenue	West	From East Main Street to Lee Way
Rehill Avenue	Both	From Lee Way to Union Avenue (Route 28)
Reimer Street	Both	From Lisa Terrace to Steele Avenue
Second Street	Both	South Bridge Street to Hamilton Street
South Street	South	From a point 87 feet west of the westerly curblineline of South Bridge Street to a point 23 feet westerly

Name of Street	Side	Location
Third Street	South	thereof South Bridge Street to Hamilton Street
Steele Avenue [Repealed 10-15-2018 by Ord. No. 2560]		
Van Buren Street	Both	From Post Street to Eastern States Parkway

- C. A street or portion of any street which is regulated by decal restrictions shall not be affected by the restrictions of §§ **166-42, 166-43, 166-45** and **166-65**. Any restrictions under those sections on any streets that are now restricted by decal parking regulations are hereby repealed.

ORDINANCE #2689-22-1017

CREATING CHAPTER 164 IN THE BOROUGH CODE ENTITLED VACANT AND ABANDONED PROPERTIES

WHEREAS, the Borough of Somerville shall maintain a registration of vacant and abandoned residential properties: and

WHEREAS, the registration of abandoned and vacant residential properties will provide the Borough of Somerville with needed information concerning the ownership, condition and contact information for said vacant and abandoned properties; and

WHEREAS, the Borough of Somerville creates Chapter 111 of the Borough Code entitled Vacant and Abandoned Properties

Article I

Vacant and Abandoned Property Registration

§ 111-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED PROPERTY

As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:

- A. Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

- (1) The property is in need of rehabilitation in the reasonable judgment of the public officer,

and no rehabilitation has taken place during that six-month period;

- (2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
 - (3) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (see N.J.S.A. 54:4-1 et seq.) as of the date of a determination by the public officer pursuant to this section; or
 - (4) The property has been determined to be a nuisance by the public officer.
- B. A property which contains both residential and nonresidential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) so long as 2/3 or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either Subsection **A(1)** or Subsection **A(4)** of this definition.

EVIDENCE OF VACANCY

- A. Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three or more months. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.
- B. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this chapter.

OWNER

Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, § 17), or any other entity determined by the Borough of Somerville to act with respect to the property.

VACANT PROPERTY

Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial property that has not been legally

occupied or at which substantially all lawful construction operations have ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Borough for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

§ 111-2 General requirements.

- A. The owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Borough of Somerville on forms provided by the Borough of Somerville for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 1, as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in § **111-4** of this chapter for each vacant property registered. The property owner may request in writing that the current year's renewal fee be prorated and/or a prorated refund issued for the year in which the property becomes legally occupied in compliance with all applicable ordinances and state statutes.
- B. Any owner of any building that meets the definition of "vacant property", shall file a registration statement for that property on or before January 1, 2023. The registration statement shall include the information required under § **111-3** of this chapter, as well as any additional information that the public officer may reasonably require.
- C. The owner shall notify the Borough of Somerville within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Borough of Somerville for such purpose.
- D. The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough of Somerville against the owner or owners of the building.

§ 111-3 Registration statement requirements; property inspection.

- A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough of Somerville if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a certificate of occupancy inspection as provided in the applicable provisions of the Code of the Borough of Somerville.
- B. The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The

statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.

- C. An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.
- D. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Borough of Somerville of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

§ 111-4 Fee schedule.

[Amended 5-25-2017 by Ord. No. 2017-06]

The initial registration fee for each building shall be \$250 for the period from the date of registration through December 31 of the initial registration year and shall not be refundable in the event that the property should subsequently become legally occupied during the initial registration year. The fee for the first renewal is \$500. The fee for any subsequent renewal is \$1,000. After five years, the registration fee shall be \$5,000. After the initial registration year or any subsequent renewal year, the owner may apply, in writing, for a prorated refund of the current year's registration fee based upon the date of legal occupancy of the registered property in the event that any property shall become legally occupied.

§ 111-5 Requirements for owners of vacant and abandoned property.

The owner of any building that has become vacant and abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, immediately:

- A. Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to § **111-3** of this chapter), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and
- B. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Borough of Somerville and maintain the sign required in Subsection **A** above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- C. Make provision for the maintenance of the lawn and yard, including regular grass cutting as

required by the applicable provisions as per this chapter; and

- D. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Borough of Somerville for the delivery of circulars and advertisements to the property; and
- E. Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system; and
- F. Make provision for the cessation of electric or gas utility services to the property, other than buildings with a fire sprinkler system; and
- G. Make provision for the regular maintenance of the exterior of the property.

§ 111-6 Administration.

The Borough of Somerville Mayor and Council shall issue rules and regulations for the administration of the provisions of this section.

§ 111-7 Violations and penalties.

- A. Any owner who is not in full compliance with this article or who otherwise violates any provision of this article or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.
- B. For purposes of this article, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of § 111-5 of this chapter, or such other matters as may be established by the rules and regulations of the Borough of Somerville shall be deemed to be a violation of this article.

§ 111-8 Compliance with other provisions.

Nothing in this article is intended to nor shall be read to conflict with or prevent the Borough of Somerville from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Borough of Somerville and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this article.

Article II Responsibilities of Creditors

§ 111-9 Responsibilities of creditors; violations and fines.

- A. Pursuant to the provisions of N.J.S.A. 40:48-2.12s, the creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property. This obligation applies whether or not the determination that the property is vacant and abandoned is made by the public officer pursuant to N.J.S.A. 2A:50-73.

- B. If the creditor is located out of state, the creditor shall be responsible for appointing an in-state representative or agent to act for the foreclosing creditor.
- C. An out-of-state creditor shall include the full name and contact information of the in-state representative or agent in the notice required to be provided to the Municipal Clerk pursuant to N.J.S.A. 46:10B-51a(1).
- D. An out-of-state creditor found by the Municipal Court, or by any other court of competent jurisdiction, to be in violation of any provision of this article shall be subject to a fine of \$2,500 for each day of the violation, commencing on the day after the ten-day period set forth in N.J.S.A. 46:10B-51a(1) for providing notice to the Municipal Clerk that a summons and complaint in an action to foreclose has been served.
- E. A public officer appointed pursuant to N.J.S.A. 40:48-2.3 et seq., or any enforcement officer described in this chapter, shall be authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or enforcement officer determines that the creditor has violated this chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. The notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute proof that a property is "vacant and abandoned" for purposes of N.J.S.A. 2A:50-73.
- F. A creditor found by the Municipal Court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to § 111-9A shall be subject to a fine of \$1,500 for each day of the violation commencing 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

Article III

Municipal Powers to Rehabilitate Abandoned Properties

§ 111-10 Powers granted.

The Borough of Somerville hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set forth, inter alia, in the Abandoned Properties Rehabilitation Act (N.J.S.A. 55:19-78 et seq.) and in applicable portions of the New Jersey Urban Development Corporation Act (N.J.S.A. 55:19-1 through 55:19-77). These state statutory powers are collectively referred to herein as the "enabling statutes."

§ 111-11 Public officer.

The public officer, as defined in N.J.S.A. 55:19-80, who is responsible for executing the provisions of this chapter for the rehabilitation of abandoned property, shall be designated by resolution of the .

§ 111-12 Abandoned property.

The public officer shall designate a property as an "abandoned property" if said property meets the criteria set forth in N.J.S.A. 55:19-81 (abandoned property criteria) and/or N.J.S.A. 55:19-82

(nuisance property criteria). The public officer's designation is limited by the provisions of N.J.S.A. 55:19-83.

§ 111-13 Abandoned Property List.

The public officer shall establish an Abandoned Property List pursuant to N.J.S.A. 55:19-55. An interested party (as that term is defined in N.J.S.A. 55:19-105a) may request that the public officer include a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-105.

§ 111-14 Rights of owners of abandoned properties.

The owner of a property on the Abandoned Property List has such rights designated to said owner by the enabling statutes. Such powers include but are not limited to:

- A. Challenging the inclusion of a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-55e;
- B. Seeking removal from said list, pursuant to N.J.S.A. 55:19-57 and 55:19-103;
- C. Petitioning for reinstatement of control and possession, pursuant to N.J.S.A. 55:19-92 et seq.

§ 111-15 Municipal powers.

The Borough of Somerville has such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to:

- A. Sale of tax lien, pursuant to N.J.S.A. 55:19-56;
- B. Special tax sales, pursuant to N.J.S.A. 55:19-101;
- C. Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;
- D. Recourse directly against the property owner, pursuant to N.J.S.A. 55:19-100;
- E. Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;
- F. Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;
- G. Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;
- H. Sale of property, pursuant to N.J.S.A. 55:19-96;
- I. Purchase of property, pursuant to N.J.S.A. 55:19-96;
- J. Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;
- K. Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56 and 55:19-102.

§ 111-16 Rights of utilities.

Electric and natural gas utilities are granted such rights to abandoned properties as are set forth in N.J.S.A. 55:19-106.

§ 111-17 Interpretation.

All references in this chapter to state statutes include reference to all amendments thereto. References to particular sections of the enabling statutes are for ease of reference but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in the enabling statutes or elsewhere in the New Jersey statutes.

ORDINANCE #2690-22-1017

AMENDING CHAPTER 80 ENTITLED FIRE PREVENTION; LIFE SAFETY, SECTION 70 C. ENTITLED WAIVERS FROM LOCAL PERMIT AND REGISTRATION FEES TO INCLUDE THE DOWNTOWN SOMERVILLE ALLIANCE, INC.

WHEREAS, Downtown Somerville Alliance, Inc., serves as the Downtown Management Corporation appointed by Somerville Borough; and

WHEREAS, Downtown Somerville Alliance is the event organizer of several events in Somerville Borough; and

WHEREAS, Downtown Somerville Alliance, Inc., when serving as the organizer of the event shall be exempt from local permit and fees; and

WHEREAS, Chapter 80 – 7 C shall be amended to add item (8) read as follows:

§ 80-7 Additional required inspection and fees.

In addition to the inspections or fees required pursuant to the Uniform Fire Safety Act and the regulations of the New Jersey Department of Community Affairs, the following additional inspections and fees shall be required.

C. Waivers. The following users shall be exempt from the local permit and registration fees:

- (1) The Somerville Fire Department.
- (2) The Somerville Rescue Squad.
- (3) Places of worship. This shall apply to uses where the actual religious service takes place, uses for religious education purposes or uses of an occasional nature.
- (4) Contractors and construction firms, when the activity is part of work performed under a valid permit issued by the Building Department.
- (5) Borough of Somerville.
- (6) Somerville Board of Education.
- (7) County of Somerset.

(8) Downtown Somerville Alliance, (Organizer)

Ordinance scheduled for public hearing and adoption

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.

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

RESOLUTION 22-1017-314

**APPROVING PLAYGROUND DEVELOPMENT FOR PROPERTY KNOWN
AS 134 FAIRVIEW AVENUE ON BLOCK 50 LOTS 13 & 14 AS PART**

**OF THE 40 HAYNES REDEVELOPMENT, LLC PLANNING BOARD APPLICATION
#2017-007P**

WHEREAS, Planning Board Resolution approving 40 Haynes Street Redevelopment, LLC Application # 2017-007P, item #13 requires the development of a park on Block 50 Lots 13 & 14; and

WHEREAS, Item #13 of said Planning Board Resolution requires the Borough Council to review and approve said park.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey has reviewed and approved the playground development for property known as 134 Fairview Avenue on Block 30 Lots 13 & 14 as part of the 40 Haynes Street redevelopment, LLC Application # 2017-007P.

RESOLUTION 22-1017-315

**AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH
SOMERSET COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FOR 2022
ADA SIDEWALK IMPROVEMENTS PROJECT #22-U1821-18**

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorizes execution of an agreement with Somerset County Community Development Block Grant for ADA Sidewalk Improvements in the amount of \$100,000.

RESOLUTION 22-1017-316

**AWARDING A CONTRACT WITH CAPITAL PAVING AND CONTRACTING
FOR 2021 CDBG CURB RAMPS FOR THE BOROUGH OF SOMERVILLE,
SOMERSET COUNTY, NEW JERSEY IN THE TOTAL AMOUNT OF \$107,294.00**

WHEREAS, the Borough of Somerville legally advertised for 2021 CDBG Curb Ramps for the Borough of Somerville, Somerset County, New Jersey; and

WHEREAS, sealed proposals were received, opened and read publicly, on September 28, 2022 Borough of Somerville, Somerset County, New Jersey; and

WHEREAS, it was determined that Capital Paving and Contracting, 67 Beaver Avenue, Suite 25, Annandale, New Jersey 08801 is the lowest responsible bidder.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Somerville, hereby award the bid for the 2021 CDBG Curb Ramps for the Borough of Somerville, Somerset County, New Jersey, to Capital Paving and Contracting, 67 Beaver Avenue, Suite 25, Annandale, New Jersey 08801 in the amount of \$107,294.00.

RESOLUTION 22-1017-317

ACCEPTING A GRANT AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AGREEMENT FROM PRESERVE NEW JERSEY HISTORIC PRESERVATION FUND IN THE AMOUNT OF \$218,907.00

WHEREAS, the Borough of Somerville has applied for and has been awarded a grant in the amount of \$218,907.00 from the Preserve New Jersey Historic Preservation Fund.

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 an authorized representatives thereunder, as the representative for the Borough of Somerville.

RESOLUTION 22-1017-318

APPROVING THE HIRING OF MABEL RODRIGUEZ AS FULL TIME RECEPTIONIST/ADMINISTRATIVE ASSISTANT EFFECTIVE NOVEMBER 7, 2022

WHEREAS, Mabel Rodriguez accepted the "Offer of Employment" dated October 4, 2022; and

WHEREAS, a background check was performed by the Borough of Somerville in accordance with authorization; and

WHEREAS, the effective date of hire is November 7, 2022 and annual salary of \$45,000 prorated for the remainder of the year.

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby hire Mabel Rodriguez as full time Receptionist/Administrative Assistant, effective November 7, 2022 at an annual salary of \$45,000 prorated for the remainder of the year.

RESOLUTION 22-1017-319

EXTENDING THE CONDITIONAL DESIGNATION OF DGM PROPERTIES, LLC AS REDEVELOPER FOR THE PROPERTY KNOWN AS TAX BLOCK 50, LOT 2 LOCATED AT 50 JAMES STREET IN THE KIRBY AVENUE REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A RENTAL RESIDENTIAL PROJECT

WHEREAS, the Borough of Somerville has been promoting the redevelopment of the Kirby Avenue Redevelopment Area (the "Redevelopment Area") since the adoption of the Kirby Avenue Redevelopment Plan on November 17, 2010, as amended from time to time (the "Redevelopment Plan"); and

WHEREAS, 50 James Street, also known as Block 50, Lot 2 is located in the Redevelopment Area, is privately owned and is commonly referred to as the Truck Form Site (the “Property”); and

WHEREAS, DGM Properties, LLC is the contract purchaser of the Property which currently contains an industrial building and parking area; and

WHEREAS, the Redeveloper is proposing the redevelopment of the Property for a rental residential project consisting of 112 units in two buildings with 56 units each and surface parking containing approximately 225 parking spaces; and

WHEREAS, the Redeveloper and its related entities have redeveloped other properties in the Borough for residential use including Station House located on Veterans Memorial Parkway and another on North Doughty Street; and

WHEREAS, on February 22, 2022, the Borough Council adopted a resolution conditionally designating DGM Properties, LLC as redeveloper of the Property for a period of 180 days (hereinafter referred to as the “Redeveloper”); and

WHEREAS, the Redeveloper and the Borough entered into an escrow agreement, one of the conditions of the original designation; and

WHEREAS, the Borough and the Redeveloper have been negotiating the terms and conditions of a Redevelopment Agreement and additional time is required for the parties to complete these tasks and a further extension of the conditional redeveloper designation is necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Somerville that it hereby retroactively extends the conditional designation as redeveloper DGM Properties, LLC, 313 Route 206, Suite #9, Chester, New Jersey 07930 for the redevelopment of Tax Block 50, Lot 2, located in the Kirby Avenue Redevelopment Area, for a rental residential project as described herein, the detail of which is subject to further refinement.

BE IT FURTHER RESOLVED that said conditional designation as redeveloper is subject to the following conditions:

1. That the extension of the conditional designation is retroactive to the expiration of the original designation and is limited to a period of one hundred and eighty (180) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a

- duly adopted resolution of the Borough Council.
2. That DGM Properties, LLC and/or an affiliated entity and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
 3. That DGM Properties, LLC and/or an affiliated entity shall acquire the Property which it does not currently own from the current owner in order for the redevelopment of the Property as provided for in a redevelopment agreement.
 4. That the Borough shall amend the Redevelopment Plan as required to permit the redevelopment of the Property as proposed by DGM Properties, LLC.

BE IT FURTHER RESOLVED that upon completion of negotiations on a redevelopment agreement, the Borough Council shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

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

RESOLUTION 22-1017-320

EXTENDING THE CONDITIONAL DESIGNATION OF OAK SOMERVILLE, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS 2-10 EAST MAIN STREET BLOCK 62, LOT 1 IN THE EAST CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A COMMERCIAL PROJECT

WHEREAS, Tax Block 62, Lot 1 (the "Property") is located in the East Central Business District Redevelopment Area (the "Redevelopment Area"); and

WHEREAS, the Borough of Somerville (the "Borough") has been promoting the redevelopment of this Property for re-use consistent with the Borough's Master Plan and the Redevelopment Plan for the Redevelopment Area, adopted in January 2008 as amended from time to time (the "Redevelopment Plan"); and

WHEREAS, the Property is privately owned; and

WHEREAS, Oak Somerville, LLC made a presentation to the Borough Council on October 21, 2019 regarding its concept proposal to develop a commercial project for the Property consisting of a three-story restaurant, and approximately 5,000 sf of public market space; and

WHEREAS, the proposal has been reviewed and found consistent with the Redevelopment Plan and the Borough's goals for redeveloping the area

WHEREAS, on November 4, 2019, the Borough Council adopted a resolution conditionally designating Oak Somerville, LLC as redeveloper of the Property for a period of 120 days; and

WHEREAS, Oak Somerville, LLC and the Borough entered into an escrow agreement, one of the conditions of the original designation; and

WHEREAS, the conditional designation as redeveloper was last extended by the Borough on May 3, 2021 for 120 days, which has expired, and additional time is required; and

WHEREAS, the Borough and the Redeveloper have been negotiating the terms and conditions of a Redevelopment Agreement and additional time is required for the parties to complete these tasks and a further extension of the conditional redeveloper designation is necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Somerville that it hereby retroactively extends the conditional designation as redeveloper of Oak Somerville, LLC, 7 Creek Road, Whitehouse Station New Jersey 08889, for Tax Block 62, Lot 1, located in the East Central Business District Redevelopment Area for a commercial project as described herein, the detail of which is subject to further refinement.

BE IT FURTHER RESOLVED that said extension of the conditional designation as redeveloper is subject to the following conditions:

5. That the conditional designation is retroactive to the expiration of the prior extension and is limited to a period of one hundred and twenty (120) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted resolution of the Borough Council.
6. That Oak Somerville, LLC or an affiliated urban renewal entity and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
7. That Oak Somerville, LLC continues to agree to pay any and all costs incurred by the Borough from the date of the conditional designation, as extended, to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth herein.

BE IT FURTHER RESOLVED that upon completion of negotiations on a redevelopment agreement, the Borough Council shall be required to review and authorize execution of

any and all related documents in order to effectuate the completion and implementation of this project.

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

RESOLUTION 22-1017-321

**APPROVING THE HIRING OF CLAUDIA BAYAIT AS
FULL TIME DEPUTY REGISTRAR EFFECTIVE NOVEMBER 7, 2022**

WHEREAS, Claudia Bayait accepted the “Offer of Employment” dated October 4, 2022; and

WHEREAS, a background check was performed by the Borough of Somerville in accordance with authorization; and

WHEREAS, the effective date of hire is November 7, 2022 and annual salary of \$45,000 prorated for the remainder of the year.

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby hire Claudia Bayait as full time Deputy Registrar, effective November 7, 2022 at an annual salary of \$45,000 prorated for the remainder of the year.

RESOLUTION 22-1017-322

**AUTHORIZING MAYOR TO SIGN AN AGREEMENT BETWEEN THE TOWNSHIP
OF BRIDGEWATER, BOROUGH OF MANVILLE, AND BOROUGH
OF SOMERVILLE CONCERNING WORKER’S COMPENSATION INSURANCE
COVERAGE FOR EMERGENCY MEDICAL SERVICE PERSONNEL**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Somerville that the Mayor is hereby authorized to sign the agreement concerning worker’s compensation coverage for EMS Agencies.

RESOLUTION 22-1017-323

**EXTENDING THE CONDITIONAL DESIGNATION OF SOMERVILLE MULTI FAMILY,
LLC AS REDEVELOPER FOR PROPERTY KNOWN 23, 25, 27 AND 37
SOUTH BRIDGE STREET TAX BLOCK 62, LOTS 2, 3, 4 and 5 IN THE EAST
CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE
DEVELOPMENT OF A RESIDENTIAL PROJECT**

WHEREAS, Tax Block 62, Lots 2, 3, 4 and 5 (the “Property”) is located in the East Central Business District Redevelopment Area (the “Redevelopment Area”); and

WHEREAS, the Borough of Somerville (the “Borough”) has been promoting the redevelopment of this Area for re-use consistent with the Borough’s Master Plan and the

Redevelopment Plan for the Redevelopment Area, adopted in January 2008 as amended from time to time (the “Redevelopment Plan”); and

WHEREAS, the Properties are privately owned; and

WHEREAS, Somerville Multi Family, LLC made a presentation to the Borough Redevelopment Committee on June 25, 2020 regarding its concept proposal to develop a residential project for the Properties consisting of a multi-family building with internal parking (one level below grade) and four levels of residential units; and

WHEREAS, the proposal has been reviewed and found consistent with the Redevelopment Plan for redeveloping the area.

WHEREAS, on July 6, 2020, the Borough Council adopted a resolution conditionally designating Somerville Multi-Family, LLC as redeveloper of the Property, which designation was last extended on May 3, 2021 and has expired; and

WHEREAS, Somerville Multi-Family, LLC (the “Redeveloper”) and the Borough entered into an escrow agreement, one of the conditions of the original designation; and

WHEREAS, the Borough and the Redeveloper have been negotiating the terms and conditions of a Redevelopment Agreement and additional time is required for the parties to complete these tasks and a further extension of the conditional redeveloper designation is necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Somerville that it hereby retroactively extends the conditional designation as redeveloper of Somerville Multi Family, LLC, 428 Lloyd Road, Aberdeen New Jersey 07747, as redeveloper for the development of 23, 25, 27 and 37 South Bridge Street Tax Block 62, Lots 2, 3, 4 and 5, located in the East Central Business District Redevelopment Area from its expiration for a residential project as described herein.

BE IT FURTHER RESOLVED, that said conditional designation is subject to the following conditions:

1. That the conditional designation is retroactively extended from the expiration of the last extension and is limited to a period of one hundred and twenty (120) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted resolution of the Borough Council.
2. That Somerville Multi Family, LLC or an affiliated urban renewal entity and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment

agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.

3. That Somerville Multi Family, LLC continues to agree to pay any and all costs incurred by the Borough from the date of the conditional designation to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth herein.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a redevelopment agreement, the Borough Council shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

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

RESOLUTION 22-1017-324

APPROVING THE 30TH ANNUAL ST. PATRICK'S DAY PARADE FOR SUNDAY, MARCH 12, 2023 STARTING PARADE AT 1:30 P.M. AND APPROVES REQUEST FOR ROAD CLOSURE OF MAIN STREET BEGINNING AT GROVE STREET AND ENDING AT BOROUGH HALL

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the 30th Annual St. Patrick's Day Parade for Sunday, March 12, 2023 at 1:30 p.m. contingent on filing an approved Emergency Action Plan & Off- Duty Application and hereby approve the request for road Closure of Main Street beginning at Grove Street and ending at Borough Hall.

RESOLUTION 22-1017-325

APPROVING NASYR PETTIES-JACKSON TO BE HIRED AS A SEASONAL LABORER AT AN HOURLY RATE OF \$17.00 PER HOUR FOR THE PUBLIC WORKS DEPARTMENT (EFFECTIVE NOVEMBER 1, 2022 TO JANUARY 31, 2023)

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves Nasyr Petties-Jackson (effective November 1, 2022 to January 31, 2023) as a Seasonal Laborer at a rate of \$17.00 per hour for the Public Works Department.

RESOLUTION 22-1017-326

AUTHORIZING THE 7TH ANNUAL SOMERVILLE 5K TURKEY TROT ON THANKSGIVING DAY, NOVEMBER 24, 2022

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the 7th Annual Somerville 5K Turkey Trot to be held on Thanksgiving Day, November 24, 2022.