

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

**Monday, November 7, 2022  
6:30 P.M.**

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

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EVENTS

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- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES- EXECUTIVE SESSION**
  - a. October 17, 2022
- 4. RESOLUTION 22-1107-328 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. MOMENT OF SILENCE**
  - a. Ralph D. "Chick" Sternadori
  - b. Charles F. Karbowski
- 5. APPROVAL OF MINUTES**
  - a. October 17, 2022

**6. DEPARTMENTAL REPORTS & NOTICES**

- a. **Election Day November 8, 2022 Polls open at 6:00 a.m.- 8:00 p.m.**  
[2022 General Election Info | Somerset County](#)

**7. COMMITTEE REPORTS**

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

|                     |  |
|---------------------|--|
| <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.  |

**9. MEETING OPEN TO THE PUBLIC**

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

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

**(RESOLUTIONS 22-1107-329 THRU 22-1107-340)**

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

- 22-1107-329 AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE BOROUGH OF SOMERVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY TO EXAMINE WHETHER THE PROPERTY LOCATED AT 82 FAIRVIEW AVENUE, ALSO KNOWN AS BLOCK 50, LOT 2.01, AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF SOMERVILLE SHOULD BE DETERMINED TO BE AN AREA IN NEED OF REDEVELOPMENT, SPECIFICALLY A NON-CONDEMNATION REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.
- 22-1107-330 AUTHORIZING THE BOROUGH OF SOMERVILLE TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2022 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE
- 22-1107-331 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO MATRIX DESIGN GROUP. FOR EMERGENCY SERVICES FACILITY AS AV CONSULTING
- 22-1107-332 AUTHORIZING TRANSFER OF FUNDS TO FUND CERTAIN LINE ITEMS IN THE 2022 BUDGET
- 22-1107-333 APPROVING CHAPTER 159 FROM NATIONAL OPIOID SETTLEMENT PROCEEDS
- 22-1107-334 APPROVING THE ESTABLISHMENT OF AN ESCROW ACCOUNT FOR PLANNING AND ZONING (BOARD OF ADJUSTMENT) FUNDS WITH PROVIDENT BANK
- 22-1107-335 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL LAND SURVEYING AND ENGINEERING DESIGN SERVICES FOR NORTH AUTEN AVENUE RECONSTRUCTION AND DRAINAGE IMPROVEMENTS BETWEEN MAIN STREET AND UNION STREET WITH GREENMAN-PEDERSEN, INC.
- 22-1107-336 ACCEPTING THE RETIRMENT RESIGNATION OF TONI WORTMAN EFFECTIVE NOVEMBER 1, 2022 (END OF

BUSINESS OCTOBER 28, 2022) AND AUTHORIZING FINAL  
PAYMENT FOR TIME ACCUMULATED

- 22-1107-337 APPROVING THE FIRE DEPARTMENT LIGHTS PARADE ON  
DECEMBER 3, 2022 AT 6:00 P.M. AND CEREMONIAL  
EVENTS FOLLOWING UNTIL 11:00 P.M. AT 170 E. MAIN  
STREET
- 22-1107-338 APPROVING CHAPTER 159 FOR NEW JERSEY HISTORIC  
PRESERVATION FUND
- 22-1107-339 APPROVING CHAPTER 159 FOR NEW JERSEY  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
FOR CHAMBRAS PARK IMPROVEMENT GRANT # B-22-CP-  
NJ-0588
- 22-1107-340 APPOINTING JASMINE MCCOY AS ZONING BOARD OF  
ADJUSTMENT AND PLANNING BOARD SECRETARY

## **11. BILLS AND VOUCHERS**

## **12. ADJOURNMENT**

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for public hearing and adoption

### **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:

| <b>Yield Sign On</b>    | <b>Intersection</b>                           |
|-------------------------|---|
| 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                |

| <b>Yield Sign On</b>             | <b>Intersection</b>                                  |
|----------------------------------|--|
| Lisa Terrace                     | Reimer Street and Lisa Terrace                       |
| Michael Lane                     | South Cadillac Drive and Michael Lane                |
| <del>North Middaugh Street</del> | <del>Prospect Street and North Middaugh Street</del> |
| 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:

| <b>Stop Sign</b>  | <b>On Intersection</b>                  |
|-------------------|---|
| 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         |
|                              |  |
| 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   |
| <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         |

| Stop Sign          | On Intersection                              |
|--------------------|--|
| 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 [ <b>Added 11-16-2020 by Ord. No. 2624</b> ] | 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  |



| Name of Street                                       | Side  | Location  |
|--|-------|---|
|  |       | 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 thereof |
| Third Street   | South | 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)

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

**RESOLUTION 22-1107-329**

**AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE BOROUGH OF SOMERVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY TO EXAMINE WHETHER THE PROPERTY LOCATED AT 82 FAIRVIEW AVENUE, ALSO KNOWN AS BLOCK 50, LOT 2.01, AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF SOMERVILLE SHOULD BE DETERMINED TO BE AN AREA IN NEED OF REDEVELOPMENT, SPECIFICALLY A NON-CONDEMNATION REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Borough Council of the Borough of Somerville (the "Borough") has identified certain Property, located at 82 Fairview Avenue and also known as Block 50, Lot 2.01 as delineated on the tax map attached hereto and made part of this resolution (the "Property"), to be considered for designation as an area "in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

**WHEREAS**, on July 17, 2006, the Borough designated Block 1, Lots 3, 4.01 and 4.02, as well as Block 50, Lots 1, 2 and 3, which includes property adjacent to the

Property, as an area in need of redevelopment (the “Kirby Avenue Redevelopment Area”); and

**WHEREAS**, on May 19, 2008, the Borough adopted a redevelopment plan for the Kirby Avenue Redevelopment Area, which was last amended on or about August 21, 2017 (the “Kirby Avenue Redevelopment Plan”); and

**WHEREAS**, before an area or property may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Planning Board of a given municipality to undertake a preliminary investigation to determine whether the Property meet the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, the Borough desires that the Planning Board undertake an examination as to whether the Property, may be deemed “an area in need of redevelopment” and be included in the Kirby Avenue Redevelopment Area and subject to the Kirby Avenue Redevelopment Plan; and

**WHEREAS**, the Borough directs its special redevelopment counsel to work with the Planning Board and its professionals to facilitate the preliminary investigation recognizing that the Property, if qualified, would become part of the Redevelopment Area and likely qualify under Section 3 of the Redevelopment Law; and

**WHEREAS**, the Borough hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain (hereinafter referred to as a "Non-Condernation Redevelopment Area"); and

**WHEREAS**, the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Non-Condernation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire the Property.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Somerville being the governing body thereof, that the Borough Planning Board is hereby directed and authorized to examine whether the Property located 82 Fairview Avenue and also known as Block 50, Lots 2.01, as shown on the official tax map of the Borough of Somerville, should be determined “an area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-5 and 6.

**BE IT FURTHER RESOLVED THAT** the Borough hereby states that any Non-Condernation Redevelopment Area determination shall not authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain.

**BE IT FURTHER RESOLVED THAT** the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Non-

Condemnation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

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

**RESOLUTION 22-1107-330**

**AUTHORIZING THE BOROUGH OF SOMERVILLE TO ACCEPT  
A  
SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2022  
OF EMERGENCY MANAGEMENT PERFORMANCE GRANT  
AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE**

**WHEREAS**, The Borough of Somerville, Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Ward #FY22-EMPG-EMAA-1818 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10, 000.00 Federal Award is for the purpose of enhancing the Borough's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the Borough of Somerville will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

**WHEREAS**, the award period is from July 1, 2022 to June 30, 2023; and

**WHEREAS**, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

**WHEREAS**, the Borough of Somerville Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management; and

**WHEREAS**, the Borough of Somerville hereby does accept the subaward and the terms and conditions in which are stated in the application and award.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Somerville, County of Somerset, State of

New Jersey:

1. That the Council accepts the ward of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMMA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolutions shall be forwarded to the New Jersey State Police, Office of Emergency Management, the city business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

### **RESOLUTION 22-1107-331**

#### **AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO MATRIX DESIGN GROUP. FOR EMERGENCY SERVICES FACILITY AS AV CONSULTING**

**WHEREAS**, the Borough of Somerville requires professional services to assist with audio and video design for the Borough as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.7 as appropriate and the Borough of Somerville ordinance regulating pay to play; 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 Matrix Design Group. submitted a proposal that exhibited a familiarity with the Borough of Somerville, experience with municipalities within the County, public clients of similar size, projects of similar size, and an hourly rate acceptable to the Borough; and

**WHEREAS**, the Borough of Somerville has utilized the firm of Matrix Design Group. in the past and found their work to be satisfactory; and

**WHEREAS**, the firm of Matrix Design Group. has submitted a proposal along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable the firm of Matrix Design Group. to provide such services; and

**WHEREAS**, the firm of Matrix Design Group. shall provide professional support of the Audio and Video systems in accordance with their proposal dated October 11, 2022 for a period one year.

**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 Matrix Design Group., 11 Melanie Lane, Unit 13, East Hanover, NJ 07936 is hereby authorized.
2. The Mayor and Clerk are authorized to sign a contract with Matrix Design Group., 11 Melanie Lane, Unit 13, East Hanover, NJ 07936 in accordance with the following terms and conditions:
  - A. Term: A period of not to exceed 12 months or for length of project
  - B. Rate: service total amount \$75,409.11 as per proposal dated October 11, 2022
  - C. Services: The firm shall provide professional support of the Audio and Video System at the Emergency Services Facility building
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 22-1107-332**

**AUTHORIZING TRANSFER OF FUNDS TO FUND CERTAIN LINE ITEMS IN THE 2022 BUDGET**

**WHEREAS**, transfers are allowed during the last two months of the year and first three months of the year, as per NJSA 40:4-58, and

**WHEREAS**, additional funds are needed to fund certain line items in the 2022 municipal budget, and

**WHEREAS**, there are excess funds in some appropriations to cover these transfers:

**NOW, THEREFORE, BE IT RESOLVED**, that the following transfers be made:

| AMOUNT    | FROM                      | TO                         |
|-----------|---------------------------|----------------------------|
| \$ 15,000 | Administrative & Exec. OE | Administrative & Exec. S&W |
| \$ 1,000  | Engineering OE            | Building & Grounds S&W     |
| \$ 20,000 | Engineering OE            | Building & Grounds OE      |

|           |                           |                    |
|-----------|---------------------------|--------------------|
| \$ 500    | Garbage OE                | Recycling OE       |
| \$ 10,000 | Recreation OE             | Recreation S&W     |
| \$ 10,000 | Utility – Fuel OE         | Utility – Water OE |
| \$ 2,000  | Administrative & Exec. OE | Elections OE       |

Total Funds Transferred \$58,500

**RESOLUTION 22-1107-333**

**APPROVING CHAPTER 159 FROM NATIONAL OPIOID SETTLEMENT PROCEEDS**

**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 \$7,596.38 from the National Opioid Settlement administered by the NJDHS 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.....\$7,596.38 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:
      - National Opioid Settlement - NJDHS.....\$7,596.38

**BE IT FURTHER RESOLVED** that a like sum of.....\$7596.38 be and the same is hereby appropriated under the caption of:

- General Appropriations:
  - Operations-Excluded from “CAPS”
  - Public and Private Programs Offset by Revenues:
    - National Opioid Settlement – NJDHS

**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 22-1107-334**

**APPROVING THE ESTABLISHMENT OF AN ESCROW ACCOUNT FOR PLANNING AND ZONING (BOARD OF ADJUSTMENT) FUNDS WITH PROVIDENT BANK**

**WHEREAS**, applicants appearing before the Planning Board and Zoning Board of Adjustment are required to post escrow funds; and

**WHEREAS**, such funds should be maintained in a separate account; and

**WHEREAS**, Provident Bank, 28 West Main Street, Somerville, New Jersey 08876 has been designated as the financial institution as the depository of funds for the Planning and Zoning escrow; and

**WHEREAS**, The Chief Financial Officer and the Clerk-Administrator shall be authorized to execute all the necessary paperwork to establish said escrow account.

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the establishment of an escrow account for Planning and Zoning (Board of Adjustment) with Provident Bank.

**RESOLUTION 22-1107-335**

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL LAND SURVEYING AND ENGINEERING DESIGN SERVICES FOR NORTH AUTEN AVENUE RECONSTRUCTION AND DRAINAGE IMPROVEMENTS BETWEEN MAIN STREET AND UNION STREET WITH GREENMAN-PEDERSEN, INC.**

**WHEREAS**, the Borough of Somerville professional Land Surveying and Engineering Design Services for North Auten Avenue Reconstruction and Drainage Improvements between Main Street and Union Street; 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 Greenman-Pedersen, Inc. 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 firm of Greenman-Pedersen, Inc. has submitted a proposal along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable the firm of Greenman-Pedersen, Inc. to provide such services; and

**WHEREAS**, the firm of Greenman-Pedersen, Inc shall serve as the municipal engineer for 2021 road improvement program in accordance with their proposal dated February 11, 2021.

**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 Greenman-Pedersen, Inc., 301 Gibraltar Drive, Suite 2A, Morris Plains, NJ 07950 is hereby authorized
2. The Mayor and Clerk are authorized to sign a contract with the Firm of Greenman-Pedersen, Inc., 301 Gibraltar Drive, Suite 2A, Morris Plains, NJ 07950 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: as per 2022 rate schedule in proposal dated October 6, 2022  
Total amount should not exceed \$41,150
  - C. Services: The firm shall provide professional engineering services for 2021 road improvement program
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 22-1107-336**

#### **ACCEPTING THE RETIRMENT RESIGNATION OF TONI WORTMAN EFFECTIVE NOVEMBER 1, 2022 (END OF BUSINESS OCTOBER 28, 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 Toni Wortman effective November 1, 2022 (end of business October 28, 2022) and wishes her well in her future endeavors and authorizes final payment for time accumulated, which shall be paid as follows: 2022: \$1,589.53(Personal and Vacation); 2022: \$15,000 (Accumulated sick cap)



**RESOLUTION 22-1107-337**

**APPROVING THE FIRE DEPARTMENT LIGHTS PARADE ON  
DECEMBER 3, 2022 AT 6:00 P.M. AND CEREMONIAL EVENTS FOLLOWING UNTIL  
11:00 P.M. AT 170 E. MAIN STREET**

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey memorializes the approval of the Fire Department Lights Parade on December 3, 2022 at 6:00 p.m. and ceremonial events as identified on the social affairs permit contingent upon approval of the Somerville Police Department and filings with the Office of Emergency Management and collecting of insurance documents.

**RESOLUTION 22-1107-338**

**APPROVING CHAPTER 159 FOR NEW JERSEY HISTORIC  
PRESERVATION FUND**

**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 \$218,907.00 from New Jersey Historic Preservation Fund 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..... \$218,907.00 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 Historic Preservation Fund -.....\$218,907.00

**BE IT FURTHER RESOLVED** that a like sum of.....\$218,907.00 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 Historic Preservation Fund

**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 22-1107-339**

**APPROVING CHAPTER 159 FOR NEW JERSEY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR CHAMBRES PARK IMPROVEMENT GRANT # B-22-CP-NJ-0588**

**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 \$2,541,600.00 from New Jersey Department of Housing and Urban development 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..... \$2,541,600.00 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 Housing and Urban development -  
Chambres Park Improvement .....\$2,541,600.00

**BE IT FURTHER RESOLVED** that a like sum of.....\$2,541,600.00 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 Housing and Urban development -  
Chambres Park Improvement

**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 22-1107-340**

**APPOINTING JASMINE MCCOY AS ZONING BOARD OF ADJUSTMENT AND  
PLANNING BOARD SECRETARY**

**BE IT RESOLVED** by the Borough Council of the Borough of Somerville being the governing body hereby appoint Jasmine McCoy as Board Secretary and in her absence her role and duties may be performed by the Municipal Clerk and/or designee or whom the Board of Adjustment deems most appropriate to perform said duties in their absence.