

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

**Monday, December 5, 2022
Executive Session 6:30 P.M.
Public portion 7:00 p.m. (estimate)**

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. November 21, 2022
- 4. RESOLUTION 22-1205-353 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment
- b. Personnel
- c. PBA Negotiations

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. November 21, 2022
- 5. DEPARTMENTAL REPORTS & NOTICES**

6. DISCUSSION

- a. End of Year Report -Environmental Commission

7. COMMITTEE REPORTS

8. ORDINANCES FOR INTRODUCTION

2691-22-1205 AMENDING ORDINANCE #2688-22-1017 TO ELIMINATE PERMIT PARKING ON THE SOUTH SIDE OF SECOND STREET

2692-22-1205 AMENDING ORDINANCE #2325-10-0419 CHAPTER 66, SECTION 3H OF THE BOROUGH CODE ENTITLED SCHEDULE OF FEES TO INCLUDE COMMUNITY EMERGENCY RESPONSE TEAM MEMEBERS (CERT)

9. 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)

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

(RESOLUTIONS 22-1205-354 THRU 22-1205-369)

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

22-1205-354 APPROVING NEW TAXI DRIVER LICENSE FOR ANGELA MILLER

22-1205-355 APPROVING NEW TAXI DRIVER LICENSE FOR MARIO SILVA

22-1205-356 APPROVING MURAL TO BE LOCATED AT ROBERT WOOD JOHNSON HOSPITAL SOMERSET

22-1205-357 APPROVING MURAL TO BE LOCATED IN FRONT OF 154 - 164 W. MAIN STREET, BLOCK 115 LOT 23

22-1205-358 APPROVING A PAYMENT OF \$3,670.72 TO DAREN MANFREADY

22-1205-359 APPROVING TAX OVERPAYMENT REFUNDS

22-1205-360 AUTHORIZING THE APPLICATION FOR A SUPPLEMENTAL HDSRF GRANT TO CONTINUE REMEDIAL FOR EMERGING

CONTAMINATES AND COMPREHENSIVE GROUNDWATER
INVESTIGATION OF PORTION OF THE LANDFILL
REDEVELOPMENT AREA AND BDA IN THE BOROUGH OF
SOMERVILLE

- 22-1205-361 RESCINDING RESOLUTION 22-0705-222 AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE AGREEMENT WITH ROUTE 23 FORD AUTOMALL UTILIZING THE MORRIS COUNTY COOPERTIVE IN THE AMOUNT OF \$25,087.00
- 22-1205-362 AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE AGREEMENT WITH GENTILINI MOTORS IN THE AMOUNT OF \$35,921.27
- 22-1205-363 RESCINDING RESOLUTION 22-1121-347 AWARDDING A CONTRACT TO ALLEGIANCE TRUCKS UNDER SOURCEWELL PRICING FOR UTILITY SERVICE TRUCK WITH ACCESSORIES IN THE AMOUNT OF \$122,088.00
- 22-1205-364 RESCINDING RESOLUTION 22-1121-348 AWARDDING A CONTRACT TO ALLEGIANCE TRUCKS UNDER SOURCEWELL PRICING FOR UTILITY SERVICE TRUCK WITH 44' AXION AERIAL LIFT IN THE AMOUNT OF \$157,141.00
- 22-1205-365 AWARDDING A CONTRACT TO ANIMAL CONTROL SOLUTIONS, LLC FOR ANIMAL CONTROL SERVICES EFFECTIVE JANUARY 1, 2023 TO DECEMBER 31, 2023 IN THE AMOUNT OF \$37,032.00 PAID IN MONTHLY INSTALLMENTS OF \$3,086.00
- 22-1205-366 AWARDDING A CONTRACT TO BUCKS COUNTY INTL INC. UNDER SOURCEWELL PRICING FOR 2024 CV515 SFA (CV515) IN THE AMOUNT OF \$131,270.50
- 22-1205-367 INTENT TO AWARD A CONTRACT UNDER A NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA) TO IPS GROUP FOR MK5 COMMS (4G) LTE VERIZON (4G UPGRADE) AND FLAT SHIPPING CHARGE AS DEFINED IN QUOTE #IPS-2022-101899141 FOR A TOTAL AMOUNT OF \$63, 960.00
- 22-1205-368 AUTHORIZING THE SALE OF CERTAIN LAND AND PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY BOROUGH OF SOMERVILLE

22-1205-369 AUTHORIZING THE ADMINISTRATOR TO ENGAGE THE SERVICES OF MAX SPANN R.E. & AUCTION CO. TO ASSIST IN ONLINE AUCTION FOR 52 FAIRVIEW AVENUE BLOCK 51 LOT 14

11. BILLS AND VOUCHERS

12. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Introduction

ORDINANCE #2691-22-1205

AMENDING ORDINANCE #2688-22-1017 TO ELIMINATE PERMIT PARKING ON THE SOUTH SIDE OF SECOND 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

Name of Street	Side	Location
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	North	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 #2692-22-1205

AMENDING ORDINANCE #2325-10-0419 CHAPTER 66, SECTION 3H OF THE BOROUGH CODE ENTITLED SCHEDULE OF FEES TO INCLUDE COMMUNITY EMERGENCY RESPONSE TEAM MEMEBERS (CERT)

BE IT ORDAINED that the following amendment shall be made to Chapter 66, Section 3H of the Borough Code.

H. All municipal fees or charges, excepting fees for charges for services performed by other than Borough employees, imposed in order to secure a construction permit for any construction, reconstruction, alteration or improvement of any one or two family home, or mixed use building which includes residential units, owned by and in which a qualified volunteer, as hereinafter defined, is or will be a full time resident of one (1) of the residential units, shall be waived upon the filing of an appropriate application therefore. In order to be a qualified volunteer, the following conditions must be satisfied:

1. The volunteer must be a member in good standing of a Somerville Fire Company within the Somerville Fire Department, the First Aid & Rescue Squad of Somerville and or part of the CERT Team for a minimum of one (1) continuous year immediately preceding the date of the application for a construction permit;
2. The volunteer shall have served without remuneration or an agreement or contract for hire during the one (1) year period;
3. The volunteer shall have satisfied the requisite percentage of activity, attendance and participation of the respective organization;
4. The chief executive officer of the fire company or rescue squad shall certify in writing that the volunteer has satisfied the requirements of paragraphs (1) through (3), hereof; and
5. The volunteer shall certify in writing compliance with the residency requirements of this section.
6. The fees associated solely with the living space of the volunteer shall be waived the portions or other fees associated with the units and or commercial space that is not the living quarters shall be assessed accordingly.

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

RESOLUTION 22-1205-354

APPROVING NEW TAXI DRIVER LICENSE FOR ANGELA MILLER

WHEREAS, Angela Miller has made application for new taxi driver license and said application has been reviewed and recommended for approval.

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve a new taxi driver license for Angela Miller.

RESOLUTION 22-1205-355

APPROVING NEW TAXI DRIVER LICENSE FOR MARIO SILVA

WHEREAS, Mario Silva has made application for new taxi driver license and said application has been reviewed and recommended for approval.

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve a new taxi driver license for Mario Silva.

RESOLUTION 22-1205-356

APPROVING MURAL TO BE LOCATED AT ROBERT WOOD JOHNSON HOSPITAL SOMERSET

WHEREAS, in accordance with Chapter 111 of the Borough Code entitled Murals the Downtown Somerville Alliance has submitted a draft of the mural to the Office of the Municipal Clerk to be distributed; and

WHEREAS, the mural shall be installed at the expense of Robert Wood Johnson Hospital Somerset located at 110 Rehill Avenue, Somerville, New Jersey; and

WHEREAS, the mural will not be painted onto the building, and shall be a material maintained and insured by Robert Wood Johnson Hospital Somerset; and

WHEREAS, any local fees that may be associated with this approval shall be waived; and

WHEREAS, the Governing Body was provided by email a copy of the mural and hereby authorizes the a permit and placement of the mural.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the permit and placement of the mural to be located at Robert Wood Johnson Hospital Somerset.

RESOLUTION 22-1205-357

APPROVING MURAL TO BE LOCATED IN FRONT OF 154 -164 W. MAIN STREET, BLOCK 115 LOT 23

WHEREAS, in accordance with Chapter 111 of the Borough Code entitled Murals the Downtown Somerville Alliance has submitted a draft of the mural to the Office of the Municipal Clerk to be distributed; and

WHEREAS, the mural shall be installed at 154 -164 W. Main Street, Somerville at the expense of Robert Wood Johnson Hospital Somerset; and

WHEREAS, the mural will not be painted onto the building, it shall be a display in front of the fence; and

WHEREAS, the mural will be maintained and insured by Robert Wood Johnson Hospital Somerset; and

WHEREAS, the owner, JSM @ 154 Main Somerville, LLC has consented to the installation at 154 -164 W. Main Street, Somerville

WHEREAS, any local fees that may be associated with this approval shall be waived; and

WHEREAS, the Governing Body was provided by email a copy of the mural and hereby authorizes the a permit and placement of the mural.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the permit and placement of the mural to be located at 154 -164 W. Main Street, Somerville.

RESOLUTION 22-1205-358

APPROVING A PAYMENT OF \$3,670.72 TO DAREN MANFREADY

WHEREAS, an internal audit had identified that Daren Manfready was placed into the automatic attendance record with incorrect starting date resulting in an incorrect calculation of accumulated vacation time; and

WHEREAS, the attendance record keeping was corrected by the Chief Financial Officer for adjusted accumulated vacation time and the following table is accurate:

2013	2	176.69	353.38
2014	2	177.56	355.12
2015	2	182.32	364.64
2016	2	185.97	371.94
2017	2	189.59	379.18
2018	2	224.00	448.00
2019	2	228.48	456.96
2020	2	233.05	466.10
2021	2	237.70	475.40

ACCRUED TIME - TOTAL DUE \$ 3,670.72
; and

WHEREAS, Daren Manfready will be paid through payroll \$3,670.72 and a release executed and placed in file, applicable payroll deductions will apply; and

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey shall pay Daren Manfready \$3,670.72 for accumulated vacation time identified in internal audit.

RESOLUTION 22-1205-359

APPROVING TAX OVERPAYMENT REFUNDS

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

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

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

<u>Block/Lot</u>	<u>Year</u>	<u>Name</u>	<u>Address</u>	<u>Reason</u>	<u>Amount</u>	<u>PO#</u>
29.02/10.02	2022	R.Dibenedetto	40 Cleveland	Duplicate	\$3,429.82	22-01447
153/15.01	2022	B.Reilly	100 Prospect St.	Duplicate	\$1488.72	22-01446

RESOLUTION 22-1205-360

AUTHORIZING THE APPLICATION FOR A SUPPLEMENTAL HDSRF GRANT TO CONTINUE REMEDIAL FOR EMERGING CONTAMINATES AND COMPREHENSIVE GROUNDWATER INVESTIGATION OF PORTION OF THE LANDFILL REDEVELOPMENT AREA AND BDA IN THE BOROUGH OF SOMERVILLE

WHEREAS, the Borough of Somerville owns two parcels in the Landfill Redevelopment Area comprising approximately 47-acres at Block 124 lots 1 and 21, the former Borough Landfill; and

WHEREAS, previous environmental investigations at these and adjoining parcels identified certain regulated contaminants in soils and groundwater at concentrations exceeding applicable NJDEP cleanup criteria for which corrective measures may need to be implemented; and

WHEREAS, Borough of Somerville applied for and received a grant from the Hazardous Discharge Site Fund (HDSRF) in 2020 for funding a remedial investigation for certain portions of the Landfill BDA for emerging contaminants and a comprehensive groundwater investigation and prepare an update to the Remedial Investigation Report and Remedial Action Workplan prepared by Geosyntec Consultants and approved by the NJ DEP September 2011; and

WHEREAS, the Borough of Somerville is presently engaged in the investigation of ground water and emerging contaminants at the former landfill parcels as authorized by NJDEP; and

WHEREAS, these current environmental investigations are being funded by NJDEP Hazardous Discharge Site Remediation Fund (HDSRF) grant Prod 00228006; and

WHEREAS, as a result of the findings of the current environmental investigations the Borough consultants have determined that further testing is required and have prepared a scope of work and a cost estimate for these additional investigations; and

WHEREAS, the mayor and council of the Borough of Somerville are committed to the full remediation of the ground water and the mitigation of emerging contaminants in the area.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Somerville that Borough Environmental Consultants, GeoSyntec, be authorized to submit a request to NJDEP for additional HDSRF monies (Supplemental Grant) in the amount of \$1,054,297 on behalf of the Borough of Somerville, in order that the specific investigations detailed in the Supplemental RI for the Landfill Parcels and adjoining properties can be undertaken and lead to the development of a Remedial Action Work plan (RAW) for these parcels.

RESOLUTION 22-1205-361

RESCINDING RESOLUTION 22-0705-222 WHICH AUTHORIZED THE EXECUTION OF A LEASE-PURCHASE AGREEMENT WITH ROUTE 23 FORD AUTOMALL UTILIZING THE MORRIS COUNTY COOPERTIVE IN THE AMOUNT OF \$25,087.00

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby rescinds the execution of a lease purchase agreement for the lease of 2022 Escape S AWD in the amount of \$25,087.00.

RESOLUTION 22-1205-362

AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE AGREEMENT WITH GENTILINI MOTORS IN THE AMOUNT OF \$35,921.27

WHEREAS, the Fire Official's Office for the Borough of Somerville has a need for an additional car; and

WHEREAS, the Borough has identified that the 2022 Ford Escape SE Plug-In FWD fits their needs; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby authorize the execution of a lease purchase agreement for the lease of 2022 Ford Escape SE Plug-In FWD in the amount of \$35,921.27.

RESOLUTION 22-1205-363

RESCINDING RESOLUTION 22-1121-347 AWARDING A CONTRACT TO ALLEGIANCE TRUCKS UNDER SOURCEWELL PRICING FOR UTILITY SERVICE TRUCK WITH ACCESSORIES IN THE AMOUNT OF \$122,088.00

BE IT RESOLVED, that the Borough Council, of the Borough of Somerville, County of Somerset, State of New Jersey hereby rescinds the award a contract to Allegiance Trucks, 525 West Linden Avenue, Linden, NJ 07036 and has submitted Proposal under Sourcewell Pricing to the Borough of Somerville at a cost of \$122,088.00.

RESOLUTION 22-1205-364

RESCINDING RESOLUTION 22-1121-348 AWARDING A CONTRACT TO ALLEGIANCE TRUCKS UNDER SOURCEWELL PRICING FOR UTILITY SERVICE TRUCK WITH 44' AXION AERIAL LIFT IN THE AMOUNT OF \$157,141.00

BE IT RESOLVED, that the Borough Council, of the Borough of Somerville, County of Somerset, State of New Jersey hereby rescinds a contract to Allegiance Trucks, 525 West Linden Avenue, Linden, NJ 07036 and has submitted Proposal under Sourcewell Pricing to the Borough of Somerville at a cost of \$157,141.00.

RESOLUTION 22-1205-365

AWARDING A CONTRACT TO ANIMAL CONTROL SOLUTIONS, LLC FOR ANIMAL CONTROL SERVICES EFFECTIVE JANUARY 1, 2023 TO DECEMBER 31, 2023 IN THE AMOUNT OF \$37,032.00 PAID IN MONTHLY INSTALLMENTS OF \$3,086.00

WHEREAS, an award is recommended for Animal Control Solutions, LLC, PO Box 2493, Flemington, New Jersey 08822.

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby award a contract for Animal Control Services to Animal Control Solutions, LLC, PO Box 2493, Flemington, New Jersey 08822 in the amount of \$37,032.00 paid in monthly installments of \$3,086.00.

RESOLUTION 22-1205-366

AWARDING A CONTRACT TO BUCKS COUNTY INTL INC. UNDER SOURCEWELL PRICING FOR 2024 CV515 SFA (CV515) IN THE AMOUNT OF \$131,270.50

WHEREAS, pursuant to N.J.S.A. 52:34-6.2b.(3) (as amended by P.L. 2011, c.139) and LFN 2012-10, a New Jersey municipality may purchase goods and services without public bidding under the Local Public Contracts Law through the use of a nationally-recognized and accepted cooperative purchasing contract that has been developed

utilizing a competitive bidding or contracting process by another contracting unit within New Jersey or another state; and

WHEREAS, the Borough of Somerville has a need to for One (1) 2024 CV515 SFA (CV515); and

WHEREAS, Bucks County Intl., Inc., 134 Old Oxford Valley Road, Langhorne, PA 19047 is a vendor under the National Cooperative and has submitted Proposal under Sourcewell Pricing; and

WHEREAS, Bucks County Intl., Inc., has the equipment desired by the Borough of Somerville under Quote# 25477, Contract Number 060920-NVS; and

WHEREAS, the Borough of Somerville is required to accept public comments and hence placed a legal ad in the official newspaper informing the public of an intent to award and did not receive any comments.

BE IT RESOLVED, that the Borough Council, of the Borough of Somerville, County of Somerset, State of New Jersey hereby awards a contract to Bucks County Intl., Inc., 134 Old Oxford Valley Road, Langhorne, PA 19047 and has submitted a quote under Sourcewell Pricing to the Borough of Somerville at a cost of \$131,270.50.

RESOLUTION 22-1205-367

INTENT TO AWARD A CONTRACT UNDER A NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA) TO IPS GROUP FOR MK5 COMMS (4G) LTE VERIZON (4G UPGRADE) AND FLAT SHIPPING CHARGE AS DEFINED IN QUOTE #IPS-2022-101899141 FOR A TOTAL AMOUNT OF \$63, 960.00

WHEREAS, the Borough of Somerville is a member in the cooperative purchasing agreement with the National Cooperative Purchasing Alliance, a cooperative purchasing program organized pursuant to the Local public Contract Law, NJSA 40A:11-10; and; and

WHEREAS, the National Cooperative Purchasing Alliance has awarded a contract to IPS Group, 7737 Kenamar Court, San Diego, CA 92121 as defined in Quote #IPS-2022-101899141 for a total amount of \$63, 960.00 for said meters; and

WHEREAS, the Borough of Somerville hereby desires to enter into an agreement with the IPS group for up to (312) MK5 COMMS (4G) LTE VERIZON (4G UPGRADE) and Flat shipping charge. IPS Group, 7737 Kenamar Court, San Diego, CA 92121 as defined in Quote #IPS-2022-101899141 for a total amount of \$63, 960.00.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby award a contract to the IPS Group, utilizing the National Cooperative Purchasing Alliance (312) MK5 COMMS (4G) LTE VERIZON (4G UPGRADE) and Flat shipping charge

RESOLUTION 22-1205-368

AUTHORIZING THE SALE OF CERTAIN LAND AND PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY BOROUGH OF SOMERVILLE

WHEREAS, the Borough of Somerville is the owner of certain lands and capital improvements within the Borough of Somerville; and

WHEREAS, the Municipal Council of the Borough of Somerville does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Borough of Somerville desires to make available for public sale said lands in accordance with N.J.S.A. 40A:12-13(a).

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Somerville in the County of Somerset, State of New Jersey, as follows:

SECTION 1. The Municipal Council hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with the appropriate statutes of the State of New Jersey and ordinances of the Borough of Somerville.

SECTION 2. The Borough of Somerville hereby authorizes Max Spann Real Estate & Auction Co. (hereinafter "Auctioneer"), to offer for sale to the highest bidder by open public sale at auction, the property described in Schedule A attached hereto and made a part hereof.

SECTION 3. The online public sale and soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled.

SECTION 4. The online public sale, if not canceled, shall take place by open public sale at auction to the highest bidder.

SECTION 5. All bidders at the time of sale must present a certified check, money wire or money order in the amount of \$5,000.00 payable to themselves (to be endorsed to the escrow holder or its designee if successful). In addition, the successful bidder shall submit a personal check or money order for the balance of the deposit of 10% of the minimum bid plus Buyer's Premium at the conclusion of the auction and shall execute an Agreement of Sale. Said Agreement of Sale shall be binding upon the high bidder until such time that the municipal council either 1) does not accept the bid in which case bidders deposit will be returned, or, 2) accepts the bid whereupon the municipality shall execute the Agreement of Sale and both parties shall be held bound by the terms and conditions contained therein. The balance of the purchase price shall be paid at closing which shall occur not later than 45 days following the acceptance of the bid by the Borough. The purchaser shall be entitled to possession immediately following closing of title.

SECTION 6. At closing of title, purchaser shall also pay a buyer's premium in the amount of ten (10%) percent of the bid amount to Auctioneer to conduct the sale.

SECTION 7. In the event the Borough of Somerville is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough of Somerville will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough of Somerville in connection with the quality of title conveyed.

SECTION 8. The property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. Neither the Borough of Somerville nor the Auctioneer make no representations as to the presence or absence of wetlands or any other environmental conditions on the property and the purchaser assumes the risk of any such condition, all property being sold “as is.”

SECTION 9. All conveyances by the Borough of Somerville shall be made by Bargain and Sale Deed with Covenants Against Grantor’s Acts.

SECTION 10.The Borough of Somerville reserves the right to waive any and all defects and informalities in any bid and to accept or reject any and all bids at the public sale and to not award to the highest bidder. No bid shall be considered finally accepted until passage of a resolution by the Municipal Council as set forth in Paragraph 12 hereof.

SECTION 11.Acceptable bids shall be confirmed by resolution of the Municipal Council no later than the first regular meeting of the Municipal Council following the date of such sale.

SECTION 12.This resolution shall constitute and serve as the public notice to be published in a newspaper circulating in the Borough at least once a week for two (2) consecutive weeks, the last publication being not earlier those seven (7) days prior to the date set forth for the public sale.

SECTION 13. In the event the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.

SECTION 14.This resolution shall take effect immediately.

SCHEDULE A

52 FAIRVIEW AVENUE BLOCK 51 LOT 14

RESOLUTION 22-1205-369

AUTHORIZING THE ADMINISTRATOR TO ENGAGE THE SERVICES OF MAX SPANN R.E. & AUCTION CO. TO ASSIST IN ONLINE AUCTION FOR 52 FAIRVIEW AVENUE BLOCK 51 LOT 14

WHEREAS, the Borough of Somerville has engaged the services of Max Spann R.E. & Auction Co. to assist in Online Auction for 52 Fairview Avenue Block 51 Lot 14.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby engages the services of Max Spann R.E. & Auction Co., PO Box 4992, Clinton, New Jersey 08809 to assist in