

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

**Monday, February 6, 2023
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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- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES- EXECUTIVE SESSION**
 - a. January 17, 2023
- 4. RESOLUTION 23-0206-055 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Parcview Playground
- b. Redevelopment
- c. Personnel

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. January 17, 2023
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. Somerville Board of Health Report December 2022
- 6. PROCLAMATION**
 - a. Black History Month February

7. DISCUSSION

- a. 41 W. High Street – Zoning change

8. CDBG DISCUSSION & NOTIFICATION

- a. Carol Pager ADA Playground Expansion

9. ORDINANCE FOR INTRODUCTION

2693-23-0206

REMOVING ARTICLE XIII ENTITLED STREET CLEANING CHAPTER 166-31 NO PARKING FOR STREET CLEANING AND REMOVING 166-62 SCHEDULE XXI ENTITLED NO PARKING FOR STREET CLEANING TO ELIMINATING STREET CLEANING ENFORCEMENT THROUGHOUT THE MUNICIPALITY

10. COMMITTEE REPORTS

11. MEETING OPEN TO THE PUBLIC

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

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

(RESOLUTIONS 23-0206-056 THRU 23-0206-076)

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

- 23-0206-056 APPROVING THE REFUND OF CASH PERFORMANCE BOND LESS 10% CASH AMOUNT AND ACCEPT SURETY BOND #710140 IN PLACE OF CASH FOR TFE PROPERTIES 50 KIRBY URBAN RENEWAL LLC PROJECT #2018-027P
- 23-0206-057 AWARDING A CONTRACT TO BUCKS COUNTY INTERNATIONAL, INC. UNDER SOURCEWELL PRICING FOR CV515 VERSALIFT UTILITY BODY IN THE AMOUNT OF \$170,891.00
- 23-0206-058 APPROVING THE CENTRAL JERSEY CORVETTE CLUB TO UTILIZE PARKING SPACES IN FRONT OF HISTORIC COURTHOUSE ON JUNE 2ND & AUGUST 4TH 2023 FROM 5:00 P.M. – 9:00 P.M. FOR CRUISE NIGHT DISPLAY
- 23-0206-059 ACCEPTING RESIGNATION OF KIM SORACE FROM THE SOMERVILLE BOARD OF HEALTH EFFECTIVE IMMEDIATELY

- 23-0206-060 APPROVING NEW JERSEY FIREMEN'S ASSOCIATION APPLICATION FOR ANTHONY TREMARCO
- 23-0206-061 APPROVING GIRLS ON THE RUN RACE FOR JUNE 11, 2023 STARTING AT 9:00 A.M. ON THE CORNER OF EAST HIGH STREET AND GROVE STREET
- 23-0206-062 AMENDING RESOLUTION 23-0117-054 TO REFLECT CHANGE OF ADDRESS
- 23-0206-063 AUTHORIZING MEMORANDUM OF AGREEMENT TO BE DRAFTED BETWEEN THE BOROUGH OF SOMERVILLE AND THE SOMERVILLE FIRST AID AND RESCUE SQUAD FOR USE OF 137 WEST HIGH STREET, BLOCK 115, LOT 6
- 23-0206-064 SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY® MUNICIPAL CERTIFICATION PROGRAM
- 23-0206-065 AFFIRM THE BOROUGH OF SOMERVILLE'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS
- 23-0206-066 AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY HISTORIC TRUST FOR THE DANIEL ROBERT HOUSE PROJECT NUMBER 2022.2062
- 23-0206-067 CANCELLING UNCOLLECTIBLE TAXES
- 23-0206-068 AWARDING A CONTRACT TO D'AVELLINO CONSTRUCTION FOR MICHAEL LEPP PARK POOL IMPROVEMENTS FOR A TOTAL BID AMOUNT (BASE BID AND ALTERNATES) IN THE AMOUNT OF \$479,878.00
- 23-0206-069 SUPPORTING THE ARTS AND ART EDUCATION THROUGH THE COLLABORATION OF NOT-FOR PROFIT CHARITABLE ORGANIZATIONS INCLUDING "ARTS ON DIVISION" AND RECOGNIZING "ARTS ON DIVISION" AS THE BOROUGH'S CREATIVE TEAM
- 23-0206-070 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR CONSTRUCTION DOCUMENTS, BIDDING AND CONSTRUCTION PHASE SERVICES FOR CONTINUED EXTERIOR RESTORATION AT SOMERVILLE BOROUGH

HALL THE HISTORIC DANIEL ROBERT HOUSE TO HMR ARCHITECTS

- 23-0206-071 APPOINTING KAREN D'ALONZO TO SERVE ON THE BOARD OF HEALTH (3 YEAR TERM EXPIRING DECEMBER 31, 2023)
- 23-0206-072 AFFIRMING THE APPROVAL OF THE GREENWAY MURAL PROJECT AT INTERSECTION OF BRIDGE AND GREEN STREET BEING COORDINATED BY ARTS ON DIVISION AND FUNDED THROUGH THE NEW JERSEY AARP
- 23-0206-073 AMENDING RESOLUTION 23-0103-022 AUTHORIZING THE AWARD OF A FAIR AND OPEN-FAIR CONTRACT TO T & M ASSOCIATES FOR SANITARY SEWER ENGINEERING SERVICES AND OTHER ENGINEERING SERVICES
- 23-0206-074 AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR \$100,000 FOR THE "CAROL PAGER ADA PLAYGROUND EXPANSION" PROJECT
- 23-0206-075 AUTHORIZING A REFUND OF \$3,378.29 TO DGM STATION HOUSE, LLC FROM THE ESCROW ACCOUNT
- 23-0206-076 SUPPORTING THE SUBMISSION OF AN APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE FISCAL YEAR "2023 ASSISTANCE TO FIREFIGHTERS GRANT" (AFG) FOR HIGH WATER RESCUE EQUIPMENT AND PROVIDING THE 5% NON-FEDERAL COST SHARE REQUIREMENT

13. BILLS AND VOUCHERS

14. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinance scheduled for Introduction

ORDINANCE #2693-23-0206

REMOVING ARTICLE XIII ENTITLED STREET CLEANING CHAPTER 166-31 NO PARKING FOR STREET CLEANING AND REMOVING 166-62 SCHEDULE XXI ENTITLED NO PARKING FOR STREET CLEANING TO ELIMINATING STREET CLEANING ENFORCEMENT THROUGHOUT THE MUNICIPALITY

WHEREAS, the Borough of Somerville desires to remove street cleaning enforcement regulations; and

WHEREAS, the street cleaning operations will occur in order to meet both storm water regulations and to provide for clean streets; and

WHEREAS, the Borough of Somerville desires to remove Chapter 166 Section 31 entitled No Parking for Street Cleaning from the Borough Code; and

WHEREAS, the Borough of Somerville desires to remove Chapter 166 Section 62 Schedule XXI entitled No parking for street cleaning from the Borough Code.

WHEREAS, upon passage of said ordinance signs shall be removed indicating “no parking” as per Schedule XXI

ARTICLE XIII Street Cleaning

166-31. No Parking for Street Cleaning

No person shall park a vehicle between the hours of 9:00 a.m. and 1:00 p.m. on the days specified upon any street or parts of street described in Schedule XXI from March 1st through October 31. All street cleaning regulations are suspended in the months of November, December, January and February.

§ 166-62 Schedule XXI: No Parking for Street Cleaning.

Pursuant to § **166-31**, no parking zones for street cleaning are hereby established and shall be maintained upon the following described streets or parts thereof:

Name of Street	Side	Day	Location
Brookside Avenue	South	Thursday	Entire length
Brown Street	South	Wednesday	Entire length
Fairview Avenue	North	Monday	Entire length
Fairview Avenue	South	Tuesday	Entire length
Fieldstone Drive	East	Monday	Entire length
Fieldstone Drive	West	Thursday	Entire length
Hamilton Street	East	Monday	Entire length
Hamilton Street	West	Tuesday	Entire length

Name of Street	Side	Day	Location
Holly Glen Road	South	Tuesday	Entire length
Mercer Street	West	Wednesday	From West Cliff Street to Route 22
Oak Terrace	South	Thursday	Entire length
Orchard Street	South	Wednesday	Entire length
Schoolhouse Lane	North	Tuesday	Entire length
Schoolhouse Lane	South	Monday	Entire length
Second Street	North	Tuesday	Entire length
South Middaugh Street	West	Friday	Entire length
Southside Avenue	Both	Tuesday, 9:00 a.m. to 1:00 p.m.	Bridge Street to Center Street
Third Street	South	Tuesday	Entire length
Veterans Memorial Drive East	North	Monday	Entire length
Veterans Memorial Drive East	South	Tuesday	Entire length
West Cliff Street	North	Thursday	Entire length
West Cliff Street	South	Wednesday	Entire length

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

RESOLUTION 23-0206-056

APPROVING THE REFUND OF CASH PERFORMANCE BOND LESS 10% CASH AMOUNT AND ACCEPT SURETY BOND #710140 IN PLACE OF CASH FOR THE PROPERTIES 50 KIRBY URBAN RENEWAL LLC PROJECT #2018-027P

WHEREAS, the applicant has requested the return of cash performance bond and posted a surety performance bond in its place; and

WHEREAS, in a letter dated January 13,2023 from TFE Properties, the applicant requested the cash bond of \$433,583.88 be returned and posted the 10% cash bond amount of \$48,175.99 from the remainder of the original cash bond posted \$481,759.87 in October 2022.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approves the cash bond returned in the amount of \$433,583.88 to TFE Properties, 50 Kirby Urban Renewal LLC.

RESOLUTION 23-0206-057

**AWARDING A CONTRACT TO BUCKS COUNTY INTERNATIONAL, INC.
UNDER SOURCEWELL PRICING FOR CV515 VERSALIFT UTILITY BODY IN THE
AMOUNT OF \$170,891.00**

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) CV515 Versalift Utility Body; 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 proposal# Q-8543; 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 \$170,891.00.

RESOLUTION 23-0206-058

**APPROVING THE CENTRAL JERSEY CORVETTE CLUB TO UTILIZE PARKING
SPACES IN FRONT OF HISTORIC COURTHOUSE
ON JUNE 2ND & AUGUST 4TH 2023 FROM 5:00 P.M. – 9:00 P.M.
FOR CRUISE NIGHT DISPLAY**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the Central Jersey Corvette Club to use parking spaces located on Main Street in front of the Historic Courthouse on June 2ND and August 4TH for Cruise Night display.

RESOLUTION 23-0206-059

ACCEPTING RESIGNATION OF KIM SORACE FROM THE SOMERVILLE BOARD OF HEALTH EFFECTIVE IMMEDIATELY

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby accepts the resignation of Kim Sorace from the Somerville Board of Health effective immediately. We wish her well and thank her for her service.

RESOLUTION 23-0206-060

APPROVING NEW JERSEY FIREMEN'S ASSOCIATION APPLICATION FOR ANTHONY TREMARCO

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approves New Jersey Firemen's Association Application for Anthony Tremarco.

RESOLUTION 23-0206-061

APPROVING GIRLS ON THE RUN RACE FOR JUNE 11, 2023 STARTING AT 9:00 A.M. ON THE CORNER OF EAST HIGH STREET AND GROVE STREET

WHEREAS, Girls on the Run race is schedule to take place on Sunday, June 11, 2023, starting at 9:00 a.m.; and

WHEREAS, the race will be utilizing the regular race route ending on East High Street and Grove Street; and

WHEREAS, the race organizers must provide paper notifications to residents and provide extensive social media notification announcing the course, dates and times in which residents may be affected; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, hereby approve the Girls on the Race to be held on Sunday June 11, 2023 contingent on the submission of the appropriate forms and payment to the Police Off-Duty escrow prior to scheduling of Off-Duty Police Officers.

RESOLUTION 23-0206-062

**AMENDING RESOLUTION 23-0117-054 TO REFLECT
CHANGE OF ADDRESSES**

WHEREAS, the following entities are required to pay parking impact fees for 2023; and

WHEREAS, the Borough Council authorizes the issuance of invoices annually.

<u>Location</u>	<u>Block & Lot</u>	<u>Owner</u>	<u>2023</u>
66-76 & 78-84 W. Main Street	Block 114 Lots 23 & 24	Greg Storms DGM West Management LLC 30 S. Doughty Avenue Somerville, NJ 08876	\$2,520.00
6 N. Doughty Avenue	Block 115 Lots 26 & 27	Greg Storms DGM West Management, LLC 30 S. Doughty Avenue Somerville, NJ 08876	\$6,120.00
24 Division Street	Block 119 Lot 16	24 Division Redev, LLCRM 407 Frederick Avenue South Plainfield NJ 07080	\$360.00
9-13 Division Street		9-13 Division, LLC c/o N Niceforo 157 Hillside Terrace Staten Island NY 10308	\$1,440.00
57 West Main Street	Block 118 Lot 11	Alpine Holdings Group	
15-23 Division Street	Block 119 Lot 21.01	Phoenix 15-17 Division Assoc., LLC	
Wolfgang's Valet Parking			\$1,404.00
Cobalt parking in Garage		Yoni Nevenansky The Cobalt Urban Renewal, LLC 41 Bayard Street New Brunswick, NJ 08901	\$6,400.00 per 1/4 \$12,480.00 per 1/2 \$23,040 per year
The Davenport		Yoni Nevenansky The Davenport Urban Renewal, LLC 41 Bayard Street New Brunswick, NJ 08901	\$800.00 per 1/4 \$1,560.00 per 1/2 \$2,880.00 per year
Station House parking in Garage	Block 611 Lots 4, 5 & 6.01	DGM Station House Urban Renewal, LLC 313 Route 206, Suite 9 Chester, NJ 07930	\$4,000.00 per 1/4 \$7,800.00 per 1/2 \$14,400.00 per year

THEREFORE, BE IT RESOLVED by the governing body of the Borough of Somerville hereby authorizes the address change.

RESOLUTION 23-0206-063

**AUTHORIZING MEMORANDUM OF AGREEMENT TO BE
DRAFTED BETWEEN THE BOROUGH OF SOMERVILLE AND THE SOMERVILLE
FIRST AID AND RESCUE SQUAD FOR USE OF
137 WEST HIGH STREET, BLOCK 115, LOT 6**

WHEREAS, the Borough of Somerville is the owner of 137 West High Street, Block 115, Lot 6, commonly referred to as the West End Hose Company #3; and

WHEREAS, the West End Hose Company #3 is an active firehouse providing emergency response services to the residents of Somerville Borough and mutual aid response; and

WHEREAS, the Borough of Somerville has entered into a Redevelopment Agreement with FD Stonewater to construct an Emergency Services Facility on North Gaston Avenue, Somerville; and

WHEREAS, the 137 West High Street was placed into the West End Redevelopment Area; and

WHEREAS, the West End Hose Company #3 is expected to relocate into the Emergency Services Facility on North Gaston Avenue; and

WHEREAS, once the West End Hose Company #3 fully relocates to the Emergency Services facility on North Gaston Avenue the firehouse at 137 West High Street shall be vacant; and

WHEREAS, the Borough of Somerville has identified several needs for the facility at 137 West High Street; and

WHEREAS, the Mayor and Council of the Borough of Somerville recognizes the Somerville First Aid and Rescue Squad has expressed an interest in the use of 137 West High Street; and

WHEREAS, the Mayor and Council has determined that the use of 137 West High Street by the Somerville First Aid and Rescue Squad would be an appropriate and beneficial use for the residents of Somerville Borough; and

WHEREAS, the Mayor and Council directs legal counsel to prepare a Memorandum of Understanding that would provide for a termed agreement identifying Somerville First Aid and Rescue Squad as a leasee that would cover all daily maintenance, utilities, including telephone, cable, electric, sewer and water, renovations required for their operations, insurance and all other customary costs related to a leasee; and

WHEREAS, after agreement by both parties the Mayor and Council shall approve the Memorandum of Understanding by resolution and said resolution shall remain in effect until said building is vacant; and

WHEREAS, as required by law, the Mayor and Council will enter into a formal lease and any other documents deemed necessary by law:

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey intends to enable 137 West High Street, Somerville New Jersey to be used by the Somerville First Aid Squad and Rescue Squad and directs legal counsel to draft a Memorandum of Understanding for consideration to be executed by both parties.

BE IT FUTRTHER RESOLVED, by the Borough Council that legal counsel shall draft the lease agreement and all other documents necessary for the formal use of 137 West High Street by the Somerville and First Aid rescue Squad.

RESOLUTION 23-0206-064

SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY® MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Somerville strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the future; and

WHEREAS, the Borough of Somerville hereby acknowledges that the residents of the Borough of Somerville desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Borough of Somerville wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically--- sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Borough of Somerville is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, the elected representatives of the Borough of Somerville have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within the Borough of Somerville on matters of sustainability, the Borough Council wishes to

pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Somerville that we do hereby authorize Environmental Commission Chairperson Jeff Lamborn to serve as Somerville's agent for the Sustainable Jersey Municipal Certification process and authorize her to complete the Municipal Registration on behalf the Borough of Somerville.

RESOLUTION 23-0206-065

AFFIRM THE BOROUGH OF SOMERVILLE'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of Borough of Somerville to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Borough of Somerville has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Borough of Somerville that:

Section 1: No official, employee, appointee or volunteer of the borough by whatever title known, or any entity that is in any way a part of the borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the borough's business or using the facilities or property of the Borough of Somerville.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the borough to provide services that otherwise could be performed by the borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the borough in order for the public to be made aware of this policy and the borough's commitment to the implementation and enforcement of this policy.

RESOLUTION 23-0206-066

AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY HISTORIC TRUST FOR THE DANIEL ROBERT HOUSE PROJECT NUMBER 2022.2062

WHEREAS, the Governing Body of the Borough of Somerville desires to further historic preservation through a grant from the New Jersey Historic Trust, State of New Jersey in the amount of two hundred eighteen thousand nine hundred and seven dollars \$218,907.00; and

WHEREAS, the Borough Administrator is authorized to execute said grant agreement and submit all required documents to the New Jersey Historic Trust; and

WHEREAS, this Resolution shall be sealed and serve as Attachment E of the grant agreement:

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes Kevin Sluka, Administrator to execute a grant from the New Jersey Historic Trust, State of New Jersey in an amount up to that awarded for the proposed project and to seal the grant agreement.

RESOLUTION 23-0206-067

CANCELLING UNCOLLECTIBLE TAXES

WHEREAS, the Tax Collector has advised that the following taxes are uncollectible for the reasons shown below; and

WHEREAS, the Collector has requested that the uncollectible taxes be cancelled of record.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Somerville, that the taxes shown below be cancelled of record and refunded to property owner and that the Collector be and is hereby authorized to adjust her records accordingly:

<u>Block/Lot</u>	<u>Year</u>	<u>Amount</u>	<u>Location</u>	<u>Homeowner</u>	<u>Reason</u>
Cancellation of Billing					
92.05/16	2022	\$938.74	1 Imperial Dr.	J. Christopher	100% Disabled Veteran
92.05/16	2023	\$4,797.16	1 Imperial Dr.	J. Christopher	100% Disabled Veteran
68/19	2022	\$6,111.98	27 Park Ave.	A. Nelson	100% Disabled Veteran
68/19	2023	\$4,532.01	27 Park Ave.	A. Nelson	100% Disabled Veteran

Refund by Purchase Order

92.05/16	2022	\$938.74	1 Imperial Dr.	J. Christopher	100% Disabled Veteran
92.05/16	2023	\$2,420.28	1 Imperial Dr.	J. Christopher	100% Disabled Veteran
68/19	2022	\$3,805.44	27 Park Ave.	A. Nelson	100% Disabled Veteran

RESOLUTION 23-0206-068

**AWARDING A CONTRACT TO D'AVELLINO CONSTRUCTION FOR
MICHAEL LEPP PARK POOL IMPROVEMENTS FOR A TOTAL BID AMOUNT
(BASE BID AND ALTERNATES) IN THE AMOUNT OF \$479,878.00**

WHEREAS, the Borough of Somerville advertised the Notice to Bidders in the official newspaper on December 15, 2022 for bids to be received on January 5, 2023; and

WHEREAS, the Municipal Clerk received bids on January 12, 2023 at 10:00am along with several borough officials present and read the bids aloud as required; and

WHEREAS, the bid received D'Avellino Construction, 62 Court Street, Suite 2, Freehold, New Jersey 07728 was the lowest bid in the amount of \$479,878.00; and

WHEREAS, the consulting engineer, Peter Bondar, P.E., of T&M, has provided a recommendation of award; and

WHEREAS, the bid has been reviewed by Kevin Sluka, QPA serving as the Purchasing Agent and recommended the award of the bid to the lowest responsible bidder D'Avellino Construction, 62 Court Street, Suite 2, Freehold, New Jersey 07728, for a total bid amount (base bid and alternates) in the amount of \$479,878.00.; and

WHEREAS, the Chief Financial Officer shall provide a certification as part of this resolution that funds are available in full to award the contract to D'Avellino Construction, for a total bid amount (base bid and alternates) in the amount of \$479,878.00.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey awards a contract to D'Avellino Construction, 62 Court Street, Suite 2, Freehold, New Jersey 07728 for Michael Lepp Park Pool Improvements for a total bid amount (base bid and alternates) in the amount of \$479,878.00.

RESOLUTION 23-0206-069

SUPPORTING THE ARTS AND ART EDUCATION THROUGH THE COLLABORATION OF NOT-FOR PROFIT CHARITABLE ORGANIZATIONS INCLUDING "ARTS ON DIVISION" AND RECOGNIZING "ARTS ON DIVISION" AS THE BOROUGH'S CREATIVE TEAM

WHEREAS, the Borough of Somerville endeavors to pursue certification as a "Sustainable Community" through the Sustainable Jersey Program, in recognition of its actions, activities and programs that contribute to waste reduction, energy savings, resource conservation and improved quality of life for its residents; and

WHEREAS, the Borough of Somerville recognizes that investments in arts and culture contribute to the community's quality of life in that regard; and

WHEREAS, through its use of public spaces the Borough of Somerville has collaborated with several not-for-profits to introduce the arts into the business district and transits area throughout the municipality, which has included 501 (C3) charitable organizations *Arts on Division* and the *Downtown Somerville Alliance, Inc.*; and

WHEREAS, where it pertains to the "Sustainable Community" designation by Sustainable Jersey, the Borough Council would like to establish a Creative Team as a subcommittee of the Green Team, to recommend and implement, as appropriate, actions that facilitate such a designation; and

WHEREAS, the "Arts on Division", is a 501 (c3) charitable organization dedicated to building community through the arts and arts education and Downtown Somerville Alliance, Inc also a 501 (c3) organization collaborates with the Borough of Somerville on funding and bringing art within the Special Improvement District; and

WHEREAS, because the efforts of the Downtown Somerville Alliance, Inc. are relegated to the boundaries of the Special Improvement District, the Borough of Somerville's Green Team continues to recognize the "Arts on Division" as the Borough's Creative Team for the purpose of pursuing the "Sustainable Community" designation by Sustainable Jersey Program and agrees to appoint an official representative to serve on the team.

BE IT FURTHER RESOLVED that the Borough of Somerville, County of Somerset, State of New Jersey affirms its support of the arts and arts education through the collaboration of not-for profit charitable organizations including "Arts on Division" a (501) c3 charitable organization.

RESOLUTION 23-0206-070

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR CONSTRUCTION DOCUMENTS, BIDDING AND CONSTRUCTION PHASE SERVICES FOR CONTINUED EXTERIOR RESTORATION AT SOMERVILLE BOROUGH HALL THE HISTORIC DANIEL ROBERT HOUSE TO HMR ARCHITECTS

WHEREAS, the Borough of Somerville requires professional service for Construction Documents, Bidding and Construction Phase Services for continued exterior restoration work at Somerville Borough Hall The Historic Daniel Robert House; 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 HMR Architects 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 firm of HMR Architects has submitted a proposal along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable the firm of HMR Architects to provide such services; and

WHEREAS, the firm of HMR Architects shall serve as professional service for Construction Documents, Bidding and Construction Phase Services for continued exterior restoration work at Somerville Borough Hall The Historic Daniel Robert House in accordance with their proposal dated April 12, 2022 for continued exterior restoration work at Somerville Borough Hall The Historic Daniel Robert House.

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 HMR Architects, 821 Alexander Road, Princeton, NJ 08540 is hereby authorized

2. The Mayor and Clerk are authorized to sign a contract with HMR Architects, 821 Alexander Road, Princeton, NJ 08540 in accordance with the following terms and conditions:
 - A. Term: The contract shall be awarded for the Entry Portico at Somerville Borough Hall, The Historic Daniel Robert House project
 - B. Rate: Total Professional Fees: \$44,871.00
 - C. Services: The firm shall provide Construction Documents, Bidding and Construction Phase Services for continued exterior restoration work at Somerville Borough Hall The Historic Daniel Robert House
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 23-0206-071

APPOINTING KAREN D'ALONZO TO AN UNEXPIRED TERM TO SERVE ON THE BOARD OF HEALTH (3 YEAR TERM EXPIRING DECEMBER 31, 2023)

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey appoints Karen D'Alonzo to an unexpired term to serve on The Board of Health 3 year term expiring December 31, 2023.

RESOLUTION 23-0206-072

AFFIRMING THE APPROVAL OF THE GREENWAY MURAL PROJECT AT INTERSECTION OF BRIDGE AND GREEN STREET BEING COORDINATED BY ARTS ON DIVISION AND FUNDED THROUGH THE NEW JERSEY AARP

WHEREAS, the Arts on Division has applied and received funding through the New Jersey AARP to decorate a crosswalk intersection at North Bridge and Green Street; and

WHEREAS, the Arts on Division will be coordinating local artists to participate in the project scheduled for Saturday, May 13, 2023 from 8:00 a.m. to 6:00 p.m.; and

WHEREAS, the Arts on Division will be responsible for obtaining all the necessary approvals, submitting an Emergency Action Plan and contacting all the appropriate agencies; and

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey affirms the approval of the Greenway Mural project at the intersection of North bridge Street and Green Street coordinated by Arts on Division and funded through the NJ AARP on May 13, 2023

RESOLUTION 23-0206-073

**AMENDING RESOLUTION 23-0103-022 AUTHORIZING THE AWARD OF
A FAIR AND OPEN-FAIR CONTRACT TO T & M ASSOCIATES
FOR SANITARY SEWER ENGINEERING SERVICES AND OTHER ENGINEERING
SERVICES**

WHEREAS, the Borough of Somerville has a need to acquire engineering services to consult the Borough as a 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 Business Administrator has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for one year; and

WHEREAS, T & M Associates has submitted a full proposal dated December 5, 2022 that included a 2023 Rate Schedule, along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable Cole & Associates to provide such services; and

NOW THEREFORE, BE IT RESOLVED, that the Borough of Somerville of the authorizes the Administrator to enter into a contract with T & M Associates as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Political Contribution Disclosure Form be placed on file with this resolution.

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

1. A professional services contract with T & M Associates, 400 Broadacres Drive, Suite 250, Bloomfield, New Jersey 07003 is hereby authorized
2. The Mayor and Clerk are authorized to sign a contract T & M Associates, 400 Broadacres Drive, Suite 250, Bloomfield, New Jersey 07003 in accordance with the following terms and conditions:

A. Term: A month to month contract for a period of not to exceed 12 months or for length of project

B. Rate: As per the 2023 Annual Fee Schedule and at a public rate of \$199 for Borough services not to exceed \$12,000 annually

C. Services: The firm shall provide professional sanitary engineering services

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 23-0206-074

AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR \$100,000 FOR THE “CAROL PAGER ADA PLAYGROUND EXPANSION” PROJECT

WHEREAS, the Borough of Somerville is eligible to make application for a Community Development Block Grant with Somerset County; and

WHEREAS, the Borough of Somerville seeks to enhance and expand its recreational access to all children; and

WHEREAS, in accordance with the ADA, an accessible playground is one that offers a range of play experiences to children of varying abilities; and

WHEREAS, the Borough of Somerville is eligible to make application to the Community Development Block Grant Program up to \$100,000 per application; and

WHEREAS, the Borough’s Recreation Committee has prepared an application for submission to the Community Development Block Grant Program for the maximum amount of \$100,000.

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes and endorses an application to the Community Development Block Grant Program for the “Carol Pager ADA Playground Expansion” Project in the amount of \$100,000 and authorizes the execution all required documents.

RESOLUTION 23-0206-075

**AUTHORIZING A REFUND OF \$3,378.29 TO DGM STATION HOUSE, LLC
FROM THE ESCROW ACCOUNT**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the refund from the escrow account of \$3,378.29.

RESOLUTION 23-0206-076

**SUPPORTING THE SUBMISSION OF AN APPLICATION TO THE FEDERAL
EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE FISCAL YEAR “2023
ASSISTANCE TO FIREFIGHTERS GRANT” (AFG) FOR HIGH WATER RESCUE
EQUIPMENT AND PROVIDING THE 5% NON-FEDERAL COST SHARE
REQUIREMENT**

WHEREAS, the goal of the Assistance to Firefighters Grant (AFG) offered by the federal Emergency Management Agency (FEMA) is to provide funding assistance to assist with meeting firefighting and emergency response needs; and

WHEREAS, during several local declared emergencies the Borough of Somerville had to evacuate residents from low lying flood prone areas, removing the individuals from immediate danger and provided sheltering; and

WHEREAS, the Somerville Fire Department is making application for the FEMA AFG Program for funding assistance for funding the Somerville Area Flood and Evacuation Response Project (SAFER); and

WHEREAS, the Governing Body recognizes the need for the Somerville Area Flood and Evacuation Response Project (SAFER) identified in the grant application and supports the submission of said application; and

WHEREAS, the AFV Program requires a local cost share percentage based upon the service jurisdiction; and

WHEREAS, the Borough of Somerville will provide the 5% of non-federal funds of the grant award as per grant requirements.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey supports the submission of an application to the FEMA AFG Program and will provide 5% of non-federal funds as per the local share requirements.