

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

**Tuesday, February 21, 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. February 6, 2023
- 4. RESOLUTION 23-0221-077 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment
- b. DPW Site Location
- c. Personnel – Contract Negotiations
- d. Personnel

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. February 6, 2023
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. Somerville Board Health Monthly Report January
 - b. Animal Control Solutions Monthly Report January

6. COMMITTEE REPORTS

7. PRESENTATION

- a. Somerville Civic Center

8. CDBG DISCUSSION & NOTIFICATION

- a. Safe & Sound Somerset – Mobile Case management for Housing & Economic Stability. Seeking \$25,000 from CDBG
- b. YMCA -GSCYMCA's Food Security Program at the Somerville YMCA
- c. Zufall Health Center -Interior Renovation- Flooring Replacement and Painting

9. ORDINANCES FOR INTRODUCTION

2694-23-0221 AN ORDINANCE GRANTING CONSENT AND PERMISSION TO NEW JERSEY AMERICAN WATER, INC. TO FURNISH WASTEWATER COLLECTION AND CONVEYANCE SERVICE IN THE BOROUGH OF SOMERVILLE, NEW JERSEY

2695-23-0221 AMENDING THE REDEVELOPMENT PLAN FOR THE KIRBY AVENUE REDEVELOPMENT AREA, SPECIFICALLY APPLICABLE TO BLOCK 50, LOTS 2, (50 JAMES STREET) AND 2.01, (82 FAIRVIEW AVENUE) PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

2696-23-0221 ACCEPTING THE GRANT OF AN AMENDED AND RESTATED CONFIRMATORY EASEMENT FOR BOROUGH UTILITIES ON PRIVATE PROPERTY (TAX BLOCK 1, LOT 4.01), 50 KIRBY AVENUE AND FOR THE CONSTRUCTION OF IMPROVEMENTS BY THE PROPERTY OWNER WITHIN THE EASEMENT TO FACILITATE THE RESIDENTIAL REDEVELOPMENT PROJECT ON THE PROPERTY LOCATED IN THE KIRBY AVENUE REDEVELOPMENT AREA

2697-23-0221 ADDING CHAPTER 103 TO THE BOROUGH'S ADMINISTRATIVE CODE ENTITLED LEAD-BASED PAINT INSPECTIONS

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

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

11. RESOLUTION FOR ROLL CALL VOTE

23-0221-078 AFFIRMING THE 2023 DOWNTOWN SOMERVILLE ALLIANCE, INC., BUDGET IN THE AMOUNT OF \$971,000.00

12. MEETING OPEN TO THE PUBLIC

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

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

(RESOLUTIONS 23-0221-079 THRU 23-0221-092)

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

23-0221-079 ACCEPTING A DONATION OF TWO (2) 2007 FORD F-350 STANDARD CAB TRUCKS FROM THE TOWNSHIP OF HOLMDEL

23-0221-080 EXTENDING THE CONDITIONAL DESIGNATION OF OAK SOMERVILLE, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 62, LOT 1 (2-10 EAST MAIN STREET) IN THE EAST CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A COMMERCIAL PROJECT

23-0221-081 EXTENDING THE CONDITIONAL DESIGNATION OF SOMERVILLE MULTI FAMILY, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 62, LOTS 2, 3, 4 and 5 (23-37 SOUTH BRIDGE STREET) IN THE EAST CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A RESIDENTIAL PROJECT

23-0221-082 AUTHORIZING PARTICPATION IN THE "FOODSTOCK FOOD CHALLENGE 2023" AND DESIGNATING BOROUGH HALL, POLICE DEPARTMENT AND SOMERVILLE LIBRARY AS DROP OFF LOCATIONS

23-0221-083 APPROVING AND AUTHORIZING SPECIAL REDEVELOPMENT COUNSEL TO EXECUTE MEDIATION AGREEMENT WITH THOMAS C. MILLER, ESQ. FOR

MEDIATION OF DISPUTE WITH DESAPIO ENTITIES ON
PARKING GARAGE AGREEMENT

- 23-0221-084 AUTHORIZING PAYMENT OF THE \$500.00 APPLICATION FEE FOR A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND TO THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY (NJ EDA) FOR A SUPPLEMENTAL REMEDIAL INVESTIGATION OF PORTION OF LANDFILL BDA
- 23-0221-085 ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS
- 23-0221-086 CANCELING GRANT APPROPRIATION AND RECEIVABLE BALANCES
- 23-0221-087 AFFIRMING THE BOROUGH OF SOMERVILLE'S LAND-USE PLEDGE
- 23-0221-088 AWARDED A CONTRACT WITH BAY HILL ENVIRONMENTAL (BHE) FOR CERTIFIED LEAD EVALUATION CONTRACTOR SERVICES FOR THE BOROUGH OF SOMERVILLE, SOMERSET COUNTY, NEW JERSEY UP TO THE TOTAL AMOUNT OF \$5,000.00
- 23-0221-089 AUTHORIZING THE USAGE OF EXEMPLIS C/O PARAMOUNT FMS VIA NJ STATE COOPERATIVE CONTRACT QUOTE SITONIT CONTRACT #81711
- 23-0221-090 AMENDING RESOLUTION 23-0206-074 TO INCREASE THE GRANT APPLICATION AMOUNT TO \$150,000.00 AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR \$150,000 FOR THE "CAROL PAGER ADA PLAYGROUND EXPANSION" PROJECT
- 23-0221-091 AUTHORIZING TEMPORARY APPROPRIATION FOR 2023 CURRENT OPERATING MUNICIPAL BUDGET
- 23-0221-092 AMENDING RESOLUTION 23-0117-051 ACCEPTING A GRANT AGREEMENT OF \$137,210 FROM THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR 2022 NJUCF STEWARDSHIP GRANT – REFORESTATION AND TREE PLANTING GRANT

14. BILLS AND VOUCHERS

15. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Introduction

ORDINANCE #2694-23-0221

AN ORDINANCE GRANTING CONSENT AND PERMISSION TO NEW JERSEY AMERICAN WATER, INC. TO FURNISH WASTEWATER COLLECTION AND CONVEYANCE SERVICE IN THE BOROUGH OF SOMERVILLE, NEW JERSEY

WHEREAS, the Borough of Somerville, County of Somerset and State of New Jersey (the "Borough"), hereby grants consent and permission to New Jersey American Water, Inc. ("NJAW"), a New Jersey Corporation to furnish wastewater collection and conveyance service within the Borough; and

WHEREAS, NJAW is in the process of acquiring the wastewater system (the "System") currently owned and operated by the Borough, which has been approved by the voters of the Borough on November 8, 2022, pursuant to N.J.S.A. 40:62-5; and

WHEREAS, the Borough is desirous of having NJAW acquire the System; and

WHEREAS, NJAW is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the Borough to permit NJAW to provide wastewater collection and conveyance service through the System; and

WHEREAS, NJAW has requested the consent of the Borough as required by N.J.S.A. 48:19-17 and 48:19-20, as amended, to lay its pipes beneath and restore such public roads, streets and places as it may deem necessary for its corporate purposes, free from all charges to be made for said privilege (except that fees for road opening permits shall be paid), provided that all said pipes installed after the date of this ordinance shall be laid at least three feet (3') below the surface and shall not in any way unnecessarily obstruct or interfere with the public travel or cause or permit other than temporary damage to public or private property; and

WHEREAS, it is deemed to be in the best interests of the citizens of the Borough to provide this consent; and

WHEREAS, notice of this Ordinance was published in accordance with the requirements of N.J.S.A. 48:3-13 and N.J.S.A. 48:3-14; and

WHEREAS, the Mayor and Council of the Borough have concluded that granting of said consent shall enhance the health, safety and welfare of the citizens of the Borough.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH AS FOLLOWS:

Section 1. That exclusive and perpetual consent and permission to furnish wastewater collection and conveyance to the Borough and all residents, businesses and government buildings therein is hereby given and granted to NJAW, its successors and assigns for the maximum duration permitted by law, subject to the permission by the Board of Public Utilities of the State of New Jersey.

Section 2. That exclusive consent and permission is given to NJAW, its successors and assigns, under the provisions of N.J.S.A. 48:19-17 and N.J.S.A. 48:19-20, as amended, without charge therefore, (except fees for road opening permits which shall be paid) as the same may be required in order to permit NJAW to own and operate the System, add to, extend, replace, operate and maintain said System in the public property described herein in order to provide said wastewater collection and conveyance service. This shall include permission to lay pipes beneath the public roads, streets, public property and public places.

Section 3. That a certified copy of this Ordinance, upon final passage, shall be sent to NJAW, the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

Section 4. That the consent granted herein shall be subject to NJAW complying with all applicable laws of the Borough and/or the State of New Jersey including, but not limited to, any and all applicable statutes and administrative agency rules and/or regulations and contingent upon the Borough and NJAW executing the *Agreement of Sale Between the Borough of Somerville and New Jersey American Water, Inc.*, as the same may be amended from time to time.

Section 5. The Mayor and the Administrator of the Borough are authorized to execute the documents and agreements necessary to effectuate this municipal consent.

Section 5. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 6. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that if any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication.

ORDINANCE #2695-23-0221

AMENDING THE REDEVELOPMENT PLAN FOR THE KIRBY AVENUE REDEVELOPMENT AREA, SPECIFICALLY APPLICABLE TO BLOCK 50, LOTS 2, (50 JAMES STREET) AND 2.01, (82 FAIRVIEW AVENUE) PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

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

SECTION I Pursuant to the "Local Redevelopment and Housing Law," N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), by adoption of a resolution on July 17, 2006, the Borough Council of the Borough of Somerville designated Tax Block 1, Lots 3, 4.01 & 4.02 and Block 50, Lots 1, 2 & 3 as the Kirby Avenue Redevelopment Area (the "Redevelopment Area").

SECTION II Pursuant to the Redevelopment Law, on May 19, 2008, the Borough Council adopted the Kirby Avenue Vision and Redevelopment Plan, which was last amended on or about August 21, 2017 (the "Redevelopment Plan").

SECTION III Pursuant to the Redevelopment Law, on January 17, 2023, the Borough Council expanded the redevelopment area to include Block 50, Lot 2.01, also known as 82 Fairview Avenue.

SECTION IV The Borough Council proposes to amend the Redevelopment Plan, specifically applicable to Block 50, Lots 2 and 2.01, as follows:

- a. Block 50, Lot 2.01, as part of the Redevelopment Area is subject to the amendments to the Redevelopment Plan herein.
- b. Multi-family residential shall be a permitted use.
- c. Parking is a permitted accessory use.
- d. Minimum lot size shall be three (3) acres.
- e. Maximum permitted residential density shall be twenty-five (25) units per acre.
- f. Maximum floor area ratio shall be 0.85, excluding any basement, which basement shall not be habitable.
- g. Building height shall be a maximum of four (4) stories and fifty (50) feet. The height shall be measured to the midpoint of pitched roof, and highest point of flat roof. Stair and elevator bulkheads and HVAC equipment are excluded from height requirements.
- h. Minimum lot frontage shall be eighty (80) feet.
- i. Minimum yard setbacks:
 - i. Minimum front yard setback shall be twenty (20) feet.
 - ii. Minimum side yard setback shall be eight (8) feet on one side and twenty (20) feet total for both side yards.
 - iii. Minimum rear yard setback shall be thirty-five (35) feet.

- j. Minimum open space shall be ten percent (10%). Detention areas are considered open space.
- k. Maximum improvement coverage shall be seventy percent (70%).
- l. Parking shall comply with State Residential Site Improvement Standards.
- m. Bicycle parking shall be provided, and the number of spaces shall be a minimum of twenty-five percent (25%) of the total number of residential units proposed.
- n. Only one (1) and two (2) bedroom units are required. The minimum square footage for each type of unit shall be: 800 square feet for a one (1) bedroom unit; and 1,000 square feet for a two (2) bedroom unit.
- o. An emergency management plan shall be submitted with any site plan application. The planning board shall make the determination on the adequacy of the emergency management plan based on input from the Borough's Office of Emergency Management.

SECTION V Prior to the adoption of this Ordinance and the amendments to the Redevelopment Plan, the Borough Council shall refer the amendments to the Redevelopment Plan to the Planning Board pursuant to the Redevelopment Law.

SECTION VI The Planning Board shall, within 45 days after referral by the Borough Council, transmit to the Borough Council, a report containing its recommendation concerning the amendments to the Redevelopment Plan pursuant to the Redevelopment Law.

SECTION VII Upon receipt of the Planning Board's recommendation or if the Planning Board fails to transmit a recommendation within 45 days after referral, the Borough Council shall act upon this Ordinance adopting the amendments to the Redevelopment Plan pursuant to the Redevelopment Law.

SECTION VIII The Borough Council hereby adopts the amendments to the Redevelopment Plan for Redevelopment Area, specifically applicable to Block 50, Lots 2 and 2.01, as set forth herein.

SECTION IX The amendments to the Redevelopment Plan as set forth herein shall supersede and replace any provisions that may have been applicable to Block 50, Lot 2 and 2.01, and further if there is any conflict between the amendments contained herein and other provisions of the Redevelopment Plan or the Borough's Land Use and Development Ordinance, the amendments adopted herein shall apply.

SECTION X Upon adoption of this Ordinance, the Redevelopment Plan is hereby revised to include the amendments contained herein as of the date of adoption of this Ordinance amending the Redevelopment Plan.

SECTION XI This Ordinance shall take effect in accordance with applicable law.

ORDINANCE #2696-23-0221

**ACCEPTING THE GRANT OF AN AMENDED AND RESTATED CONFIRMATORY
EASEMENT FOR BOROUGH UTILITIES ON PRIVATE PROPERTY (TAX BLOCK 1,
LOT 4.01), 50 KIRBY AVENUE AND FOR THE CONSTRUCTION OF
IMPROVEMENTS
BY THE PROPERTY OWNER WITHIN THE EASEMENT TO FACILITATE THE
RESIDENTIAL REDEVELOPMENT PROJECT ON THE PROPERTY LOCATED IN
THE KIRBY AVENUE REDEVELOPMENT AREA**

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

- Section 1. Pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., the Borough of Somerville (the “Borough”) has the power to acquire and/or sell any real property or interests therein for a public purpose.
- Section 2. Pursuant to N.J.S.A. 40A:12-4 a municipality may acquire any real property, including easements for utilities.
- Section 3. CT-CT07 50 KIRBY LLC and DT-DT07 50 KIRBY LLC, as tenants-in-common (the “Owner”), own Block 1, Lot 4.01 located at 50 Kirby Avenue (the “Property”).
- Section 4. 50 Kirby Urban Renewal, LLC (the “Redeveloper”) is the contract redeveloper of the Property and an affiliated entity of the Owner that proposes to redevelop the Property with residential uses pursuant to a redevelopment agreement with the Borough in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
- Section 5. Somerville Industries, Inc., Owner’s predecessor-in-interest, agreed to grant to Borough certain drainage and sanitary sewer easements on the Property (the “Easements”), as more fully set forth in that certain Resolution adopted by the Somerville Borough Council on February 21, 1966 (the “Resolution”).
- Section 6. The Resolution provided that the grant of the Easements would not take effect “until such time as Somerville Industries, Inc. shall have installed and constructed the sanitary and storm sewers as provided in an agreement entered into between the Borough of Somerville and Somerville Industries, Inc. dated February 21, 1966.
- Section 7. Certain sanitary and storm sewer improvements were installed subsequent to the adoption of the Resolution.
- Section 8. Prior to October 30, 2019, the public record reflected that no

documentation memorializing the grant of the Easements was ever recorded in the Office of the County Clerk of Somerset County.

- Section 9. The Easements are depicted upon the present tax map of the Borough of Somerville, thereby suggesting that the Easements were effectively delivered and granted to the Borough of Somerville but apparently not placed on the public record.
- Section 10. That certain Confirmatory Deed of Easement dated October 30, 2019, confirming the grant of the Easements was recorded on November 1, 2019, in the Somerset County Clerk's office at Book 7164, Page 411.
- Section 11. The Borough and Owner desire to acknowledge, agree, confirm and memorialize for the public record in an Amended and Restated Confirmatory Deed of Easement, a copy of which is attached hereto and made part of this Ordinance, that the grant of the Easements took effect upon the completion of the existing sanitary and storm sewer improvements, all upon the terms and conditions more fully set forth below, and that the Easements remain in full force and effect.
- Section 12. The Borough and Owner desire to acknowledge, agree, confirm and memorialize for the public record that the Owner and/or its affiliates, including the Redeveloper, may install, construct, maintain, repair, and replace within the Easements those certain future improvements depicted upon the site plans entitled "Preliminary & Final Site Plan for 'Kirby Village' Apartments" as prepared by Crest Engineering Associates, Inc., dated March 23, 2018 and revised to November 21, 2022, Sheets 1-20.
- Section 13. The Borough has determined that it would benefit the citizens of the Borough of Somerville, County of Somerset and State of New Jersey to confirm the Easements for utilities in order to support the redevelopment of the Property by the Redeveloper.
- Section 14. The acceptance of the easement for utilities on Block 1, Lot 4.01 by the Borough from the Owner is hereby authorized for compensation in the amount of One Dollar and 00/100 (\$1.00) and other good and valuable consideration.
- Section 15. The Mayor and Borough Clerk are hereby authorized and directed to execute the necessary amended and restated confirmatory deed of easement substantially consistent with the form of agreement attached hereto, as well as any other documents which may be required to convey the aforesaid interests.

BE IT FURTHER ORDAINED that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ORDINANCE #2697-23-0221

ADDING CHAPTER 103 TO THE BOROUGH'S ADMINISTRATIVE CODE ENTITLED LEAD-BASED PAINT INSPECTIONS

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are now required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, it is in the best interests of the residents of the Borough of Somerville to amend the Borough's Administrative Code at this time to require inspections for lead-based paint in residential rental dwellings to conform to New Jersey State law;

WHEREAS, the Borough of Somerville wishes through this Ordinance to establish Chapter 103 entitled "Lead-Based Paint Inspections" of the Borough's Administrative Code in order to serve the best interests of the Borough and its residents.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Somerville, County of Somerset State of new Jersey that:

SECTION 1. Chapter 103 to be known as "Lead-Based Paint Inspections." is hereby added to the Administrative Code of the Borough of Somerville and shall read as follows:

Chapter 103 Lead-Based Paint Inspections.

§103-01 Definitions.

Lead Abatement – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Dust Wipe Sampling – A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

Lead Evaluation Contractor – A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

Lead-based Paint Hazard - Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

Tenant turnover - The time at which all existing occupants vacate a dwelling unit and

all new tenants move into the dwelling unit.

§103-2 Inspections.

A. A lead evaluation contractor retained by the Borough shall inspect every single-family, two-family, or multiple rental dwelling located in the Borough of Somerville for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.

B. In lieu of having the dwelling inspected by the Borough's lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.

C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

(1) Has been certified to be free of lead-based paint;

(2) Was constructed after 1978;

(3) Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.);

(4) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or

(5) Has a valid lead-safe certification.

D. The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier.

E. If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

F. If no lead-based paint hazards are identified, then the Borough's lead evaluator

shall certify the dwelling as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.

G. Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:

- (1) Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection
- (2) Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §103-2(C) of this Chapter.
- (3) Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

H. Fees.

- (1) The fee for a visual inspection and dust wipe sampling inspection performed by the Borough's lead evaluation contractor shall be designated by Resolution annually plus \$50 administrative fee, all of which will be paid to the Borough of Somerville. If a dust wipe fails, it shall cost an additional fee plus an additional fee per wipe for a subsequent test, identified by Resolution and an additional administrative fee of \$25.00.
- (2) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Borough's lead evaluation contractor or the owner's private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.
- (3) In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

§103-3 Violations.

Penalties for violation of Chapter 280 shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation.
- B. If a property owner fails to cure the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

SECTION 2. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective;

SECTION 3. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 4. This Ordinance shall take effect upon passage and publication in accordance within applicable law.

Ordinance scheduled for Adoption

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
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

Name of Street	Side	Day	Location
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 23-0221-078

AFFIRMING THE 2023 DOWNTOWN SOMERVILLE ALLIANCE, INC., ANNUAL BUDGET IN THE AMOUNT OF \$971,000.00

WHEREAS, by the Downtown Somerville Alliance, Inc., adopted their annual budget at a Board meeting on February 13, 2023

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby affirms the 2023 Downtown Somerville Alliance, Inc., budget in the amount of \$971,000.00.

RESOLUTION 23-0221-079

ACCEPTING A DONATION OF TWO (2) 2007 FORD F-350 STANDARD CAB TRUCKS FROM THE TOWNSHIP OF HOLMDEL

WHEREAS, the Borough of Somerville was devastated by Hurricane Ida in September 2021 and is still struggling financially to replace vehicles and equipment; and

WHEREAS, the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey desires to accept said vehicles; and

WHEREAS, the Township of Holmdel is seeking to donate two (2) 2007 Ford F-350 standard cab trucks vin numbers FDWF37Y197EB11466 and 1FDWF37Y07EB11467 no longer needed for public use, to the Borough of Somerville; and

WHEREAS, the Borough of Somerville recognizes the donation will be made with the vehicles in “as is” condition, without any warranties by the Township and on the condition that the Borough shall hold the Township harmless for any claims arising from the item after the transfer of the vehicle.

WHEREAS, Pursuant to N.J.S.A. 40:12-29 municipalities are authorized to accept donations and shall recognize the entity by adoption of this resolution.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey accepts a donation Two (2) 2007 Ford F-350 Standard Cab Trucks from The Township of Holmdel.

RESOLUTION 23-0221-080

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

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

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

WHEREAS, the Property is privately owned; and

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

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

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

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

WHEREAS, the conditional designation as redeveloper was last extended by the Borough on October 17, 2022 for 120 days which will expire on February 14, 2023 and additional time is required; and

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

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

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

1. That the conditional designation is extended for a period of one hundred and eighty (180) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted resolution of the Borough Council.
2. That Oak Somerville, LLC or an affiliated urban renewal entity and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
3. That Oak Somerville, LLC continues to agree to pay any and all costs incurred by the Borough from the date of the conditional designation, as extended, to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth herein.

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

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

RESOLUTION 23-0221-081

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

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

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

WHEREAS, the Properties are privately owned; and

WHEREAS, Somerville Multi Family, LLC made a presentation to the Borough Redevelopment Committee on June 25, 2020 regarding its concept proposal to develop

a residential project for the Properties consisting of a multi-family building with internal parking (one level below grade) and four levels of residential units; and

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

WHEREAS, on July 6, 2020, the Borough Council adopted a resolution conditionally designating Somerville Multi-Family, LLC as redeveloper of the Property, which designation was last extended on October 17, 2022, which expires on February 14, 2023 and an extension is required; and

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

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

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

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

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

That Somerville Multi Family, LLC or an affiliated urban renewal entity and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.

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

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

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

RESOLUTION 23-0221-082

AUTHORIZING PARTICPATION IN THE “FOODSTOCK FOOD CHALLENGE 2023” AND DESIGNATING BOROUGH HALL, POLICE DEPARTMENT AND SOMERVILLE LIBRARY AS DROP OFF LOCATIONS

WHEREAS, the twelve municipalities of Somerset County met on February 8, 2023 to learn about “Foodstock Food Challenge 2023” and the need to assist the residents of our community; and

WHEREAS, Somerville Borough has committed to participate in the “Foodstock Food Challenge 2023” in an effort to improve the food inventory in local food pantries in Somerville Borough as the cost of food continues to surge and residents’ families have to make difficult decisions; and

WHEREAS, Somerville Borough is challenging the other municipalities within the county to do the same; and

WHEREAS, Somerville Borough is asking it’s employees, residents, vendors, merchants, volunteers, recreation program participants and all affiliated organizations to collect and to drop off non-perishable food at Borough Hall, Police Headquarters and the Somerville Library of which will to be weighted by the borough and then delivered to local food pantries; and

WHEREAS, if regional organizations, agencies and or local residents are unable to deliver the collected food to Borough Hall, or other designated drop off facilities, the Borough of Somerville will arrange pickup from your organization by calling the Clerk’s Office at 908-725-2300; and

WHEREAS, financial donations will be accepted and will be used to purchase food and provided for this cause; and

WHEREAS, the Borough’s Finance Office will track the weight of the food and the amount will be updated on the Borough’s website; and

WHEREAS, all of the Borough’s Departments are encouraged to tell customers, residents and vendors about this effort.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey authorizes participation in Foodstock Food Challenge 2023 encourage everyone to help if they can.

RESOLUTION 23-0221-083

**APPROVING AND AUTHORIZING SPECIAL REDEVELOPMENT
COUNSEL TO EXECUTE MEDIATION AGREEMENT WITH THOMAS C.
MILLER, ESQ. FOR MEDIATION OF DISPUTE WITH DESAPIO
ENTITIES ON PARKING GARAGE AGREEMENT**

WHEREAS, on August 23, 2019, the Borough of Somerville (the “Borough”) and DeSapio Properties # Seven LLC, DeSapio Properties # Ten LLC, Warren Street Partners, LLC, 75 Veterans Memorial Associates, LLC, and Somerville Urban Renewal LLC (collectively the “DeSapio Entities”) entered into an Amended and Restated Declaration of Easements and Covenants (the “Declaration”) in connection with the Veterans Memorial Parking Garage (the “Parking Garage”); and

WHEREAS, the Declaration requires the DeSapio Entities to operate and maintain the Parking Garage and that the Borough is responsible for its proportionate share of the Operation and Maintenance Costs (the “O&M Costs”); and

WHEREAS, there has been an on-going dispute between the Borough and the DeSapio Entities concerning reimbursement of expenses relating to O&M Costs associated with the operation of Parking Garage; and

WHEREAS, Borough and DeSapio Entities have jointly decided to retain a neutral third-party mediator to facilitate their settlement negotiations; and

WHEREAS, the mediator requires the Borough and DeSapio Entities enter into a mediation agreement, a copy of which is attached hereto and made part of this resolution (the “Mediation Agreement”); and

WHEREAS, the Borough and DeSapio Entities will share the cost of the mediator 50/50; and

WHEREAS, the Mediation Agreement is to be executed by counsel for the Borough and DeSapio Entities, respectively, as well as payments to the mediator will be made through counsel.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Somerville that it hereby approves and authorizes Special Redevelopment Counsel to execute the Mediation Agreement.

RESOLUTION 23-0221-084

**AUTHORIZING PAYMENT OF \$500.00 APPLICATION FEE FOR A GRANT FROM
THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND TO THE NEW JERSEY
ECONOMIC DEVELOPMENT AUTHORITY (NJ EDA) FOR A SUPPLEMENTAL
REMEDIAL INVESTIGATION OF PORTION OF LANDFILL BDA**

WHEREAS, the Borough of Somerville (the “Borough”) intends to redevelop and remediate a portion of the Landfill BDA located on Route 206 North in the Borough of Somerville (the “Property”); and

WHEREAS, the Borough of Somerville has applied to the NJ Department of Environmental Protection (NJ DEP) for a supplemental Remedial Investigation grant from the Hazardous Discharge Site Remediation Fund (HDSRF) in the amount of \$529,642.00 to continue this remedial investigation; and

WHEREAS, the NJ DEP has determined the application is eligible for a grant from the fund and has advised the NJ EDA of this determination; and

WHEREAS, THE NJ EDA has assigned a grant number Prod-310358 to this award from the Hazardous Discharge Site Remediation Fund and requested the Borough pay a \$500.00 application fee to the NJ EDA:

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Somerville that the above referenced grant application has been approved, and hereby authorize the Borough Administrator to issue a check to the NJ EDA in the amount of \$500.00 for the grant application fee.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority with the application fee check.

RESOLUTION 23-0221-085

ENDORISING THE ADOPTION OF GREEN BUILDING PRACTICES FOR MUNICIPAL BUILDINGS AND FACILITIES

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council); and

WHEREAS, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development; and

WHEREAS, the Borough of Somerville has applied for and received grant funds to construct rain gardens in public parks; received grant funds to implement energy savings at Lepp Park Pool, and worked with contractors to provide green building practices on the Somerville Emergency Services facility that include Thermally efficient Low-e glazing, exterior sun control devices, R-20.5 wall assemblies per ASHRAE 90.1, R-30 roof assemblies per ASHRAE 90.1, LED lighting to meet or exceed LPD

requirements per ASHRAE 90.1, Occupancy Lighting and Electrical Controls to meet ASHRAE 90.1, Energy metering/monitoring to meet ASHRAE 90.1, Low flow plumbing fixtures that will provide a 20% water savings; and

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with Somerville Borough’s desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings; and

WHEREAS, the Borough of Somerville desires to set a leadership example in the area of green building practices through the implementation of energy efficiency audits, upgrades to the municipal building stock, and green product procurement practices:

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby implements a Green Building Policy that will encourage and consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be submitted to Sustainable Jersey.

RESOLUTION 23-0221-086

CANCELING GRANT APPROPRIATION AND RECEIVABLE BALANCES

WHEREAS, there exists Grant Receivables and Grant Reserves on the Balance Sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and their offsetting appropriation balance from the balance sheet;

NOW, THEREFORE, BE IT RESOLVED the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, that the following grant receivable and appropriation balances be cancelled:

GRANT	YEAR	CANCEL APPROPRIATION AMOUNT	CANCEL RECEIVABLE AMOUNT
Municipal Alliance Grant	2015	17,888.15	19,191.74
Municipal Alliance Grant	2016	3,220.44	
Municipal Alliance Grant	2017	63.64	1,348.25
Municipal Alliance Grant	2018	685.34	714.27
Municipal Alliance Grant	2019	10,999.95	11029.36
Municipal Alliance Grant	2020	1523.74	3717.50
Municipal Alliance Grant	2021		1,858.59
ANJEC – Butterfly Garden	2018	1047.31	400

Grant			
Clean Communities	2016	168.08	345.01
CDBG Curbs & Sidewalks	2018	33,692.79	32,513.22
DEP HDSRF	2014	12.38	
Highway Safety Grant	2018	376.55	
Historical Preservation Grant	2019	1,738.06	
Library ADA-Compliant Grant	2015	5,711.89	
NJ DEP- RCP Challenge Grant- Pedestrian Safety	2019	1,300.02	
Transit Village Wayfinding Grant	2018	18,815.74	18,950

1. The Borough Clerk is hereby authorized and directed to transmit to the Chief Financial Officer and Borough Auditor, a certified copy of this resolution.
2. This resolution shall take effect immediately.
3. A copy of this resolution shall be filed forthwith with the Director of New Jersey, Division of Local Government Services.

RESOLUTION 23-0221-087

AFFIRMING THE BOROUGH OF SOMERVILLE’S LAND-USE PLEDGE

WHEREAS, land-use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to, and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land-use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space and allow for continued use of vital natural resources; and

WHEREAS, given New Jersey’s strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Committee of the Borough of Somerville , County of Somerset, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Somerville a truly sustainable community. It is our intent to include these principles in the next master plan revision and to update our zoning accordingly:

- I. Facilities Siting – to the extent feasible, to take into consideration factors such as walkability, bikability, access to transit and proximity to other uses when siting new or relocated municipal facilities. The actions of a municipality when locating their own facilities can set a positive precedent and encourage other public and

- private sector entities to consider sustainable land-use considerations into account when locating their own facilities.
- II. Housing Variety – through the use of our zoning and revenue generation powers, to foster a diverse mix of housing types to meet the needs of people from all ages and walks of life. Including housing assistance programs and senior housing to enable all socio-economic populations to reside in Somerville. And continue to explore and implement deed restricted affordable housing policies.
 - III. Natural Resource Preservation - to preserve open space and create recreational opportunities within our municipality. As the most densely populated state in the nation, open space in New Jersey is at a premium. Preserving what is left of our open space, for its ecological and recreational value, is critical for a sustainable future, further, if feasible, we pledge to complete a Natural Resources Inventory to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis and land use planning and zoning.
 - IV. Transportation Choices - to create transportation choices within our municipality by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects. Given that emissions from transportation, mainly passenger cars, make up the largest share of the State's carbon footprint, creating transportation alternatives at the local level is critical to reducing the state's overall carbon footprint.
 - V. Mix of Uses - to use our zoning power to allow for a mix of uses in areas that make the most sense of our municipality and the region. Development is not needed in every municipality. But where development makes sense, land-use patterns that segregate uses such as commercial and residential create an environment where the only feasible mode of transportation is the automobile. Allowing for a mix of compatible land uses, residential units above retail stores for example, can help reduce the necessity of driving by allowing people to walk to various destinations.
 - VI. Green Design - to incorporate the principles of green design and renewable energy generation when updating our site plan and subdivision requirements. Green design strategies not only improve the environmental performance of buildings but lessen the impact of those buildings on the surrounding environment. Such strategies include energy efficiency, water conservation, indoor environmental quality, use of recycled renewable materials, construction waste reduction, reduced auto use, tree preservation, native planting, and avoidance of environmentally sensitive features.
 - VII. Regional Cooperation – through our Regional Center program, to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration their concerns when making regional level land-use decisions. Local land-use decisions can often have regional impacts, even though they are decided exclusively by one municipality.
 - VIII. Parking Regulations – to re-evaluate our parking requirements with the goal of promoting shared parking. Promote transportation alternatives to individual automobile use. Evaluate areas to install safe and secure bicycle parking.

Evaluate parking revenues, where fee for parking may be implemented or needs to be implemented.

RESOLUTION 23-0221-088

**AWARDING A CONTRACT WITH BAY HILL ENVIRONMENTAL (BHE)
FOR CERTIFIED LEAD EVALUATION CONTRACTOR SERVICES FOR THE
BOROUGH OF SOMERVILLE, SOMERSET COUNTY, NEW JERSEY UP TO THE
TOTAL AMOUNT OF \$5,000.00**

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Somerville, hereby awards a contract for Certified Lead Evaluation Contractor Services for the Borough of Somerville, Somerset County, New Jersey, Bay Hill Environmental (BHE) 206 Fairfax Avenue, Cherry Hill, New Jersey 08003 up to the amount of \$5,000.00.

RESOLUTION 23-0221-089

**AUTHORIZING THE USAGE OF EXEMPLIS C/O PARAMOUNT FMS VIA NJ STATE
COOPERATIVE CONTRACT QUOTE SITONIT CONTRACT #81711**

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.C.A. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Borough of Somerville has the need for Furniture at Somerville Civic Center using Exemplis C/O Paramount FMS via NJ State Cooperative Contract Quote SITONIT CONTRACT #81711.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the usage of services through Exemplis C/O Paramount FMS via NJ State Cooperative Contract Quote SITONIT CONTRACT #81711 in the amount of \$42,828.80.

RESOLUTION 23-0221-090

**AMENDING RESOLUTION 23-0206-074 TO INCREASE THE
GRANT APPLICATION AMOUNT REQUEST TO \$150,000.00 AND AUTHORIZING
THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION FOR \$150,000 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 \$150,000 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 \$150,000.

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the amend to increase application amount to \$150,000.00 and endorses an application to the Community Development Block Grant Program for the "Carol Pager ADA Playground Expansion" Project and authorizes the execution all required documents.

RESOLUTION 23-0221-091

AUTHORIZING TEMPORARY APPROPRIATION FOR 2023 CURRENT OPERATING MUNICIPAL BUDGET

WHEREAS, an emergent condition has arisen with respect to the late adoption of the 2023 Municipal Budget, and adequate provision has not been made in the 2023 Temporary Budget appropriations for the aforesaid purpose, and NJSA 40:4-20 provides for the creation of emergency appropriations; and

WHEREAS, the total emergency temporary resolutions for appropriations adopted in the year 2023 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:20) including this resolution total \$8,266,091.

NOW, THEREFORE BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of NJSA 40:4-20:

1. That emergency temporary appropriations be made and the same is hereby made for the titles and amounts listed below.
2. That said emergency temporary appropriations will be provided for in the 2023 budget under the titles listed below.

<u>Appropriations</u>	<u>Salaries/Wages</u>	<u>Other Exp</u>
Bldg/Grounds		\$15,000

RESOLUTION 23-0221-092

AMENDING RESOLUTION 23-0117-051 ACCEPTING A GRANT AGREEMENT OF \$137,210 FROM THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR 2022 NJUCF STEWARDSHIP GRANT – REFORESTATION AND TREE PLANTING GRANT

WHEREAS, the Borough of Somerville has applied for and has been awarded a grant in the amount of \$137,210.00 from the State of New Jersey, Department of Environmental Protection for 2022 NJUCF Stewardship Grant – Reforestation and Tree Planting Grant; and

WHEREAS, the Borough of Somerville was authorized to make application for such grant; and

WHEREAS, the Governing Body resolves that Mayor Dennis Sullivan or his successors are authorized to execute a grant agreement with the State for a grant in an amount less than \$0.00 and not more than \$137,210.00 and furthermore to execute any amendments thereto which do not increase the Grantee's obligations; and

BE IT RESOLVED by the Borough Council of the Borough of Somerville authorizes and hereby agrees to up to 100% of the match being made up of in-kind services.

BE IT FURTHER RESOLVED that the Borough of Somerville hereby agree to comply with all applicable Federal, State and municipal laws, rules and regulation during the performance of this agreement.