

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

**Monday, April 3, 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. March 20, 2023
- 4. RESOLUTION 23-0403-122 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

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

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. March 20, 2023
- 5. DEPARTMENTAL REPORTS & NOTICES**
- 6. COMMITTEE REPORTS**
- 7. BUDGET PRESENTATION**

8. CY-2023 MUNICIPAL BUDGET– INTRODUCTION

(Motion, Second and Roll Call Vote required)

9. ORDINANCE FOR INTRODUCTION

2703-23-0403

AMENDING CHAPTER 102-116 OF THE LAND USE CODE ENTITLED “CONDITIONAL USES” SECTION “T” ENTITLED “SOLAR SYSTEMS” SUBSECTION (e), (f) & (k) CONSISTING OF CHANGES TO SOLAR PANEL LOCATION, ELECTRICITY GENERATION AND NON-RESIDENTIAL APPLICATIONS

2704-23-0403

AMENDING CHAPTER 102 SECTION 115 OF THE LAND USE CODE ENTITLED SPECIAL IMPROVEMENT DISTRICT SPECIFICALLY SECTION C ENTITLED “REVIEW REQUIRED BY THE ARCHITECTURAL BOARD” ELIMINATING THE NEED TO HAVE AN SIGN APPLICANT THAT SOLELY REQUIRES A SIGN REVIEW TO RECEIVE APPROVAL FROM THE PLANNING BOARD

2705-23-0403

AMENDING ORDINANCE #2676-22-0705 CHAPTER 166 SECTION 47 OF THE BOROUGH CODE ENTITLES SCHEDULE VI: TRUCKS OVER FOUR TONS EXCLUDED

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

2698-23-0306

ORDINANCE TO EXCEED THE CY 2023 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

2702-23-0320

AN ORDINANCE PROVIDING FUNDING FOR VARIOUS CAPITAL PURPOSES FOR THE BOROUGH OF SOMERVILLE AND APPROPRIATING \$1,668,800 FOR SUCH PURPOSE

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 23-0403-123 THRU 23-0403-136)

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

- 23-0403-123 APPROVING THE 78th ANNUAL TOUR OF SOMERVILLE BIKE RACE ON MEMORIAL DAY, MAY 29, 2023 AND APPROVING ALL REQUIRED ROAD CLOSURES AS DEFINED BY THE ROAD CLOSURE AND DETOUR PLANS
- 23-0403-124 APPROVING THE PURCHASE OF A 1997 ZODIAC HURRICANE 380 BOAT FROM THE COUNTY OF SOMERSET IN THE SUM OF \$1.00
- 23-0403-125 MEMORIALIZING THE AUTHORIZATION FOR THE CLERK ADMINISTRATOR TO EXECUTE THE CONTRACT OF SALE OF 52 FAIRVIEW AVENUE BLOCK 51 LOT 14
- 23-0403-126 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SURVEYING, ENGINEERING DESIGN AND CONTRACT ADMINISTRATION & INSPECTION SERVICES TO T&M ASSOCIATES FOR SERVICES FOR 2023 SAFE STREETS TO TRANSIT
- 23-0403-127 RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING PARTICIPATION IN THE 2023 SUSTAINABLE JERSEY-PSE&G ENERGY EFFICIENCY PARTNERSHIP PROGRAM
- 23-0403-128 AWARDDING A CONTRACT TO AMERICAN POOL NEW JERSEY FOR POOL MANAGEMENT OPERATIONS
- 23-0403-129 AMENDING RESOLUTION 20-0218-066 AWARDDING A CONTRACT TO COLLIERS ENGINEERING FOR ENGINEERING (formerly MASER CONSULTING) AND CONSTRUCTION OBSERVATION FOR 2019 TRANSIT VILLAGE - NJDOT
- 23-0403-130 ACCEPTING RESIGNATION OF LORRAINE PATEL FROM THE SOMERVILLE BOARD OF HEALTH EFFECTIVE MARCH 21, 2023
- 23-0403-131 APPROVING KONNOR SPOTTS TO BE HIRED AS A SEASONAL LABORER AT AN HOURLY RATE OF \$17.00 PER HOUR FOR THE PUBLIC WORKS DEPARTMENT EFFECTIVE APRIL 10, 2023
- 23-0403-132 APPROVING TAX OVERPAYMENT REFUND FOR

18 DAVENPORT STREET BLOCK 114 LOT 37

- 23-0403-133 AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A 2013 FORD TAURUS POLICE AWD THROUGH MUNICIPAL BID IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM
- 23-0403-134 AUTHORIZING TEMPORARY APPROPRIATION FOR 2023 CURRENT OPERATING MUNICIPAL BUDGET
- 23-0403-135 APPOINTING KEVIN SLUKA AND BRYAN O'NEILL AS DEPUTY OEM COORDINATORS (EXPIRED TERM 12/31/23)
- 23-0403-136 APPOINTING MARY E. HODGES TO SERVE ON THE BOARD OF HEALTH (3 YEAR TERM EXPIRING DECEMBER 31, 2023)

13. BILLS AND VOUCHERS

14. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Introduction

ORDINANCE #2703-23-0403

AMENDING CHAPTER 102-116 OF THE LAND USE CODE ENTITLED "CONDITIONAL USES" SECTION "T" ENTITLED "SOLAR SYSTEMS" SUBSECTION (e), (f) & (k) CONSISTING OF CHANGES TO SOLAR PANEL LOCATION, ELECTRICITY GENERATION AND NON-RESIDENTIAL APPLICATIONS

WHEREAS, Chapter 102-116(T), shall be amended, specifically subsections (e), (f) & (k); and

WHEREAS, Chapter 102-116(T), shall read as follows:

§ 102-116 Conditional Uses.

Any use listed as a conditional use in a particular district may be permitted by the Planning Board, but only after it has determined that the development proposal complies with the conditions and standards set forth herein for the location and operation of such use. No conditional use shall be granted unless the use will not be detrimental to the health, safety, and general welfare of the Borough, is not likely to involve risks to traffic safety or traffic congestion and is necessary for the general welfare of the community.

T. Solar energy system. **[Added 12-2-13 by Ord. No. 2424]**

- (1) Due to the nature of the small residential lot sizes found within the Borough, ground mounted solar energy systems shall not be installed.
- (2) In all zone districts the following are conditionally permitted:
 - (a) No roof-mounted solar energy systems shall be installed on a nonconforming structure unless micro inverters are used or documentation is provided that demonstrates that the string inverter produces less than 50dBA at the property line. **[Amended 5-20-2018 by Ord. No. 2572]**
 - (b) A roof-mounted solar energy system shall be mounted parallel to the roof angle and shall not exceed a height of six (6) inches above the edge of the roof line or above the highest point of the roof surface or structure;
 - (c) A roof-mounted solar energy system that is mounted on a flat roof may be angled to achieve maximum sun exposure but shall not exceed five (5) feet above the roof and shall comply with the height regulations of the zone district.
 - (d) In no instance shall any part of a solar energy system extend beyond the roof edge.
 - (e) Roof-mounted solar systems are discouraged from being erected on the front roof of a structure which faces a street. Solar energy systems shall be located on a rear-facing or side-facing roof, as viewed from any adjacent street, unless such installation is proven to be not as ineffective or impossible. ~~This removal of potential obstructions such as vegetation shall not be sufficient cause for permitting a front-facing installation. Front-facing installation may be permitted if the applicant provides valid reasons why this is the only effective or possible means for utilizing solar energy on the property or photovoltaic roof shingles are used which are harmonious with nonphotovoltaic roof shingles. If the applicant proposes to use panels on a structure which faces a street, an analysis from a design professional (as defined by the NJ UCC) shall be submitted stating that installation of said panels on other roof structures is ineffective or not possible.~~ **[Amended 5-20-2018 by Ord. No. 2572]**
 - (f) ~~Solar energy systems installed for the purpose of generating electricity shall generate no more than ten (10) kW per residential dwelling or commercial building or be sized to generate more power than what is required by said structure. All solar energy systems shall be grid tied.~~
 - (g) Solar energy systems shall be designed by a design professional (as defined by the New Jersey Uniform Construction Code). This design includes providing detailed calculations and engineered drawings of the rooftop mounting system, electrical cables shall be concealed below the roof line. **[Amended 5-20-2018 by Ord. No. 2572]**
 - (h) Invertor noise shall not exceed 50 dBA at the property line.
 - (i) The design of the solar energy system shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend into the

natural setting and existing environment.

- (j) A solar energy system shall not add, contribute to or be calculated to cause an increase in the improvement coverage of the lot.
- (k) ~~All applications on nonresidential property require minor site plan approval that is not eligible for site plan waiver (unless the project meets is defined as a major site plan application). On residential lots (which are site plan exempt) the~~ All applicants shall submit the necessary information to the Zoning Officer for review.
- (l) Any approval of a solar energy system does not create any actual or inferred solar energy system easement against adjacent or surrounding property and/or structures. The owner and/or property owner of a solar energy system shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the solar energy system. The approval of any solar energy system granted by the Borough of Somerville under this Article shall not create any future liability or infer any vested rights to the owner and/or property owner of the solar energy system on the part of the Borough of Somerville or by any other officer or employee thereof for any future claims against said issuance or approval of the solar energy system that result from reliance on this Article or any administrative decision lawfully made thereunder.

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 after introduction shall be sent to the Somerville Planning Board for review and comment.

SECTION 5. This Ordinance shall take effect upon passage and publication and submission to the County Planning Division in accordance within applicable law.

ORDINANCE #2704-23-0403

AMENDING CHAPTER 102 SECTION 115 OF THE LAND USE CODE ENTITLED SPECIAL IMPROVEMENT DISTRICT SPECIFICALLY SECTION C ENTITLED “REVIEW REQUIRED BY THE ARCHITECTURAL BOARD” ELIMINATING THE NEED TO HAVE A APPLICANT THAT SOLELY REQUIRES A SIGN REVIEW TO RECEIVE APPROVAL FROM THE PLANNING BOARD

WHEREAS, Chapter 102, Section 115 of the Land Use Code shall be amended to read as follows:

§ 102-115 Special Improvement District.

[Added 4-6-09 by Ord. 2290; amended 10-1-2018 by Ord. No. 2559]

- A. Designation. The Special Improvement District designation is on the Zoning Map and is also on file with the Borough Clerk by street address and block and lot number as set forth on the Borough Tax Map. In case of conflict between the Zoning Map and the designation on file with the Borough Clerk, the designation on file with the Borough Clerk shall apply.
- B. Purpose. It is the intent and purpose of this section to encourage and endeavor to have the exteriors of all structures in the district which are or become used, in whole or in part, for nonresidential use to be representative of the design of nonresidential structures in existence during the Victorian era, to the extent the original architecture of the structure will allow, and/or to return such structures to their original design, all of the foregoing consistent with the objective outlined in the improvement implementation plan for the Main Street business district and the Architectural Review Board Design Guidelines.
- C. Review required by Architectural Review Board.

1. An applicant in the Special Improvement District that is required to appear in front of the Planning Board or Board of Adjustment for approvals including a sign shall follow:

Within the Special Improvement District, no building permit or sign permit shall be issued for construction of or alteration to the exterior of any building or for any signs without prior review by the Planning Board. The Planning Board shall not approve such plans unless the proposed exterior design or sign of said structures shall have been submitted to the Architectural Review Board of the Planning Board. The Architectural Review Board shall review all such plans and shall recommend to the Planning Board approval or disapproval of same. A copy of the Architectural Review Board recommendation shall be sent to the applicant. The Planning Board shall be permitted to condition any approval of an application upon a satisfactory review by the Architectural Review Board.

2. An applicant in the Special Improvement District that requires only a sign approval and does not have any other requirements to appear in front of the Planning Board or Board of Adjustment as part of their application shall follow:

Within the Special Improvement District, no building permit or sign permit shall be issued for construction of or alteration to the exterior of any building or for any signs without prior review by the Architectural Review Board. The majority of the members of the Architectural Review Board shall meet telephonically, electronically or in person within seven days of receipt of all the required documents. Within three (3) business days following the meeting, a decision shall be issued in writing an approval or disapproval (electronic or paper) or approval with conditions.

- D. Vacant and unoccupied stores. The storefront glass for vacant and/or unoccupied stores located in the Special Improvement District (SID) shall be internally covered

with paper provided by the DMC (District Management Corporation) unless other arrangements are provided. Vacant and unoccupied stores shall mean stores not leased or occupied by a tenant or property owner. The storefront glass shall be internally covered with paper within 10 days of the store becoming unoccupied or vacated and being provided the covering. The covering shall not be removed until the store is reoccupied/leased and is open to the public (within 48 hours of public opening of the store or as allowed by the DMC) unless other arrangements are approved. If the store owner and/or lessee wishes to install a different window treatment other than provided by the DMC, the owner and/or lessee shall submit the proposed internal covering to the Architectural Review Board (ARB) for approval. In the interim between the requirement to install storefront glass paper and the owner and/or lessee applying to the ARB, the DMC-supplied paper shall be used to cover the storefront glass.

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 after introduction shall be sent to the Somerville Planning Board for review and comment.

SECTION 5. This Ordinance shall take effect upon passage and publication and submission to the County Planning Division in accordance within applicable law.

ORDINANCE #2705-23-0403

AMENDING ORDINANCE #2676-22-0705 CHAPTER 166 SECTION 47 OF THE BOROUGH CODE ENTITLES SCHEDULE VI: TRUCKS OVER FOUR TONS EXCLUDED TO INCLUDE N. MIDDLEAUGH STREET, BELL AVENUE, ALTAMONT PLACE, WEST SUMMIT STREET & PROSPECT STREET

WHEREAS, the Borough of Somerville desires to amend Chapter 166 Section 47, Schedule VI: trucks over Four Tons Excluded to include, North Middaugh Street, Bell Avenue, Altamont Place, West Summit Street and Prospect Street:

§ 166-47 Schedule VI: Trucks Over Four Tons Excluded.

In accordance with the provisions of § **166-11**, trucks over four tons' gross weight are hereby excluded from the following described streets or parts of streets, except for the pickup and delivery of materials on such streets:

Name of Street	Side	Location
Adams Street	Both	Between North Auten Avenue and North Adamsville Road
North Adamsville Road	West	Between Union Avenue and East Main Street
Altamont Place	Both	Between Cornell Boulevard and Mountain Avenue
Bell Avenue	Both	Between Cornell Boulevard and North Middaugh Street
Davenport Street	Both	Between Route 22 and West Main Street
North Gaston Avenue	Both	Between Route 22 (Borough Line) and Union Avenue/William Street
Grove Street	Both	Between Route 22 (Borough Line) and East Main Street
Hope Street	Both	Between North Auten Avenue and North Adamsville Road
Madison Street	Both	Between North Auten Avenue and North Adamsville Road
North Middaugh Street	Both	Between Somerset Street and Prospect Street
North Bridge Street	Both	Between Route 22 and East Main Street/West Main Street
Prospect Street	Both	Between Cornell Boulevard and Mountain Avenue
Putnam Street	Both	Between North Auten Avenue and North Adamsville Road
West Summit	Both	Between Cornell Boulevard and Mountain Avenue
William Street	Both	Between North Gaston Avenue and Culver Street
William Street	Both	Between Grove Street and North Bridge Street

NOW THEREFORE BE IT ORDAINED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby amends Chapter 166 Section 47, Schedule VI: Trucks over Four Tons Excluded to include, North Middaugh Street, Bell Avenue, Altamont Place, West Summit and Prospect Street and directs the Municipal Clerk to send this adopted ordinance to the State of New Jersey Department of Transportation, County of Somerset and Regional Center Partnership.

Ordinances scheduled for Adoption

ORDINANCE #2698-23-0306

ORDINANCE TO EXCEED THE CY 2023 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap law, NJSA 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15 provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Borough Council of the Borough of Somerville, in the County of Somerset, New Jersey, finds it advisable and necessary to increase its CY 2023 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$168,174.40 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Somerville, in the County of Somerset, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Somerville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$588,670.40 and that the CY 2023 municipal budget for the Borough of Somerville be approved and adopted in accordance with this ordinance.

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

This Ordinance shall take effect after publication in accordance with applicable law.

ORDINANCE NO. 2702-23-0320

AN ORDINANCE PROVIDING FUNDING FOR VARIOUS CAPITAL PURPOSES FOR THE BOROUGH OF SOMERVILLE AND APPROPRIATING \$1,668,800 FOR SUCH PURPOSE

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 1. The Borough of Somerville, in the County of Somerset, New Jersey, authorizes various capital improvements to be undertaken, including:

(a) Improvements to various curbs and aprons throughout the Borough.	\$100,000
(b) Improvements to ReHill Avenue	\$592,800 (includes \$494,800 NJDOT Grant) (includes \$48,000 Developer Infrastructure Trust Funding)
(c) Safe Streets to NJ Transit	\$356,000 (includes \$299,000 NJDOT Grant) (includes \$45,000 Developer Infrastructure Trust Funding)
(d) Improvements to Culver Street	\$175,000 (includes \$20,000 Developer Infrastructure Trust Funding)
(e) Improvements to East Cadillac Drive	\$245,000 (includes \$3,500 Developer Infrastructure Trust Funding)
(f) Renovations to exterior at Borough Hall	140,000
(g) Improvements to Roof at West End Hose	60,000

to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$1,668,800 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from (a) the Capital Improvement Fund in the amount of \$952,300 (\$793,800 of said amount expected to be derived from a NJDOT grant), (b) Capital Surplus in the amount of \$600,000 and (c) Developer Infrastructure Trust Fund in the amount of \$116,500.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Somerville may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

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

RESOLUTION 23-0403-123

APPROVING THE 78th ANNUAL TOUR OF SOMERVILLE BIKE RACE ON MEMORIAL DAY, MAY 29, 2023 AND APPROVING ALL REQUIRED ROAD CLOSURES AS DEFINED BY THE ROAD CLOSURE AND DETOUR PLANS

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the 78TH Annual Tour of Somerville Bike Race on Memorial Day, May 29, 2023, requiring partial road closures which include but not limited to Main Street, Grove Street, High Street and Mountain Avenue throughout the day.

RESOLUTION 23-0403-124

APPROVING THE PURCHASE OF A 1997 ZODIAC HURRICANE 380 BOAT FROM THE COUNTY OF SOMERSET IN THE SUM OF \$1.00

WHEREAS, the County of Somerset sold a 1997 Zodiac Hurricane 380 Boat under their resolution R19-782 in the sum of \$1.00.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the purchase of a 1997 Zodiac Hurricane 380 boat from the County of Somerset in the sum of \$1.00.

RESOLUTION 23-0403-125

MEMORIALIZING THE AUTHORIZATION FOR THE CLERK ADMINISTRATOR TO EXECUTE THE CONTRACT OF SALE OF 52 FAIRVIEW AVENUE BLOCK 51 LOT 14

BE IT RESOLVED by the Borough Council of the Borough of Somerville hereby memorializes the authorization of the Clerk-Administrator to execute the contract of sale of 52 Fairview Avenue Block 51 Lot 14, at a bid price of \$155,000.

RESOLUTION 23-0403-126

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SURVEYING, ENGINEERING DESIGN AND CONTRACT ADMINISTRATION & INSPECTION SERVICES TO T&M ASSOCIATES FOR SERVICES FOR 2023 SAFE STREETS TO TRANSIT

WHEREAS, the Borough of Somerville requires professional surveying, engineering and contract administration & inspection services; 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 T&M Associates 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, budgets of similar size and a rate schedule acceptable to the Borough; and

WHEREAS, the Borough of Somerville has utilized the firm of T&M Associates., in the past and found their work to be satisfactory; and

WHEREAS, the firm of T&M Associates has submitted a proposal along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable the firm of T&M Associates to provide such services; and

WHEREAS, the firm of T&M Associates shall serve as project engineer in accordance with their proposal dated February 24, 2023

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, 1455 Broad Street, Suite 250, Bloomfield, NJ 07003 is hereby authorized
2. The Mayor and Clerk are authorized to sign a contract with T&M Associates, 1455 Broad Street, Suite 250, Bloomfield, NJ 07003 in accordance with the following terms and conditions:
 - A. Term: A period of not to exceed 12 months or for length of project
 - B. Rate: \$45,000 as per rate schedule in proposal dated February 24, 2023

C. Services: The firm shall provide Professional Surveying, Engineering and Contract Administration & Inspection 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 23-0403-127

RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING PARTICIPATION IN THE 2023 SUSTAINABLE JERSEY-PSE&G ENERGY EFFICIENCY PARTNERSHIP PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, social objectives are balanced, mutually supportive and to increase awareness of energy saving measures, outreach to residents and local businesses to help save energy and lower their utility bills, and availability of assessment and assistance programs through PSE&G; and

WHEREAS, the Borough of Somerville strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Somerville is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program by PSE&G.

THEREFORE, the Mayor and Council of the Borough of Somerville has determined that Somerville should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the the Borough of Somerville, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by PSE&G.

RESOLUTION 23-0403-128

AWARDING A CONTRACT TO AMERICAN POOL NEW JERSEY FOR POOL MANAGEMENT OPERATIONS

WHEREAS, the Borough of Somerville publicly advertised for bids to perform pool management operations in accordance with local public contract law; and

WHEREAS, Kevin Sluka, Municipal Clerk accepted bid on March 23, 2023 and read them aloud publicly witnessed by Kathy Gerndt Recreation Director; and

WHEREAS, it is determined that American Pool New Jersey, 85 Campus Drive, Edison, New Jersey 08837 was the lowest responsible bidder in the amount of \$58,500.

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby award a contract to American Pool New Jersey, 85 Campus Drive, Edison, New Jersey 08837 at \$58,500 for pool management operations.

RESOLUTION 23-0403-129

AMENDING RESOLUTION 20-0218-066 AWARDING A CONTRACT TO COLLIERS ENGINEERING (formerly MASER CONSULTING) FOR ENGINEERING AND CONSTRUCTION OBSERVATION FOR 2019 TRANSIT VILLAGE - NJDOT

WHEREAS, the Borough of Somerville contracted with Colliers Engineering for engineering services in the amount of \$32,940 for the 2019 Transit Village project based upon a proposal from February 7, 2020; and

WHEREAS, the complexity of the services has escalated due to design changes and communications required with NJ Transit; and

WHEREAS, it is appropriate to amend the contract with Colliers Engineering to the amount of \$37,940.00 an increase of \$5,000.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes an increase in the contract with Colliers Engineering in the amount of \$5,000 to the total amount of \$37,940.

BE IT FURTHER RESOLVED as follows:

1. The professional services contract with Maser Consulting P.A., 331 Newman Springs Road, Suite 203, Red Bank NJ 07701, is hereby amended by this resolution.
2. The Mayor and Clerk are authorized to sign the contract amendment with Colliers Engineering, 331 Newman Springs Road, Suite 203, Red Bank NJ 07701 in accordance with the following terms and conditions:

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

B. Rate: \$32,940.00 as per proposal dated February 7, 2020 and \$5,000 adjustment as per this resolution for a total of \$37,940.00

C. Services: The firm shall provide professional services for Engineering and Construction Observation for 2019 Transit Village NJDOT

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 23-0403-130

ACCEPTING RESIGNATION OF LORRAINE PATEL FROM THE SOMERVILLE BOARD OF HEALTH EFFECTIVE MARCH 21, 2023

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 Lorraine Patel from the Somerville Board of Health effective March 21, 2023.

We wish her well and thank her for her service.

RESOLUTION 23-0403-131

APPROVING KONNOR SPOTTS TO BE HIRED AS A SEASONAL LABORER AT AN HOURLY RATE OF \$17.00 PER HOUR FOR THE PUBLIC WORKS DEPARTMENT EFFECTIVE APRIL 10, 2023

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves Konnor Spotts (effective April 10, 2023) as a Seasonal Laborer at a rate of \$17.00 per hour for the Public Works Department.

RESOLUTION 23-0403-132

APPROVING TAX OVERPAYMENT REFUND FOR 18 DAVENPORT STREET BLOCK 114 LOT 37

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

WHEREAS, the Tax Collector has researched and determined that a refund should be issued on this account due to Core Logic paying taxes for the listed property in error.

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

<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Name</u>	<u>Address</u>	<u>Amount</u>
114/37		2022 Qtr2	Owner of record	18 Davenport St.	\$ 3,471.08
114/37		2022 Qtr3	Owner of record	18 Davenport St.	\$ 3,515.32

Total Refund \$6,986.40

RESOLUTION 23-0403-133

AUTHORIZING THE SALE OF SURPLUS PROPERTY BEING A 2013 FORD TAURUS POLICE AWD THROUGH MUNCIBID IN ACCORDANCE WITH STATE COOPERATIVE PRICING SYSTEM

WHEREAS, the Borough is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough Council are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

BE IT RESOLVED by the Council in the Borough of Somerville, County of Somerset, as follows:

- (1) The sale of the surplus property shall be conducted through **Municibid** pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with **Municibid** is available online at **Municibid.com** and also available from the Borough of Somerville.
- (2) The sale will be conducted online and the address of the auction site is **Municibid.com**.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:
2013 FORD TAURUS Police AWD
VIN/ 1FAHP2M80DG230490
- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough reserves the right to accept or reject any bid submitted.

RESOLUTION 23-0403-134

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 NJS 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 (NJS 40A:20) including this resolution total \$8,494,778.

NOW, THEREFORE BE IT RESOLVED, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of NJS 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>
Engineering OE		\$5,000

RESOLUTION 23-0403-135

**APPOINTING KEVIN SLUKA AND BRYAN O'NEILL AS
DEPUTY OEM COORDINATORS (EXPIRED TERM 12/31/23)**

BE IT RESOLVED, that the Mayor appoints and the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby consents to the appointment of Kevin Sluka and Bryan O'Neill as Deputy OEM Coordinators, whom have met all the required educational requirements for appointment until the end of business on December 31, 2023.

RESOLUTION 23-0403-136

**APPOINTING MARY E. HODGES 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 Mary E. Hodges to serve on The Board of Health 3-year term expiring December 31, 2023.