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

Monday, April 17, 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. April 3, 2023
- 4. RESOLUTION 23-0417-137 TO ENTER INTO EXECUTIVE SESSION

EXECUTIVE SESSION AGENDA

- a. Redevelopment
- b. Personnel

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT
- 2. ROLL CALL
- 3. SALUTE TO THE FLAG
- 4. APPROVAL OF MINUTES
 - a. April 3, 2023
- 5. DEPARTMENTAL REPORTS & NOTICES
 - a. Animal Control Solutions Report -March
- 6. COMMITTEE REPORTS

7. DISCUSSION

a. Redevelopment PILOTs

8. ORDINANCES FOR INTRODUCTION

2706-23-0417 AMENDING CHAPTER 102 SECTION 74

REMOVING THE REQUIREMENT FOR MINOR SITE

PLANS FOR SIDEWALK CAFÉ'S THAT ARE

SEASONAL IN NATURE AND ESTABLISHING THE

REGULATIONS FOR SEASONAL SIDEWALK

CAFÉ'S IN CHAPTER 150 ARTICLE III

2707-23-0417 AMENDING SCHEDULE "A" PERMITTED USES

AND STRUCTURES FOR THE EASTERN CENTRAL

BUSINESS DISTRICT

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

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. 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)

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

(RESOLUTIONS 23-0417-138 THRU 23-0417-149)

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

23-0417-138 RESCINDING RESOLUTION 23-0403-131 APPROVING

KONNOR SPOTTS TO BE HIRED AS A SEASONAL

LABORER

23-0417-139 APPROVING THE "Z" CAR CLUB TO UTILIZE PARKING

SPACES IN FRONT OF HISTORIC COURTHOUSE ON JUNE

9TH FROM 5:00 P.M. – 9:00 P.M. FOR CRUISE NIGHT

DISPLAY

23-0417-140	APPROVING LEGAL RUNAROUND 5K RUN AND FUN WALK ON THURSDAY, MAY 25, 2023 AT 4:00 P.M.
23-0417-141	APPOINTING MALLORY BURGAN TO SERVE ON THE RECREATION COMMITTEE
23-0417-142	APPROVING CHANGE ORDER #1 TO PURCHASE ORDER 23-00430 TO EXEMPLIS C/O PARAMOUNT FMS VIA NJ STATE COOPERATIVE CONTRACT QUOTE SITONIT CONTRACT #81711 PRICE ADJUSTMENT FROM \$42,828.80 TO \$45,995.04
23-0417-143	APPROVING RESERVATION OF PARKING SPACES ON EAST MAIN STREET BETWEEN N. BRIDGE STREET AND GROVE STREET ON NORTHSIDE FROM 2:00 P.M. TO 10:00 P.M. FOR NATURALIZATION CEREMONY AND FLAG DAY EVENT ON JUNE 16, 2023
23-0417-144	ADOPTING THE TITLE AND JOB DESCRIPTION SEASONAL RECREATION PROGRAM COORDINATOR
23-0417-145	APPROVING THE HIRING OF MARCIE TYSON AS TEMPORARY ALTERNATE DEPUTY REGISTRAR
23-0417-146	AUTHORIZING THE BOROUGH OF SOMERVILLE TO APPLY FOR AN EMERGENCY MANAGEMENT PERFORMANCE GRANT - EMPG/EMERGENCY MANAGEMENT AGENCY ASSISTANCE - EMAA WITH THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL IN THE AMOUNT OF \$10,000
23-0417-147	AUTHORIZING THE RELEASE OF A PERFORMANCE BOND CASH PORTION FOR DGM STATION HOUSE AT 66 VETERANS MEMEORIAL DRIVE BLOCK 61 LOT 6.02
23-0417-148	APPROVING THE HIRING OF NASYR PETTIES-JACKSON AS LABORER FOR DEPARTMENT OF PUBLIC WORKS
23-0417-149	APPROVING A STREET CLOSURE ON GROVE STREET, MAIN STREET AND HIGH STREET FOR DIVERSITY FESTIVAL FROM 12:00 P.M. TO 4:00 P.M. ON SUNDAY, OCTOBER 15, 2023

12.BILLS AND VOUCHERS

13. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Introduction

ORDINANCE #2706-23-0417

AMENDING CHAPTER 102 SECTION 74 REMOVING THE REQUIREMENT FOR MINOR SITE PLANS FOR SIDEWALK CAFÉ'S THAT ARE SEASONAL IN NATURE AND ESTABLISHING THE REGULATIONS FOR SEASONAL SIDEWALK CAFÉ'S IN CHAPTER 150 ARTICLE III

WHEREAS, the Borough of Somerville encourages seasonal sidewalk café's that are regulated and temporary in nature; and

WHEREAS, the Downtown Somerville Alliance and the Borough of Somerville have reviewed the process and found that the process is lengthy, time consuming and cumbersome; and

WHEREAS, the following changes shall be made to the Borough Code to improve the process:

§ 102-74 Minor Site Plans.

In addition to the requirements indicated in § 102-69, the following information shall be submitted for all minor site plans; provided, however, that minor site plans which are submitted to only the Site Plan Waiver Committee or Architectural Review Board shall only be required to submit the information required for conceptual plans in § 102-70A through E, along with the following information. Minor Site Plans shall not be required for seasonal sidewalk café's. Seasonal Sidewalk café's are defined as café's in which the furniture may be removed off the sidewalk daily if required. It shall also be defined as a sidewalk café that is completely removed at the end of a season and shall not remain after the season is officially complete.

- A. Location of proposed parking, loading, access and circulation improvements, signs, exterior lighting and landscaping. Existing improvements shall be shown to the extent that such improvements affect or are affected by the proposed development and/or are necessary to determine compliance with this chapter.
- B. If interior renovations or alterations are proposed, floor plans for existing and proposed buildings, showing the use and layout of internal space, at a scale of not exceeding eight (8) feet per inch. Horizontal dimensions of all exterior walls and other exterior vertical building surfaces shall be included. [Amended 06-16-03 by Ord. 2143]
- C. If alterations to the existing building facade are proposed, facade elevations showing the extent and nature of the construction. The vertical dimension of the building height shall be included. [Amended 06-16-03 by Ord. 2143]
- D. If revisions to existing topography are proposed, or if the building entrance or finished floor elevation is proposed to be revised, existing and proposed contours and/or spot elevations portraying the change.

- E. If the application involves a sidewalk cafe, the following additional information, this does not apply to seasonal sidewalk café's, seasonal sidewalk café's regulations can be found in Chapter 150, Article III.
- (1) A statement that if alcohol is to be served it will be served only with food service on the outdoor portion of the premises. (This provision to apply only to those restaurants with valid liquor licenses). [Amended 6-7-04 by Ord. No. 2164]
- (2) The proposed hours of operation.
- (3) The maximum anticipated seating capacity, including the number and location of tables, walls, planters or barricades.
- (4) Proof of liability insurance for the sidewalk cafe portion, which names the Borough of Somerville as an additional insured.
- (5) The location of any utility shut-offs, vents or sidewalk vault covers, bus stops, litter containers, fire hydrants, public telephones, street furniture, or elevators located in the vicinity of the proposed cafe.
- (6) Detailed design drawings or photographs of the proposed railing or landscaped border which will be used to separate the cafe from the sidewalk area. Colors of material shall be noted in detail.
- F. If any septic systems or subsurface stormwater storage systems are proposed, the results of percolation tests shall be submitted with the application, along with test hole locations and soil log information. [Added 12-17-01 by Ord. 2118]

CHAPTER 150 STREETS and SIDEWALKS

<u>ARTICLE III</u> SEASONAL SIDEWALK CAFÉ

§ 150-23 Seasonal Sidewalk Cafe. General provisions

- A. <u>Definition: Seasonal Sidewalk Café's are café's that are approved by the Architectural Review Board. Seasonal Sidewalk Café's are temporary in nature and allowed during a defined season as established on the application.</u>
- B. The Borough shall have a fee established by resolution for the initial review and approval of a sidewalk café' and shall have an annual review fee.
- C. <u>No entity, private individual, limited liability company, corporation or other entity shall erect a seasonal sidewalk café without an approval from the Architectural Review Board.</u>
- D. <u>The Architectural Review Board shall review the application annually to ensure that it</u> best serves the interest of the merchants, residents and visitors of Somerville Borough

§ 150-24 Fee Schedule:

- A. The application shall be submitted with complete paperwork as defined on the application and payment of the fee as follows:
 - a. \$30 annual renewal fee
 - b. \$60 for food café (non-alcohol)
 - c. \$100 for sidewalk café for licensed alcohol (applicant is required to obtain ABC approval)
- B. The Borough of Somerville shall inspect the seasonal sidewalk café periodically. Failure to comply with approval may be subject to removal of equipment, furniture or revocation or suspension of permit. In addition, penalties provided in this chapter of this article may include a fine for each violation of \$100 but not more than five hundred dollars (\$500) for each violation.

ORDINANCE #2707-23-0417

AMENDING SCHEDULE "A" PERMITTED USES AND STRUCTURES FOR THE EASTERN CENTRAL BUSINESS DISTRICT

BE IT ORDAINED by the Mayor and Council of the Borough of Somerville, County of Somerset and the State of New Jersey that the following changes shall be made and memorialized as follows:

E	Base Dis	tricts						Overl	ay Distric	cts	
Use	Sic #	E- B1	E- B2	E- B3	E- PR	E- R2	R	etail	Retail- Hotel	Office Services	Multi- Family Residential
RETAIL TRADE											
Retail nurseries and	526	-	C-	C-	-	-	Р	'-r	-	P-r	-
garden centers			CC	CC							
FINANCE											
Security and	62	Р	Р	Р	Р	-	Р)	P-d	Р	-
Commodity Brokers											
Insurance carriers	63	Р	Р	Р	С	-	Р)	P-d	Р	-
Insurance Agents	64	Р	Р	Р	Р	-	Р)	P-d	Р	
BUSINESS											
SERVICES											
Advertising	731	Р	Р	Р	Р	-	Р)	P-d	Р	-
Services to buildings	737	Р	Р	Р	-	-	Р)	P-d	Р	-
Computer and data	737	Р	Р	Р	Р	-	Р)	P-d	Р	

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1. If any or provision of this Ordinance shall be held invalid in any Court, the same shall not affect the other section or provisions of this Ordinance, except as far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

- 2. All Ordinances or part of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
- This Ordinance shall take effect immediately after final passage and publication.

Ordinance scheduled for Adoption

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 INLCUDE N. MIDDAUGH 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

Name of Street	Side	Location
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.

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

RESOLUTION 23-0417-138

RESCINDING RESOLUTION 23-0403-131 APPROVING KONNOR SPOTTS TO BE HIRED AS A SEASONAL LABORER

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey rescinds the hiring of Konnor Spotts as a Seasonal Laborer

RESOLUTION 23-0417-139

APPROVING THE "Z" CAR CLUB TO UTILIZE PARKING SPACES IN FRONT OF HISTORIC COURTHOUSE ON JUNE 9th FROM 5:00 P.M. – 9:00 P.M. FOR CRUISE NIGHT DISPLAY

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the "Z" Car Club to use parking spaces located on Main Street in front of the Historic Courthouse on June 9th for Cruise Night display.

RESOLUTION 23-0417-140

APPROVING LEGAL RUNAROUND 5K RUN AND FUN WALK ON THURSDAY, MAY 25, 2023 AT 4:00 P.M.

WHEREAS, Legal Runaround 5K and Fun Walk is scheduled to take place on Thursday May 25, 2023, starting at 4:00 p.m.; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, hereby approve the Legal Runaround 5K Run and Fun Walk to be held on May 25, 2023 at 4:00 p.m., contingent on the submission of the appropriate forms and payment to the Police Off-Duty escrow prior to scheduling of Off-Duty Police Officers.

RESOLUTION 23-0417-141

APPOINTING MALLORY BURGAN TO SERVE ON THE RECREATION COMMITTEE

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 Mallory Burgan to serve on the Recreation Committee for term expiring 12/31/2025.

RESOLUTION 23-0417-142

APPROVING CHANGE ORDER #1 TO PURCHASE ORDER 23-00430 TO EXEMPLIS C/O PARAMOUNT FMS VIA NJ STATE COOPERATIVE CONTRACT QUOTE SITONIT CONTRACT #81711 PRICE ADJUSTMENT FROM \$42,828.80 TO \$45,995.04

WHEREAS, the Borough of Somerville awarded a contract to Exemplis C/O Paramount FMS Via NJ State Cooperative Contract Quote Sitonit Contract #81711., 72 Readington Road, Branchburg NJ 08876 for Furniture at Somerville Civic Center via Resolution 23-0221-089.

Change Order #	Description	Contract	Change	New Purchas Order Amount
#1	Price Adjustment	\$42,828.80	(\$3,166.24)	\$45,995.04

BE IT RESOLVED by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby Change order #1 to a contract with Exemplis C/O Paramount FMS Via NJ State Cooperative Contract Quote Sitonit Contract #81711., 72 Readington Road, Branchburg NJ 08876 for a price adjustment from \$42,828.80 to \$45,995.04.

RESOLUTION 23-0417-143

APPROVING RESERVATION OF PARKING SPACES ON EAST MAIN STREET BETWEEN N. BRIDGE STREET AND GROVE STREET ON NORTHSIDE FROM 2:00 P.M. TO 10:00 P.M. FOR NATURALIZATION CEREMONY AND FLAG DAY EVENT ON JUNE 16, 2023

WHEREAS, the Borough of Somerville is hosting the Naturalization Ceremony and Flag Day event at the County Court House steps on June 16, 2023; and

WHEREAS, it is necessary to reserve parking spaces for Emergency Services vehicles, displays and vendor delivery vehicles on East Main Street from 2:00 p.m. to 10:00 p.m.

NOW THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve reservation of parking spaces on East Main Street between N. Bridge Street and Grove Street on the northside from 2:00 p.m. to 10:00 p.m. on June 16, 2023.

RESOLUTION 23-0417-144

ADOPTING THE TITLE AND JOB DESCRIPTION SEASONAL RECREATION PROGRAM COORDINATOR

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby adopts the title and job description Seasonal Recreation Program Coordinator.

RESOLUTION 23-0417-145

APPROVING THE HIRING OF MARCIE TYSON AS TEMPORARY ALTERNATE DEPUTY REGISTRAR

WHEREAS, the effective date of hire is April 17, 2023 to June 30, 2023.

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby hire Marcie Tyson as temporary alternate Deputy Registrar, effective April 17, 2023 to June 30, 2023.

RESOLUTION 23-0417-146

AUTHORIZING THE BOROUGH OF SOMERVILLE TO APPLY FOR AN EMERGENCY MANAGEMENT PERFORMANCE GRANT - EMPG/EMERGENCY MANAGEMENT AGENCY ASSISTANCE - EMAA WITH THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL IN THE AMOUNT OF \$10,000

WHEREAS, The Borough of Somerville, Office of Emergency Management is applying for a grant funds from the Emergency Management Performance Grant - EMPG/Emergency Management Agency Assistance Subaward – EMAA for the Subaward period of July 1, 2023 through June 30, 2024; and

WHEREAS, the total amount of the award is \$10,000; and

WHEREAS, the Subaward number is FFY23-EMPG-EMAA-1818; and

WHEREAS, Jason Kraska is authorized as the Municipal OEM Coordinator to sign as the Authorizing Official on the application document of the New Jersey Department of Law and Public Safety Office of the Attorney General Subaward.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby applies for the Emergency Management Performance Grant - EMPG/Emergency Management Agency Assistance – EMAA Subaward in the amount of \$10,000 in Federal Funds to be used for Emergency Management purposes and authorizes Jason Kraska to execute the documents on behalf of the Borough of Somerville.

RESOLUTION 23-0417-147

AUTHORIZING THE RELEASE OF A PERFORMANCE BOND CASH PORTION FOR DGM STATION HOUSE AT 66 VETERANS MEMEORIAL DRIVE BLOCK 61 LOT 6.02

WHEREAS, DGM Station House as 66 Veterans Memorial Drive Block 61 Lot 6.02, posted a performance bond on application #2016006P; and

WHEREAS, the work has been inspected and approved by Cole & Associates, LLC and all payments have been made; and

WHEREAS, the return of the performance bond in the amount of \$244,717.60 and the cash portion of \$24,471.76 is recommended, once the maintenance bond of \$40,378.40 has been received.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the release of the performance bond and cash portion as stated in the preamble of this resolution.

RESOLUTION 23-0417-148

APPROVING THE HIRING OF NASYR PETTIES-JACKSON AS LABORER FOR DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Borough of Somerville advertised for the full time position of Laborer for Department of Public Works; and

WHEREAS, it's recommended the hiring of Nasyr Petties-Jackson at an annual salary of \$42,000, prorated for 2023.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the hiring of Nasyr Petties-Jackson at an annual salary of \$42,000 prorated for 2023 with an effective date of April 25, 2023.

RESOLUTION 23-0417-149

APPROVING A STREET CLOSURE ON GROVE STREET, MAIN STREET AND HIGH STREET FOR DIVERSITY FESTIVAL FROM 12:00 P.M. TO 4:00 P.M. ON SUNDAY, OCTOBER 15, 2023

BE IT RESOLVED, the Borough Council of the Borough of Somerville hereby approves a street closure on Grove Street, Main Street and High Street for Diversity Festival from 12:00 p.m. to 4:00 p.m. Sunday, October 15, 2023.