

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

**Monday, June 19, 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. June 5, 2023
- 4. RESOLUTION 23-0619-198 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. June 5, 2023
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. Election Day Results June 6, 2023
 - b. Animal Control Solutions Monthly Report May
- 6. COMMITTEE REPORTS**

7. ORDINANCE FOR INTRODUCTION

2711-23-0619

ELIMINATING CHAPTER 45, ALCOHOLIC BEVERAGES, ARTICLE II- CONSUMPTION IN PUBLIC, SECTION 24 (B)

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

9. MEETING OPEN TO THE PUBLIC

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

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

(RESOLUTIONS 23-0619-199 THRU 23-0619-218)

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

- | | |
|-------------|---|
| 23-0619-199 | APPROVING ALCOHOLIC BEVERAGE LICENSES TO BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGES FOR 2023-2024 |
| 23-0619-200 | APPROVING ANNUAL RENEWAL OF AMUSEMENT AND VIDEO GAME LICENSES FOR 2023-2024 |
| 23-0619-201 | APPROVING ANNUAL RENEWAL OF WRECKER & TOWING LICENSES FOR 2023-2024. |
| 23-0619-202 | APPROVING ANNUAL RENEWAL OF TAXI OWNER LICENSES FOR YEAR 2023-2024 |
| 23-0619-203 | APPROVING ANNUAL RENEWAL OF TAXI DRIVER LICENSES FOR YEAR 2023-2024 |
| 23-0619-204 | AMENDING RESOLUTION 23-0117-042 TO AUTHORIZE AMOUNT NOT TO EXCEED \$3,500.00 AUTHORIZING A REIMBURSEMENT GRANT FROM THE NATIONAL OPIOID SETTLEMENT TO "NOT AN EASY FIX" FOR WORKSHOPS AND PRESENTATION ON DRUG AWARENESS IN AN AMOUNT NOT TO EXCEED \$2,000 |
| 23-0619-205 | APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY LOCAL RECREATIONAL IMPROVEMENT GRANT |
| 23-0619-206 | APPROVAL TO SUBMIT A GRANT APPLICATION AND |

EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION 2023 STATE AID GRANT PROGRAM FOR MA-2023-2023 ROAD IMPROVEMENT PROGRAM INCLUDING LINCOLN AVENUE, CLEVELAND STREET AND A PORTION OF HALSEY STREET

- 23-0619-207 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION 2023 TRANSIT VILLAGE GRANT PROGRAM FOR RESURFACING OF HAMILTON, SECOND AND THIRD STREET
- 23-0619-208 APPROVING CHAPTER 159 FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND (HDSRF) GRANT PROD-00310358 THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
- 23-0619-209 AUTHORIZING THE PLACEMENT OF UTILITY POLES GRANTING A RIGHT-OF-WAY APPROVAL
- 23-0619-210 APPROVING ROAD CLOSURE TO CONDUCT A RIBBON CUTTING FOR THE DAVENPORT ON JULY 18, 2023 FROM 4:30 P.M. TO 6:00 P.M. ON DAVENPORT STREET BETWEEN WEST HIGH STREET TO WEST MAIN STREET
- 23-0619-211 AMENDING RESOLUTION 23-0605-194 AUTHORIZING RETURN OF ESCROW FUNDS TO LINDA LEE, LLC IN THE AMOUNT OF \$2,746.30 FOR THE WITHDRAWAL OF ZONING BOARD APPLICATION #2023-001Z
- 23-0619-212 RESCINDING RESOLUTION 23-0515-171 AWARDDING A CONTRACT TO FOLEY CAT UNDER SOURCEWELL CO-OP PRICING CONTRACT #032119-CAT FOR CATERPILLAR INC MODEL 420-07 BACKHOE LOADER
- 23-0619-213 AWARDDING A CONTRACT TO FOLEY CAT UNDER SOURCEWELL CO-OP PRICING CONTRACT #032119-CAT FOR CATERPILLAR INC MODEL 420-07 BACKHOE LOADER
- 23-0619-214 AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN DESAPIO PROPERTIES #SEVEN LLC, DESAPIO PROPERTIES #10 LLC, WARREN STREET PARTNERS, 75 VETERANS MEMORIAL ASSOCIATES, LLC, AND SOMERVILLE URBAN RENEWAL LLC AND THE BOROUGH OF SOMERVILLE RELATED TO THE VETERANS MEMORIAL PARKING GARAGE

- 23-0619-215 APPROVING THE ALFA ROMERO OWNERS CLUB TO UTILIZE PARKING SPACES IN FRONT OF HISTORIC COURTHOUSE ON JUNE 30th FROM 5:00 P.M. – 9:00 P.M. FOR CRUISE NIGHT DISPLAY
- 23-0619-216 APPROVING LIFE CHAIN EVENT FOR SUNDAY, OCTOBER 1, 2023 ON SOMERSET STREET AND MOUNTAIN AVENUE FROM 2:00PM UNTIL 3:30PM
- 23-0619-217 APPLYING FOR A SUPPLIMENTAL GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND TO THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY (NJ EDA) FOR THE CONTINUATION OF A REMEDIAL INVESTIGATION OF 60 CORNELL BLVD BLOCK 127 LOT 1 THE FORMER COLOR TECHNOLOGY PROPERTY
- 23-0619-218 AUTHORIZING TAX COLLECTOR PAIGE ELSTER TO EXECUTE ELECTRONIC TAX SALE AGREEMENT AND PARTICIPATE IN THE 2023 ELECTRONIC TAX SALE

11. BILLS AND VOUCHERS

12. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinance scheduled for Introduction

ORDINANCE #2711-23-0619

ELIMINATING CHAPTER 45, ALCOHOLIC BEVERAGES, ARTICLE II- CONSUMPTION IN PUBLIC, SECTION 24 (B)

BE IT ORDAINED by the Mayor and Council of the Borough of Somerville, County of Somerset, as follows:

1. Section 45-24 **Non applicability of Provisions.** is amended in its entirety as follows:

None of the foregoing provisions shall apply to the following:

- A. Any public park or picnic area where the consumption of alcoholic beverages at occasions or events held by bona fide non-profit

organizations or other groups which is specifically permitted by resolution of the Mayor and Council.

- B. Restaurants with valid liquor licenses that are operating an approved “sidewalk café” where alcoholic beverages are to be served in connection with food service and have complied with all of the requirements of the Somerville Community Development Department, and is specifically permitted by resolution of the Mayor and Council.

(i) Permit. Restaurants approved for alcoholic beverage service at a sidewalk café will be issued a permit which shall be posted. The permit is valid only for a period of one year.

(ii) Permit Fee. The permit fee shall be one hundred dollars (\$100).

- C. These provisions shall not interfere with the authority of the New Jersey Division of Alcoholic Beverage Control and/or the Borough Council to issue temporary licenses for the consumption of alcoholic beverages pursuant to law.

2. Section 45-25 **Violations and Penalties** is hereby amended in part as follows:

Any person found guilty of a violation of any section of the Article shall be punished by a fine of not more than one thousand two hundred fifty dollars (\$1,250.00) or by imprisonment of not more than ninety (90) days or both.

3. Section 102.6.2 **Waiver of Site Plan Requirements** is amended in part as follows:

B.5 (i) is repealed and replaced with the following:

(i) 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).

4. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

5. This ordinance shall take effect immediately upon publication and final passage, as provided by law.

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

RESOLUTION 23-0619-199

APPROVING ALCOHOLIC BEVERAGE LICENSES TO BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGES FOR 2023-2024

WHEREAS, the License Clerk reported that the following applications for Plenary Retail Consumption, Plenary Retail Consumption with Broad Privileges, Plenary Retail Distribution and Club Licenses, for the year 2023-2024, including license numbers have been filed; and

WHEREAS, each of the applicants paid the required fee and has fully complied with the requirements of our ordinance and the rules and regulations as set forth by the Division of Alcoholic Beverages; and

WHEREAS, written reports were received from the various municipal code officials who conducted inspections of said premises.

WHEREAS, it is the recommendation of the Police Department, Board of Health, Building Inspector and Fire Inspector that the applications be approved for their 2023-2024 Alcoholic Beverage Licenses:

PLENARY RETAIL CONSUMPTION: (33)

46 Main Liquor, LLC
t/a Salted Lime
1818-33-015-008

46 E. Main Street
Anthony DeSapio

Ciao Bello, Inc
t/a Social
1818-33-005-002

156 N. Gaston Avenue
Selim (John) Qiku

DV Food, LLC
t/a Tapastre/Project P.U.B.
1818-33-001-015

1 W. High Street
Susan Proske

Hotel Somerset
t/a Hotel Somerset
1818-33-008-002

65 E. Main Street
Ken McCormick

Somerville Hospitality, LLC
c/o Cavanaugh Holdings, LLC
1818-33-017-007

In pocket as of 09/08/2020
Danielle Miller

SM Investments @Somerville, LLC
1818-33-006-015

Inactive as of 9/6/16
Sheryl Morris

Mannion's Assoc., LLC
t/a Mannion's Pub
1818-33-013-003

150 W. Main Street
Patrick Mannion

Sarah Jane's, LLC
t/a Sarah Jane's
1818-33-012-002

33 Rt. 206
James Lamperti

Village Brewing, LLC
t/a Village Brewing, Co.
1818-33-004-004

34 W. Main Street
Gary Frank

The Noble Savage, Inc
t/a Verve
1818-33-018-006

18 E. Main Street
Rick St. Pierre

Verdicchio Corp.
t/a Central Pizzeria &
Venetian Grille
1818-33-007-007

122, 126-128 W. Main Street
Pasquale Verdicchio

JM 40 LLC
t/a Alfonso's Family Trattoria
1818-33-009-008

99-101 W. Main Street
Debra Donald

PLENARY RETAIL CONSUMPTION W/ BROAD PRIVILEGES: (32)

CPR Ventures, LLC
t/a Discover Wine
1818-32-003-007

66 W. Main Street
Ken Rommel

Dharun, Inc
t/a Liquor Saver

29 Union Avenue
Prashant Amin

1818-32-011-005

Wolf Somerville, LLC
t/a Wolfgang's Steakhouse Grill &
Vint Edge Wine & Spirits
1818-32-016-009

119 W. Main Street
Peter Zweiner

The above fees are \$2,040.00 plus \$3.00 filing fee; \$200.00 to Div. of ABC

PLENARY RETAIL DISTRIBUTION LICENSES: (44)

Sonali Investors, Inc
t/a Super Saver
1818-44-014-006

888 Rt. 22
Jayesh Amin

PVS Group, Inc
t/a Path Liquors
1818-44-010-007

79 W. Main Street
Sudhakar Perkari

The above fees are \$1,750.00 plus \$3.00 filing fee; \$200.00 to Div. of ABC.

CLUB LICENSES: (31)

Somerset Columbus Club, Inc
t/a Knights of Columbus
1818-31-021-002

495 E. Main Street

Stevenson D'Alessio Post #12
t/a American Legion
1818-31-019-001

232 Union Avenue

The above fees are \$200.00 plus \$3.00 filing fee; \$200.00 to Div. of ABC.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council, acting as the issuing authority, acting upon the recommendation of the License Clerk, Police Department, Board of Health, Building Inspector and Fire Inspector, hereby approves the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses, including license numbers for the year 2022-2023

AND BE IT FURTHER RESOLVED, that the License Clerk submit a foregoing resolution in certified form, filing fees and applications, to the Division of Alcoholic Beverages for immediate approval.

RESOLUTION 23-0619-200

**APPROVING ANNUAL RENEWAL OF AMUSEMENT AND
VIDEO GAME LICENSES FOR 2023-2024**

BE IT RESOLVED, that the Borough Council approves the following locations for amusement games for 2023-2024

Ken McCormick	Hotel Somerset 65 E. Main Street	3 pool tables
Wayne Vending Co	Mannion's Pub 150 W. Main Street	2 dartboards 1 pool table 2 jukeboxes
American Legion	American Legion Post #12 232 Union Avenue	1 jukebox

RESOLUTION 23-0619-201

**APPROVING ANNUAL RENEWAL OF WRECKER & TOWING LICENSES
FOR 2023-2024**

WHEREAS, the following have made application for annual renewal of wrecker & towing licenses for 2023-2024:

John Skiadas t/a Dave's Heavy Towing	87 Old Camplain Rd Hillsborough, NJ 08844
John Skiadas t/a Value, Aalways & Rainbow Towing	65 Old York Rd Bridgewater, NJ 08807
Michael Sena t/a Central Jersey & Mike's Towing	643 E. Main St Bridgewater, NJ 08807
Michael Bessasparis t/a Bedminster & Somerset Hills Towing	19 Finderne Ave Bridgewater, NJ 08807
Cheryl Delucas t/a Tom Delucas Towing	390 Burnt Mills Rd Branchburg, NJ 08876
Richard Fendt t/a Rich's Offroad Towing	1213 Camplain Rd. Manville, NJ 08835
Joseph Breen t/a Stewart's Towing, Inc	27 Reading Blvd Belle Mead, NJ 08502
E&N Towing Andrew Ziegler	823 E. Main St Bridgewater, NJ 08807

Illustrious Towing & Transport
Andrew Ziegler

870 Old York Rd
Branchburg, NJ 08876

Colonial Motors
Greg Salvato

3210 Rt 22 W
Branchburg, NJ 08876

Mike's Towing & Recovery
Mike Sena

58 Chambersbrook Rd
Branchburg, NJ 08876

Kovi Towing
Michael Kovi

233 Old York Rd
Flemington, NJ 08822

RESOLUTION 23-0619-202

APPROVING ANNUAL RENEWAL OF TAXI OWNER LICENSES FOR YEAR 2023-2024

WHEREAS, the following have made application for annual renewal of taxi owner license for 2023-2024.

A Allstar Skyview Transportation, Inc.
Somerville, NJ 08876

Sam Cameroni
Somerville, NJ 08876

(6) cars:

2005 Toyota
2004 Toyota
2005 Toyota
2006 Toyota
2006 Toyota
2004 Toyota

5TDBA23C65S043365
5TDZA23CX4S009605
5TDZA23C35S317295
5TDZA23C96S468854
5TDZA23C56S530878
5TDZA23CX4S171279

P&W Taxi
Somerville, NJ 08876

Wilfredo Coronado
Somerville, NJ 08876

(2) cars:

2017 Toyota
2016 Ford Wagon

5TDKZ3DC0HS771801
1FBZX2ZM9GKA63671

Corre Caminos
Somerville, NJ 08876

**Andrea Avila &
Alexander Martinez-
Campos**
Bridgewater, NJ 08807

(1) car:

2019 Toyota Corolla

5YFBURHE1KP908399

Las Gemeles Taxi, LLC
Raritan, NJ 08869

Atenogenes Herrera
Raritan, NJ 08869

(3) cars:

2004 Toyota Wagon
2007 Toyota Wagon
2004 Toyota Sienna

5TDZA23C94S058634
5TDZK23C97S010729
5TDZA23C045034304

RESOLUTION 23-0619-203

**APPROVING ANNUAL RENEWAL OF TAXI DRIVER LICENSES
FOR YEAR 2023-2024**

WHEREAS, the following have made application for annual renewal of taxi driver license for 2023-2024

Sam Cameroni	41 Eastern St Pkwy	Somerville
Elizabeth Sanchez	21 Brown Ave	Hillsborough
Wilfredo Coronado	2 Bell Ave	Somerville
Atenogenes Herrera	17 Reimer St	Raritan
Jennifer Herrera	17 Reimer St	Raritan
Andrea Avila	9 5 th St.	Raritan
Alexander Martinez-Campos	9 5th St.	Raritan
Carmine Cameroni	1212 W. Peoria Pl	N. Brunswick
Lillian Culbertson	1 Mountain Avenue/Apt. 106	Somerville
Carlo Martini	88 Old York Road	Raritan
Angela Miller	107 Hamilton Street	Somerville
Douglas Dorsey	159 Fairview Avenue/Apt. 1	Somerville
Lisa Cunningham	PO Box 8093	Bridgewater

RESOLUTION 23-0619-204

AMENDING RESOLUTION 23-0117-042 TO AUTHORIZE AMOUNT NOT TO EXCEED \$3,500.00 AUTHORIZING A REIMBURSEMENT GRANT FROM THE NATIONAL OPIOID SETTLEMENT TO “NOT AN EASY FIX” FOR WORKSHOPS AND PRESENTATION ON DRUG AWARENESS IN AN AMOUNT NOT TO EXCEED \$3,500

WHEREAS, the Borough of Somerville participated in National Opioids Settlement; and

WHEREAS, the Borough of Somerville accepted funds that were eligible to provide drug awareness programming; and

WHEREAS, the Borough of Somerville and the Somerville MAC hereby approved Resolution 23-0117-042 for the program provided by “Not an Easy Fix” in the original amount of \$2,000; and

WHEREAS, the Borough of Somerville will amend Resolution 23-0117-042 up to \$3,500 for programming to be provided by “Not an Easy Fix”.

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey herby approves amending Resolution 23-

0117-042 a reimbursement grant from the National Opioid settlement to “NOT AN EASY FIX” for workshops and presentation on drug awareness in an amount not to exceed \$3,500.

RESOLUTION 23-0619-205

**APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY
LOCAL RECREATIONAL IMPROVEMENT GRANT**

WHEREAS, NJSA 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Borough of Somerville has received notice of an award of \$70,000.00 from NJ Department of Community Affairs-Local Recreational Improvement Grant and wishes to amend its 2023 Budget to include this amount as revenue.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Somerville hereby requests the Director of the Division of Local Government Services to approve the amendment of an additional item of revenue in the budget of the year 2023 in the sum of.....\$70,000.00
to be received from grants as revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local
Government Services:
Public and Private Revenues off-set with
Appropriations:
Local Recreational Improvement Grant.....\$70,000.00

BE IT FURTHER RESOLVED that a like sum of.....\$70,000.00
be and the same is hereby appropriated under the caption of:

General Appropriations:
Operations-Excluded from “CAPS”
Public and Private Programs Offset by Revenues:
Local Recreational Improvement Grant

BE IT FURTHER RESOLVED, that the Borough Clerk of the Borough of Somerville forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION 23-0619-206

**APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION 2023 STATE AID GRANT PROGRAM
FOR MA-2023-2023 ROAD IMPROVEMENT PROGRAM
INCLUDING LINCOLN AVENUE, CLEVELAND STREET AND A PORTION OF
HALSEY STREET**

NOW, THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, formally approve the grant application for the New Jersey Department of Transportation 2023 State Aid Grant Program for MA-2023-2023 Road Improvement Program including Lincoln Avenue, Cleveland Street and a Portion of Halsey Street.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application “identified as MA-2023-2023 Road Improvement Program including “Lincoln Avenue, Cleveland Street and a Portion of Halsey Street” to the New Jersey Department of Transportation on behalf of the Borough of Somerville.

BE IT FURTHER RESOLVED, that Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Somerville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 23-0619-207

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE
A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION 2023 TRANSIT VILLAGE GRANT PROGRAM
FOR RESURFACING OF HAMILTON, SECOND AND THIRD STREET**

NOW, THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, formally approve the grant application for the New Jersey Department of Transportation 2023 Transit Village Grant Program for Resurfacing of Hamilton, Second and Third Street.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application via SAGE to the New Jersey Department of Transportation on behalf of the Borough of Somerville.

BE IT FURTHER RESOLVED, that Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Somerville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 23-0619-208

**APPROVING CHAPTER 159 FROM THE HAZARDOUS DISCHARGE SITE
REMEDATION FUND (HDSRF) GRANT PROD-00310358 THROUGH THE NEW
JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

WHEREAS, NJSA 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Borough of Somerville has received notice of an award of \$529,642.00 from New Jersey Department of Environmental Protection and wishes to amend its 2023 Budget to include this amount as revenue.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Somerville hereby requests the Director of the Division of Local Government Services to approve the amendment of an additional item of revenue in the budget of the year 2023 in the sum of..... \$529,642.00 to be received from grants as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local
Government Services:

Public and Private Revenues off-set with Appropriations:
The New Jersey Department of Environmental Protection -
Remedial Action\$529,642.00

BE IT FURTHER RESOLVED that a like sum of.....\$529,642.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations-Excluded from "CAPS"
Public and Private Programs Offset by Revenues:
The New Jersey Department of Environmental Protection -
Remedial Action

BE IT FURTHER RESOLVED, that the Borough Clerk of the Borough of Somerville forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION 23-0619-209

AUTHORIZING THE PLACEMENT OF UTILITY POLES GRANTING A RIGHT-OF-WAY APPROVAL

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, - ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Borough of Somerville; and

WHEREAS, the Borough of Somerville has previously granted Verizon Wireless authority to use existing poles within the Borough's rights-of-way by way of Resolution 18-0220-077; and

WHEREAS, Verizon Wireless has requested that the Borough authorize the placement of two (2) additional utility poles within the Borough rights-of-way because it is unable to use existing poles in the area; and

WHEREAS, Verizon Wireless has provided the Borough's professionals with plans setting forth the proposed installations including plans entitled: 1) "Somerville HS 01 SC, Site Location [Nearest To] 261 Davenport Street, Somerville NJ" dated March 7, 2023 (attached as Exhibit "A"); and 2) "Somerville HS 02 SC, Site Location [Nearest To] 222 Davenport Street, Somerville NJ" dated March 7, 2023 (attached as Exhibit "B"); and

WHEREAS, the Borough's professionals have reviewed and approved the Materials.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey, does hereby grant right-of-way approval for the placement of the pole as set forth in Exhibits "A" and "B," subject to the following conditions:

A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.

B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Somerville.

C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend

and hold harmless the Borough of Somerville, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of way, except to the extent resulting from the acts or omissions of the Borough of Somerville.

D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Somerville as an additional insured.

E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

F. Notwithstanding any provision contained herein, neither the Borough of Somerville nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.

H. The permission and authority hereby granted shall be coterminous with the approvals set forth by Resolution 18-0220-077, attached hereto as Exhibit "C."

RESOLUTION 23-0619-210

APPROVING ROAD CLOSURE TO CONDUCT A RIBBON CUTTING FOR THE DAVENPORT ON JULY 18, 2023 FROM 4:30 P.M. TO 6:00 P.M. ON DAVENPORT STREET BETWEEN WEST HIGH STREET TO WEST MAIN STREET

WHEREAS, Weiss Properties has requested to conduct a ribbon cutting for The Davenport on July 18, 2023 from 4:30 p.m. to 6:00 p.m. on Davenport Street from West High Street to West Main Street; and

WHEREAS, the roadway closure request is from 4:30 p.m. to 6:00 p.m. on July 18, 2023.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves ribbon cutting for The Davenport on July 18, 2023 from 4:30 p.m. to 6:00 p.m. on Davenport Street from West High Street to West Main Street.

RESOLUTION 23-0619-211

AMENDING RESOLUTION 23-0605-194 AUTHORIZING RETURN OF ESCROW FUNDS TO LINDA LEE, LLC IN THE AMOUNT OF \$2,746.30 FOR THE WITHDRAWAL OF ZONING BOARD APPLICATION #2023-001Z

WHEREAS, On March 30, 2023 and April 28, 2023, Eliot Goldstein of Goldstein Law advised the Borough of Somerville that his client, Linda Lee, LLC was withdrawing its application for a sign variance and requested a refund of remaining escrow funds; and

WHEREAS, the escrow funds were posted for Application 2023-001Z; and

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the amended refund of \$2,746.30 to Linda Lee, LLC for application #2023-001Z.

RESOLUTION 23-0619-212

RESCINDING RESOLUTION 23-0515-171 AWARDING A CONTRACT TO FOLEY CAT UNDER SOURCEWELL CO-OP PRICING CONTRACT #032119-CAT FOR CATERPILLAR INC MODEL 420-07 BACKHOE LOADER

BE IT RESOLVED, that the Borough Council, of the Borough of Somerville, County of Somerset, State of New Jersey hereby rescinds Resolution 23-0515-171a contract to Foley CAT, 100 NE Adams Street, Peoria, IL 61629 and has submitted Proposal under Sourcewell CO-OP Pricing to the Borough of Somerville at a cost of \$153,886.00.

RESOLUTION 23-0619-213

AWARDING A CONTRACT TO FOLEY CAT UNDER SOURCEWELL CO-OP PRICING CONTRACT #032119-CAT FOR CATERPILLAR INC MODEL 420-07 BACKHOE LOADER

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

WHEREAS, the Borough of Somerville has a need to for Caterpillar Inc., Model 420-07 Backhoe Loader; and

WHEREAS, Foley CAT, 100 NE Adams Street, Peoria, IL 61629 is a vendor under Sourcewell Pricing; and

WHEREAS, Foley CAT. has the equipment desired by the Borough of Somerville under Contract #032119-CAT; and

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

BE IT RESOLVED, that the Borough Council, of the Borough of Somerville, County of Somerset, State of New Jersey hereby awards a contract to Foley CAT, 100 NE Adams Street, Peoria, IL 61629 and has submitted Proposal under Sourcewell CO-OP Pricing to the Borough of Somerville at a cost of \$165,234.00.

RESOLUTION 23-0619-214

AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN DESAPIO PROPERTIES #SEVEN LLC, DESAPIO PROPERTIES #10 LLC, WARREN STREET PARTNERS, 75 VETERANS MEMORIAL ASSOCIATES, LLC, AND SOMERVILLE URBAN RENEWAL LLC AND THE BOROUGH OF SOMERVILLE RELATED TO THE VETERANS MEMORIAL PARKING GARAGE

WHEREAS, the DeSapio Entities and the Borough entered into (i) the Declaration of Easements and Covenants dated August 11, 2003, (ii) the Parking Space Lease dated August 11, 2003, (iii) the Supplemental Memorandum of Parking Space Lease dated August 11, 2003, (iv) the Corrective Agreement and Amendment to Declaration dated August 11, 2003, (v) the Second Corrective Agreement and Amendment to the Declaration dated June 4, 2007 (vi) the Third Corrective Agreement and Amendment to Declaration dated January 21, 2009, and (vii) the Amended and Restated Declaration dated August 23, 2019 (collectively, the "Parking Garage Agreements") in order to set forth the rights and obligations of the Parties with respect to a multiple story parking garage facility commonly known and identified as the Veterans Memorial Parking Garage which is located on property identified as Block 63, Lot 32.03 on the Official Tax Map of the Borough of Somerville (the "Parking Garage"); and

WHEREAS, certain disputes have arisen with respect to such rights and obligations of the Parties pertaining to the Parking Garage; and

WHEREAS, the Parties have agreed to resolve such disputes in accordance with the terms and conditions of this Agreement.

THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the Mayor to execute the Settlement Agreement as per the matter stated in the preamble of this resolution.

RESOLUTION 23-0619-215

APPROVING THE ALFA ROMERO OWNERS CLUB TO UTILIZE PARKING SPACES IN FRONT OF HISTORIC COURTHOUSE ON JUNE 30th 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 Alfa Romero Owners Club to use parking spaces located on Main Street in front of the Historic Courthouse on June 30th for Cruise Night display.

RESOLUTION 23-0619-216

**APPROVING LIFE CHAIN EVENT FOR SUNDAY, OCTOBER 1, 2023
ON SOMERSET STREET AND MOUNTAIN AVENUE
FROM 2:00PM UNTIL 3:30PM**

WHEREAS, the Life Chain Event is sponsored by the Pro-Life of Somerset County; and

WHEREAS, the Life Chain Event takes place on Sunday, October 1, 2023 from 2:00 PM until 3:30 PM and utilizes sidewalks within the Borough of Somerville that include Somerset Street to Mountain Avenue and from Mountain Avenue to Immaculate Conception Church; and

WHEREAS, it is pending an approved Emergency Action Plan.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the Life Chain Event on Sunday, October 1, 2023 from 2:00 PM until 3:30 PM on Somerset Street and Mountain Avenue.

RESOLUTION 23-0619-217

**APPLYING FOR A SUPPLEMENTAL GRANT FROM THE
HAZARDOUS DISCHARGE SITE REMEDIATION FUND TO THE
NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY (NJ EDA)
FOR THE CONTINUATION OF A REMEDIAL INVESTIGATION OF
60 CORNELL BLVD BLOCK 127 LOT 1 - FORMER COLOR
TECHNOLOGY PROPERTY**

WHEREAS, the Borough of Somerville has acquired the property known as Block 127 Lot 1 known as the former Color Technology property located at 60 Cornell Blvd.; and

WHEREAS, the Borough of Somerville wishes to continue an environmental remediation investigation for this site; 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 \$990,814.00 to continue this investigation.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Somerville approves this grant application.

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

RESOLUTION 23-0619-218

**AUTHORIZING TAX COLLECTOR PAIGE ELSTER TO EXECUTE ELECTRONIC
TAX SALE AGREEMENT AND PARTICIPATE IN THE
2023 ELECTRONIC TAX SALE**

WHEREAS, N.J.S.A. 54:5-19, authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services “also known as DLGS” has promulgated rules and regulations to participate in electronic tax sale without prior approval from DLGS; and

WHEREAS, Tax Collector, Paige Elster has advised that an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, it is recommended that Paige Elster be authorized to complete the necessary “Agreement for Services” for the Borough of Somerville to participate in the electronic tax sale program; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Somerville that the Borough of Somerville wishes to participate in an electronic tax sale.

BE IT FURTHER RESOLVED that Paige Elster, Tax Collector, shall and hereby is authorized to complete an Agreement for Services to participate in the electronic tax sale.