

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

**Monday, August 7, 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. July 17, 2023
- 4. RESOLUTION 23-0807-240 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. July 17, 2023
- 5. DEPARTMENTAL REPORTS & NOTICES**
  - a. Public Information Center- Safe Routes to School- Veterans Memorial Drive – East – August 29, 2023 6:00p.m. – 9:00p.m. Council Chambers

## 6. COMMITTEE REPORTS

### 7. ORDINANCES FOR INTRODUCTION (full copy is available at the end of this agenda)

2717-23-0807 AN ORDINANCE OF THE BOROUGH OF SOMERVILLE, COUNTY OF SOMERSET, NEW JERSEY AUTHORIZING THE BOROUGH TO ENTER INTO A LEASE FOR A PORTION OF THE PROPERTY HAVING A STREET ADDRESS OF 24 ROBESON STREET, BOROUGH OF SOMERVILLE, NEW JERSEY 08876

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

2712-23-0705 ORDINANCE PROVIDING FUNDING FOR IMPROVEMENT TO PARKING LOT #6 FOR THE PARKING UTILITY FOR THE BOROUGH OF SOMERVILLE AND APPROPRIATING \$175,000 FOR SUCH PURPOSE (Allows for funding for the repaving of Parking Lot #6, Project is publicly bid)

2713-23-0705 APPROVING A FOURTH AMENDMENT TO THE BUILD TO SUIT LEASE FOR PROPERTY KNOWN AS TAX BLOCK 73, LOT 16.02 LOCATED IN THE GASTON AVENUE REDEVELOPMENT AREA WITH FDS SOMERVILLE NJ, LLC, THE CONTRACT REDEVELOPER PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. FOR THE EMERGENCY SERVICES FACILITY PROJECT (Allows for amending the lease agreement regarding payment schedule)

2714-23-0717 AMENDING CHAPTER 150 STREETS AND SIDEWALKS; ARTICLE I ENTITLED EXCAVATIONS ADDING SECTION 4.1 (I)- FINAL PAVEMENT RESTORATION TIME REQUIREMENTS. (This ordinance requires entities that open roadways to repave within 180 after temporary pavement.)

2715-23-0717 BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,820,000 FOR ACQUISITION OF VARIOUS EQUIPMENT AND FURNITURE FOR EMERGENCY SERVICES FACILITY FOR AND BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,680,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION (Allows for a

debt authorization for the Emergency Services Facility technology and furniture)

2716-23-0717 AMENDING ORDINANCE #2668 -22-0307 CHAPTER 45, ALCOHOLIC BEVERAGES, ARTICLE 1, LICENSING; REGULATIONS SECTION 7; FEES SUBSECTION A, PARAGRAPHS 1-6 (Allows for annual adjustment in fees effective July 2024)

**9. MEETING OPEN TO THE PUBLIC**

(Motion and 2<sup>nd</sup> 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 23-0807-241 THRU 23-0807-255)**

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

- 23-0807-241 AUTHORIZING PARTICIPATION IN LEAP IMPLEMENTATION GRANT
- 23-0807-242 APPROVING OKTOBERFEST AND ROAD CLOSURE ON NORTH BRIDGE STREET BETWEEN MAIN STREET AND HIGH STREET ON SATURDAY, SEPTEMBER 30, 2023 FROM NOON TO 10:00 P.M.
- 23-0807-243 AUTHORIZING "TIE THE TOWN PINK 2023" EVENT FOR BREAST CANCER AWARENESS MONTH- OCTOBER 2023
- 23-0807-244 AWARDING CHANGE ORDER #1 TO A CONTRACT WITH BADGER ROOFING COMPANY FOR ROOF REPLACEMENT AT WEST END HOSE FIREHOUSE IN THE AMOUNT OF \$4,300 FOR A NEW CONTRACT AMOUNT OF \$111,300
- 23-0807-245 AMENDING A CONTRACT WITH GREENMAN-PEDERSEN, INC., FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR EASTERN STATES PARKWAY RECONSTRCUTION & RESURFACING OF MADISON STREET IN THE AMOUNT OF \$1,746.67 FOR A NEW CONTRACT AMOUNT OF \$39,726.67

- 23-0807-246 AUTHORIZING THE ADMINISTRATOR TO ADVISE THE ZONING BOARD OF ADJUSTMENT THAT THE BOROUGH CONSENTS TO THE FILING OF THE APPLICATION BY THE OWNER OF 24 DIVISION STREET BLOCK 118 LOT 16 AND AUTHORIZING THE EXECUTION OF DOCUMENTS REQUIRED FOR THE CONSENT
- 23-0807-247 APPROVING ROAD CLOSURE FOR EAST MAIN STREET FROM GROVE STREET TO BRIDGE STREET ON SUNDAY, SEPTEMBER 10, 2023 FROM 9:00 A.M. TO 8:00 P.M. FOR THE 2023 CENTRAL JERSEY JAZZ FEST
- 23-0807-248 OPPOSING BILL H.R. 3372 ESTABLISHING A 10 YEAR PILOT PROGRAM TO RAISE THE FEDERAL WEIGHT LIMIT ON HEAVY TRUCKS
- 23-0807-249 MEMORIALIZING THE EXECUTION OF A PETITION IN SUPPORT OF BIPARTISAN AFGHAN ADJUSTMENT ACT
- 23-0807-250 RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND SPARTAN URBAN RENEWAL, LLC AND DESIGNATED SPARTAN URBAN RENEWAL, LLC AS REDEVELOPER FOR THE PROPERTY COMMONLY KNOWN AS 2 – 10 EAST MAIN STREET AND IDENTIFIED AS ON THE OFFICAL TAX MAP OF THE BOROUGH OF SOMERVILLE AS BLOCK 62, LOT 1, WHICH PROPERTY IS LOCATED IN THE EAST CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA
- 23-0807-251 APPROVING TIMOTHY KINIERY AS A PART-TIME EMPLOYEE AS ELECTRICAL SUB-CODE INSPECTOR
- 23-0807-252 APPROVING CHANGE ORDER #1 FOR STATION ROAD CONSTRUCTION WITH REDEVELOPER – INSPIRED BY SOMERSET DEVELOPMENT
- 23-0807-253 AMENDING A CONTRACT WITH COLLIERS ENGINEERING FOR ENGINNERING AND CONSTRUCTION OBSERVATION FOR 2019 TRANSIT VILLAGE PROJECT BY \$2,500 FOR A NEW CONTRACT AMOUNT OF \$44,440.
- 23-0807-254 APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY 2022 SOMERSET COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT ADA SIDEWALK IMPROVEMENTS

23-0807-255      APPROVING CHANGE ORDER #1 TO A CONTRACT WITH AMERICAN ASPHALT & TRUCKING, LLC FOR 2022 ROAD IMPROVEMENT PROGRAM SMVB -00022 FOR \$92,748.04 FOR A NEW CONTRACT AMOUNT OF \$863,366.71

**11. BILLS AND VOUCHERS**

**12. ADJOURNMENT**

KEVIN SLUKA, MUNICIPAL CLERK

Ordinance for Introduction

**ORDINANCE #2717-23-0807**

**AN ORDINANCE OF THE BOROUGH OF SOMERVILLE, COUNTY OF SOMERSET, NEW JERSEY AUTHORIZING THE BOROUGH TO ENTER INTO A LEASE FOR A PORTION OF THE PROPERTY HAVING A STREET ADDRESS OF 24 ROBESON STREET, BOROUGH OF SOMERVILLE, NEW JERSEY 08876**

**BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Somerville that:

**SECTION 1.** Avalon Somerville Station Urban Renewal, LLC is the owner of certain real property having a street address of 24 Robeson Street, Borough of Somerville, New Jersey 08876 and Avalon Somerville Station Urban Renewal, LLC has agreed to extend the lease of a portion of that property containing 4,000 square feet of gross leasable area to the Borough of Somerville for use as public/civic space upon the terms and conditions set forth in a certain lease agreement, a true copy being annexed hereto and incorporated by reference.

**SECTION 2.** Legal counsel for the Borough of Somerville has recommended the approval of the lease agreement in the form submitted herewith.

**SECTION 3.** The Borough Council of the Borough of Somerville does hereby accept the lease agreement as proposed and does authorize and direct the Mayor and Borough Clerk to execute and deliver such documents as may be required, including the lease agreement itself, so as to effectuate the acceptance of the same by the Borough of Somerville.

**SECTION 4.** This ordinance shall take effect upon final passage and publication as provided by law.

Ordinance scheduled for Public Hearing & Adoption

**ORDINANCE #2712-23-0705**

**ORDINANCE PROVIDING FUNDING FOR IMPROVEMNTS**

**TO PARKING LOT #6 FOR THE PARKING UTILITY FOR THE  
BOROUGH OF SOMERVILLE AND APPROPRIATING \$175,000  
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 the resurfacing and curbing of parking lot #6 for the parking utility, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$175,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$175,000.

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.

**ORDINANCE #2713-23-0705**

**APPROVING A FOURTH AMENDMENT TO THE BUILD TO SUIT LEASE FOR  
PROPERTY KNOWN AS TAX BLOCK 73, LOT 16.02 LOCATED IN THE GASTON  
AVENUE REDEVELOPMENT AREA WITH FDS SOMERVILLE NJ, LLC, THE  
CONTRACT REDEVELOPER PURSUANT TO THE LOCAL REDEVELOPMENT AND  
HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. FOR THE EMERGENCY SERVICES  
FACILITY PROJECT**

**BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Somerville that:

**SECTION 1.** Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), a municipality may sell, convey or lease any of its property to a redeveloper for the purpose of clearance, re-planning, development and redevelopment of a redevelopment area provided that the sale, conveyance or lease in made in conjunction with a redevelopment plan.

**SECTION 2.** Pursuant to the Redevelopment Law, the Borough Council of the Borough of Somerville (the “Borough”) adopted a resolution designating an area in need of redevelopment, known as the Gaston Avenue Redevelopment Area (“Redevelopment Area”).

**SECTION 3.** Pursuant to the Redevelopment Law, on October 14, 2015, the Borough, by ordinance, adopted a redevelopment plan for the Redevelopment Area entitled the Gaston Avenue Redevelopment Plan, which Redevelopment Plan was amended by the Borough in December 2016 (“Redevelopment Plan”).

**SECTION 4.** Tax Block 73, Lot 16.02 (the “Property”) is located in the Redevelopment Area and subject to the Redevelopment Plan.

**SECTION 5.** The Property is owned by the Borough, is currently vacant land and formerly included vacant commercial and residential buildings.

**SECTION 6.** On September 7, 2021, the Borough adopted a resolution approving a redevelopment agreement (the “Redevelopment Agreement”) with FDS Somerville NJ, LLC, the designated redeveloper for the redevelopment of the Property (the “Redeveloper”).

**SECTION 7.** The Redevelopment Agreement requires the Redeveloper to redevelop the Property with an emergency services facility project in accordance with the Redevelopment Plan (the “Project”).

**SECTION 8.** On October 4, 2021, the Borough adopted an ordinance approving and authorizing the Borough to enter into a ground lease with the Redeveloper for the Property and the parties subsequently executed a Ground Lease for the Property on or about January 17, 2022.

**SECTION 9.** On October 4, 2021, the Borough adopted an ordinance approving and authorizing the Borough to enter into a build to suit lease with the Redeveloper for the Property and the parties subsequently executed a Build To Suit Lease for the Property on or about January 17, 2022 (the “Build Lease”).

**SECTION 10.** On March 21, 2022, the Borough adopted an ordinance approving an amendment to the Build Lease and authorizing the Borough to enter into the First Amendment to the Build Lease with the Redeveloper for the Property.

**SECTION 11.** April 18, 2022, the Borough adopted an ordinance approving a second amendment to the Build Lease and authorizing the Borough to enter into the Second Amendment to the Build Lease with the Redeveloper for the Property.

**SECTION 12.** On April 18, 2022, the Borough adopted an ordinance approving a third amendment to the Build Lease and authorizing the Borough to enter into the Third Amendment to the Build Lease with the Redeveloper for the Property.

**SECTION 13.** The Borough and Redeveloper have agreed to amend the Build Lease with a fourth amendment as follows:

- a) Exhibit E to the Lease is hereby deleted and replaced with **Exhibit E** attached hereto [to the Fourth Amendment to the Build to Suit Lease].

**SECTION 14.** The Mayor and Borough Clerk are authorized to execute any and all documents necessary for the Fourth Amendment to the Build to Suit Lease for the Property, in a form substantially consistent with the document attached hereto, subject to the review and approval of such documents by the Borough's legal counsel.

**SECTION 15.** This ordinance shall take effect upon final passage and publication as required by law.

### **ORDINANCE #2714-23-0717**

#### **AMENDING CHAPTER 150 STREETS AND SIDEWALKS; ARTICLE I ENTITLED EXCAVATIONS ADDING SECTION 4.1 (I)- FINAL PAVEMENT RESTORATION TIME REQUIREMENTS**

##### **§ 150-4 Requirements**

All permits issued under this article shall require the applicant to comply with the following:

- (A) All street patch repairs and/or trench restoration must use the infrared paving method pursuant to the most recent standards promulgated by the Borough so as to blend uniformly with the adjacent existing roadway. All backfilling and patching operations of any such excavation project must be supervised by the Borough Engineer or his/her designated representative to ensure compliance with the Borough's standards.
- (B) If blasting is required in the course of any excavation, it shall be done in strict compliance with all applicable federal and state laws and regulations.
- (C) Restoration of any street foundation or surface shall not commence until the Borough Engineer or his/her designated representative has determined that settlement of the subsurface is complete and the area properly prepared for restoration.
- (D) Any contractor hired to perform a street excavation in the Borough shall provide proof that it is licensed with the State of New Jersey.
- (E) All materials and work shall be in accordance with Borough regulations, specifications, and details as required by the Borough.

##### **§ 150-4.1 Additional Requirements for 3<sup>rd</sup> Party contractors and Utility Companies: moratoriums**



- (A) After the Borough has paved or repaved any street of the Borough of Somerville, no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of five years from the date of such paving, subject to the exceptions described herein.
- (B) The Borough shall keep a list of all such streets subject to this five-year moratorium, which may be inspected in the Office of the Borough Engineer.
- (C) Prior to the start of any such paving or repaving work, the Borough Engineer shall notify each utility company of said work so any in-progress or contemplated excavations may be completed before paving is started. Such notice shall state that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of seven years from the date of such paving. The notice shall also provide those applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly so that any work may be completed not later than 90 days from the date of such notification.
- (D) During such five-year period, the applicant must restore the street opening. Such restoration must include pavement restoration (milling and repaving) for the full width of the roadway to a distance of 100 feet around the area of the opening. Notwithstanding these requirements, the Borough Engineer may, in his/her sole discretion, waive the requirements of this subsection under the following circumstances:
  - 1. Where necessary, as determined by the Borough Engineer. For example, if there is an excavation on a small cul-de-sac of less than 100 feet in length within the Borough, or if such a distance will unreasonably interfere with an existing utility, the Borough Engineer may use his/her discretion in determining the overall distance of the restoration.
  - 2. If, in the judgment of the Borough Engineer, an emergency exists that makes it absolutely essential that the road be opened for purposes of a utility repair or replacement.
  - 3. When the owner(s) of a single-family residential property who actually resides in that property applies for a construction permit to convert from oil heat to gas heat.
- (E) In any circumstance in which the Borough Engineer waives the curb-to-curb and/or 100-foot requirements above, the Borough Engineer shall require that the street opening be patched and restored via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway.
- (F) For all streets that have not been paved within the last seven years, the applicant must patch and restore the street opening via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway. If the street opening to be trenched is greater than or equal to 50 linear feet, upon completion of same, the applicant shall restore (milling and repaving) the entire street surface from edge to

edge, or curb to curb, for the full length of the excavation to the nearest intersection or as directed by the Town Engineer as described herein.

- (G) All sidewalks, when being restored or replaced as part of the operations hereunder, must also be restored pursuant to the Borough Engineer's standards.
- (H) The street surface shall be restored to the satisfaction of the Borough Engineer that it has been restored to its original condition.
- (I) Final pavement restoration time requirements - All excavations including final pavement must occur no later than one hundred eighty (180) days following the temporary pavement restoration. It is common to have a temporary pavement in place for ninety (90) days to determine if the original excavation has settled to the satisfaction of the borough. If the temporary pavement is satisfactory after ninety (90) days final pavement of the roadway must occur 90 days after the temporary settlement. Extension of time maybe authorized as a result of weather conditions. If the original excavation needs to be restored due to settlement failures, the contractor will have an additional ninety (90) for final pavement restoration.

#### **ORDINANCE #2715-23-0717**

### **BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,820,000 FOR ACQUISITION OF VARIOUS EQUIPMENT AND FURNITURE FOR EMERGENCY SERVICES FACILITY FOR AND BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,680,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

#### **SECTION 1.**

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Somerville, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$2,820,000, such sum includes the sum of \$140,000 as the down payment required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

#### **SECTION 2.**

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in

the principal amount of \$2,680,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$2,680,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

### SECTION 3.

(a) The Improvements authorized and the purposes for which obligations are to be issued is for acquisition of various equipment and furniture for Emergency Services Facility, including but not limited to phone system, workstation UPS, audio visual system, conference room system, information technology infrastructure and public safety infrastructure equipment, all as shown on and in accordance with the plans and specifications on file in the Office of the Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$2,680,000.

(c) The estimated cost of the Improvements is \$2,820,000 which amount represents the initial appropriation made by the Borough.

### SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

### SECTION 5.

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended

capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

#### SECTION 6.

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 7.70 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$2,680,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

#### SECTION 7.

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

#### SECTION 8.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

#### SECTION 9.

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

#### SECTION 10.

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$2,680,000.

#### SECTION 11.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

### **ORDINANCE #2716-23-0717**

### **AMENDING ORDINANCE #2668 -22-0307 CHAPTER 45, ALCOHOLIC BEVERAGES, ARTICLE 1, LICENSING; REGULATIONS SECTION 7; FEES SUBSECTION A, PARAGRAPHS 1-6**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Somerville, County of Somerset, State of New Jersey amend Chapter 45; Alcoholic Beverages, Section 7 Fees of the Borough Code as codified, be amended in the following manner:

REPLACE: Section 7, Sub section A, Paragraphs 1, 2, 3 & 4 and add paragraphs 5 & 6 to read as follows:

- A. The licenses to be issued in the Borough pursuant to the provisions of the Article and the fees for such licenses which shall be paid in advance upon presentation of the application for a license are as follows:
- 1) Plenary Retail Consumption License year commencing July 1, 2024 Two thousand two hundred forty four dollars (\$2,244.00)
  - 2) Plenary Retail Distribution year commencing July 1, 20224 One thousand nine hundred twenty five dollars (\$1,925)
  - 3) Club License year commencing on July 1, 2024 Two hundred dollars (\$200).
  - 4) Special one (1) day social affairs license sixty dollars (\$60)
  - 5) Catering Permit for one day sixty dollars (\$60) per day
  - 6) Extension of Premise Permit one day forty dollars (\$40) per day.

**BE IT FURTHER ORDAINED**, as follows:

- 1) That all ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.
- 2) This ordinance shall effect upon final publication and adoption in the manner provided by law.

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

### **RESOLUTION 23-0807-241**

#### **AUTHORIZING PARTICIPATION IN LEAP IMPLEMENTATION GRANT**

**WHEREAS**, the State of New Jersey has appropriated \$10 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

**WHEREAS**, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

**WHEREAS**, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

**WHEREAS**, Somerset County and Somerville Borough propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

**WHEREAS**, the purpose of this shared services agreement is to construct a street sweeping collection facility which will benefit the residents of all participating local units; and

**WHEREAS**, Somerset County has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Somerville, County of Somerset, State of New Jersey, that the Borough of Somerville does hereby join with Somerset County in applying for a LEAP Implementation Grant in the amount of \$400,000 to support implementation of this shared service.

### **RESOLUTION 23-0807-242**

#### **APPROVING OKTOBERFEST AND ROAD CLOSURE ON NORTH BRIDGE STREET BETWEEN MAIN STREET AND HIGH STREET ON SATURDAY, SEPTEMBER 30, 2023 FROM NOON TO 10:00 P.M.**

**WHEREAS**, the Oktoberfest Fest is schedule to take place on Saturday, September, 30, 2023 from noon to 10:00 p.m.; and

**WHEREAS**, the festival will be utilizing North Bridge Street from Main Street to High Street; and

**WHEREAS**, the organizers must have an approved Emergency Action Plan (EAP) and police request forms and make payment to the Police Off-Duty escrow prior to scheduling of officers; and

**WHEREAS**, upon passage of this resolution, the Somerville Office of Emergency Management is directed to complete the Somerset County Planned Events Survey for situational awareness and include all applicable documents.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Somerville, hereby approve the Oktoberfest to take place on Saturday, September 30, 2023 from noon to 10:00 p.m., on North Bridge Street from Main Street to High Street 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 23-0807-243**

#### **AUTHORIZING “TIE THE TOWN PINK 2023” EVENT FOR BREAST CANCER AWARENESS MONTH- OCTOBER 2023**

**WHEREAS**, according to the Centers for Disease Control and prevention, breast cancer is the second leading cause of cancer death among women in the United States; and

**WHEREAS**, through research and education, advances have been made in the fight against breast cancer, including increased rates of early detection and a 90 percent survival rate; and

**WHEREAS**, October serves as Breast Cancer Awareness Month to remind us that mammograms and other preventative breast cancer screenings are the most effective ways to detect the disease early increasing the success of treatments; and

**WHEREAS**, Tie the Town Pink event is a strong visual reminder to schedule medical screenings:

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes "Tie the Town Pink" event and recognizes October as Breast Cancer Awareness Month.

**RESOLUTION 23-0807-244**

**AWARDING CHANGE ORDER #1 TO A CONTRACT WITH BADGER ROOFING COMPANY FOR ROOF REPLACEMENT AT WEST END HOSE FIREHOUSE IN THE AMOUNT OF \$4,300 FOR A NEW CONTRACT AMOUNT OF \$111,300**

**WHEREAS**, the Borough of Somerville accepted bids on April 27, 2023 for Roof Replacement at West End Hose Firehouse; and

**WHEREAS**, the Borough Council awarded a contract to Badger Roofing Company, 5 Smalley Avenue, Middlesex, NJ 08848 via Resolution 23-0605-186 on June 5, 2023; and

**WHEREAS**, Brendan Nally and the project architect is recommending a change to the award as follows:

Change Order #	Description of Change	Original Contract	Price Adjustment	New Contract Amount
1	Adding a Roof door	\$107,000	\$4,300	\$111,300

**BE IT RESOLVED** by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approves Change Order #1 to a contract to Badger Roofing Company, 5 Smalley Avenue, Middlesex, NJ 08848 in the amount of \$4,300 increasing the contract from \$107,000.00 to \$111,300.00.

**RESOLUTION 23-0807-245**

**AMENDING A CONTRACT WITH GREENMAN-PEDERSEN, INC., FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR EASTERN STATES PARKWAY RECONSTRUCTION & RESURFACING OF MADISON STREET IN THE AMOUNT OF \$1,746.67 FOR A NEW CONTRACT AMOUNT OF \$39,726.67**



**WHEREAS**, the Borough of Somerville awarded Purchase Order 22-0043 on February 16, 2022, with Greenman-Pedersen, Inc., 301 Gibraltar Drive, Suite 2A, Morris Plains, NJ 07950 in the amount of \$37,980.00 for professional Engineering Design Services as per proposal dated February 3, 2022; and

**WHEREAS**, it was determined that additional inspection work was required resulting in a charge in costs detailed in "Addendum Proposal for Additional Inspection Services" dated July 13, 2023 in the total amount of \$1,746.67 for a new contract amount of \$39,726.67; and

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

1. Greenman-Pedersen, Inc., 301 Gibraltar Drive, Suite 2A, Morris Plains, NJ 07950 in the original amount of \$37,980.00 via Purchase Order 22-0043
2. Said Contract shall increase by \$1,746.67 for a new contract amount of \$39,726.67.
3. The Borough Clerk shall make copies of this resolution available for public inspection, including purchase orders and proposals at the Municipal Building, 25 West End Avenue, Somerville, NJ during regular business hours.
3. The Borough Clerk is directed to publish a copy of this resolution.

#### **RESOLUTION 23-0807-246**

#### **AUTHORIZING THE ADMINISTRATOR TO ADVISE THE ZONING BOARD OF ADJUSTMENT THAT THE BOROUGH CONSENTS TO THE FILING OF THE APPLICATION BY THE OWNER OF 24 DIVISION STREET BLOCK 118 LOT 16 AND AUTHORIZING THE EXECUTION OF DOCUMENTS REQUIRED FOR THE CONSENT**

**WHEREAS**, an application pending before the Board of Adjustment consists of one (1) parcel owned by Dipen Patel and identified on the tax map as Block 118, Lot 16; and

**WHEREAS**, the southern property line is the building; and

**WHEREAS**, the two (2) intake vents for the proposed restaurant would encroach onto the air space of Firemen's Alley which is owned by the Borough; and

**WHEREAS**, the Municipal Land Use Law requires the adjacent property owner to consent to the filing of the land use application when the applicant's property encroaches on the adjacent property owner.

**NOW THEREFORE, BE IT RESOLVED**, the Administrator shall advise the Zoning Board of Adjustment that the Borough consents to the filing of the application by the owner of 24 Division Street block 118 lot 16 and authorizes the execution of documents required for the consent.

**RESOLUTION 23-0807-247**

**APPROVING ROAD CLOSURE FOR EAST MAIN STREET FROM GROVE STREET TO BRIDGE STREET ON SUNDAY, SEPTEMBER 10, 2023 FROM 9:00 A.M. TO 8:00 P.M. FOR THE 2023 CENTRAL JERSEY JAZZ FEST**

**WHEREAS**, the approval is contingent on review of the Police Department and required Emergency Action Plan.

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the closure of East Main Street from Grove Street to Bridge Street on Sunday, September 10, 2023 from 9:00 a.m. through 8:00 p.m. for the 2023 Central Jersey Jazz Fest.

**RESOLUTION 23-0807-248**

**OPPOSING BILL H.R. 3372 ESTABLISHING A 10 YEAR PILOT PROGRAM TO RAISE THE FEDERAL WEIGHT LIMIT ON HEAVY TRUCKS**

**WHEREAS**, the current weight limit for trucks is 80,000 pounds and H.R. 3372 would allow for a 14% increase to 91,000 pounds; and

**WHEREAS**, the Mayor and Council of the Borough of Somerville has taken extraordinary steps to limit truck traffic and vehicular speeds to provide safer roads and improve the quality of life for residents, and maintain the quality of our infrastructure in Somerville Borough; and

**WHEREAS**, Bill H.R. 3372 would make our jobs as local elected official more difficult and negatively impact the quality of life of residents of the Borough of Somerville.

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey, we hereby oppose Bill H.R. 3372 establishing a 10 Year Pilot Program to raise the federal weight limit of truck.

**BE IT FURTHER RESOLVED**, that the Borough Council memorializes the Mayor's signing of a petition against the adoption of H.R. 3372 and joins with Mayor Sullivan to sign the petition opposing the bill.

**RESOLUTION 23-0807-249**

**MEMORIALIZING THE EXECUTION OF A PETITION IN SUPPORT OF BIPARTISAN AFGHAN ADJUSTMENT ACT**

**WHEREAS**, the Afghan Adjustment act provides a lawful permanent status for those Afghans who were admitted to the United States with temporary humanitarian status following the United States withdrawal from Afghanistan in August 2012; and; and

**WHEREAS**, bipartisan legislation was reintroduced in the House (H.R. 4627) and Senate (S.2327) on July 13, 2023:

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey, hereby support H.R. 4627 and S.2327 known as the Afghan Adjustment Act.

**BE IT FURTHER RESOLVED**, that the Borough Council memorializes the Mayor's signing of a petition supporting H.R. 4627 and S.2327 known as the Afghan Adjustment Act.

### **RESOLUTION 23-0807-250**

#### **RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND SPARTAN URBAN RENEWAL, LLC AND DESIGNATED SPARTAN URBAN RENEWAL, LLC AS REDEVELOPER FOR THE PROPERTY COMMONLY KNOWN AS 2 – 10 EAST MAIN STREET AND IDENTIFIED AS ON THE OFFICAL TAX MAP OF THE BOROUGH OF SOMERVILLE AS BLOCK 62, LOT 1, WHICH PROPERTY IS LOCATED IN THE EAST CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA**

**WHEREAS**, by adoption of a resolution on March 6, 2000, the Borough Council of the Borough of Somerville (the "Borough Council") designated property located at, and commonly known as, 2 – 10 East Main Street and which is identified on the official tax map of the Borough of Somerville (the "Borough") as Tax Block 62, Lot 1 (the "Property") as part of the East Central Business District Redevelopment Area (the "Redevelopment Area") and adopted by ordinance the East Central Business District Redevelopment Plan on January 22, 2008, which was last amended on or about December 3, 2012 (the "Redevelopment Plan"); and

**WHEREAS**, the Borough has been promoting the redevelopment of the Redevelopment Area consistent with the Borough's Master Plan and the Redevelopment Plan for the Redevelopment Area; and

**WHEREAS**, Oak Somerville, LLC previously made a presentation to the Borough Council regarding its concept proposal to develop a commercial project for the Property consisting of a 23,623 square foot, three-story building including restaurants, bar, kitchen, storage, and support space; and

**WHEREAS**, that proposal has been reviewed by the Borough and found to be consistent with the Borough's goals for redeveloping the Redevelopment Area; and

**WHEREAS**, the Borough Council, by resolution adopted November 4, 2019, designated Oak Somerville, LLC as conditional redeveloper for the Property, which conditional redeveloper designation was subsequently extended by the Borough Council; and

**WHEREAS**, pursuant to one of the conditions of the designation of Oak Somerville, LLC as conditional redeveloper for the Property, the Borough and Oak Somerville, LLC entered into an Escrow Agreement for the payment by Oak Somerville, LLC of Borough associated with the redevelopment of the Property, which Escrow Agreement remains valid and binding; and

**WHEREAS**, the Borough Council, by resolution adopted February 21, 2023, extended the designation of Oak Somerville, LLC as conditional redeveloper for the Property for a period of one hundred eighty (180) days and authorized negotiations by the Borough with Oak Somerville, LLC, or an urban renewal entity affiliated with Oak Somerville, LLC, for the purpose of entering into a redevelopment agreement by the Borough for the redevelopment of the Property; and

**WHEREAS**, the Spartan Urban Renewal, LLC, an urban renewal entity affiliated with Oak Somerville, LLC, is now the owner of the Property; and

**WHEREAS**, Oak Somerville, LLC and Spartan Urban Renewal, LLC have now each requested that the Borough Council, acting as a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., designate Spartan Urban Renewal, LLC as redeveloper for the Property and that the Borough enter into a redevelopment agreement with Spartan Urban Renewal, LLC (the “Redevelopment Agreement”) setting forth the terms and conditions by which Spartan Urban Renewal, LLC will redevelop the Property in a manner consistent with all relevant governmental approvals relating to the redevelopment of the Property and the Redevelopment Plan for the Redevelopment Area; and

**WHEREAS**, the Borough Council believes that the redevelopment of the Property in the manner agreed by Spartan Urban Renewal, LLC pursuant to the Redevelopment Agreement is in the vital and best interests of the community and is in accord with the public purpose and provisions of all applicable laws; and

**WHEREAS**, the Borough Council desires to enter into the Redevelopment Agreement with Spartan Urban Renewal, LLC and, upon the full execution of such Redevelopment Agreement by the Borough and Spartan Urban Renewal, LLC, recognize Spartan Urban Renewal, LLC as redeveloper of the property as provided for and in accordance with the provisions of all applicable laws.

**NOW BE IT RESOLVED**, by the Borough Council of the Borough of Somerville that the Redevelopment Agreement by and between the Borough Council, as a redevelopment entity, and Spartan Urban Renewal, LLC, concerning the Property, heretofore prepared

or to be prepared in connection with the redevelopment of the Property, in the form attached hereto as **Exhibit A**, subject to any and all conditions contained therein and such revisions as deemed advisable by legal counsel to the Borough, is hereby authorized and approved.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk shall be and are hereby authorized and directed to execute any and all documents, including the Redevelopment Agreement attached hereto in substantially similar form, to effectuate the redevelopment of the Property, subject to final review by legal counsel as to legal form and content.

**BE IT FURTHER RESOLVED** that the Borough, upon the full execution of the Redevelopment Agreement by the Borough and Spartan Urban Renewal, LLC, will recognize Spartan Urban Renewal, LLC as redeveloper of the Property, as provided for and in accordance with the provisions of all applicable laws.

**BE IT FURTHER RESOLVED** that said recognition of Spartan Urban Renewal, LLC as redeveloper of the Property is subject to and contingent upon Spartan Urban Renewal, LLC satisfying any and all terms and conditions contained within the Redevelopment Agreement.

**BE IT FURTHER RESOLVED** that the executed copy of the Redevelopment Agreement shall be certified and shall be filed with the office of the Borough Clerk.

**BE IT FURTHER RESOLVED** that if any part(s) of this Resolution shall be deemed invalid, such part(s) shall be severed and the validity thereof shall not affect the remaining parts of this Resolution.

**BE IT FURTHER RESOLVED** that all resolutions or parts thereof inconsistent with this Resolution shall be and are hereby rescinded.

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

#### **RESOLUTION 23-0807-251**

#### **APPROVING TIMOTHY KINIERY AS A PART-TIME EMPLOYEE AS ELECTRICAL SUB-CODE INSPECTOR**

**WHEREAS**, the Borough of Somerville has a need to hire a temporary employee to serve in the position as Electrical Subcode in the Construction Office; and

**WHEREAS**, the position shall be an temporary hourly position at a rate of \$55.00 per hour on an as-needed basis; and

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the temporary hiring of Timothy Kinery as Electrical Subcode Inspector and various roles as required.

**RESOLUTION 23-0807-252**

**APPROVING CHANGE ORDER #1 FOR STATION ROAD CONSTRUCTION WITH REDEVELOPER – INSPIRED BY SOMERSET DEVELOPMENT**

**WHEREAS**, the Borough of Somerville is in an agreement with Inspired by Somerset Development, 101 Crawfords Corner Road, Holmdel, New Jersey 07733 for the construction of Station Road; and

**WHEREAS**, the following Charge Order is necessary; and

Change Order #	Description	Original Amount	Change Amount	New Amount
1	8 ft wide paved walk 2" asphalt over stone; 3 stone grade transition ramps at green seam gates, upgrade pave path to concrete, mgt fee	\$3,134,099.12	\$72,180.19	\$3,206,279.31

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes Change Order #1 in the amount of \$72,180.19 for a new contract amount of \$3,206,279.31.

**RESOLUTION 23-0807-253**

**AMENDING A CONTRACT WITH COLLIERS ENGINEERING FOR ENGINEERING AND CONSTRUCTION OBSERVATION FOR 2019 TRANSIT VILLAGE PROJECT BY \$2,500 FOR A NEW CONTRACT AMOUNT OF \$44,440.**

**WHEREAS**, Resolution 20-0218-066 awarded a contract to Colliers Engineering (formerly Maser Consulting) for Engineering and Construction Observation for the 2019 Transit Village project on February 18, 2020 in the amount of \$32,940.00; and

**WHEREAS**, On April 3, 2023, the Borough of Somerville amended the contract via Resolution 23-0413-129 by \$5,000 to a new amount of \$37,940.00 as a result of design changes and communications required by New Jersey Transit; and

**WHEREAS**, it is necessary to amend the contract by \$2,500 for a new contract amount of \$40,440.00 due to unforeseen conditions regarding the abutment wall drainage on both sides of the roadway which conflicted the underground electrical work and delays for service connections.

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby amends the contract with Colliers Engineering by \$2,500 for a new contract amount of \$44,440 for the 2019 Transit Village Project.

**RESOLUTION 23-0807-254**

**APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY  
2022 SOMERSET COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT ADA  
SIDEWALK IMPROVEMENTS**

**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 \$100,000 from County of Somerset Community Development Block 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.....\$100,000  
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:

CDBG- ADA Sidewalk Improvements.....\$100,000

**BE IT FURTHER RESOLVED** that a like sum of.....\$100,000  
be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations-Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

CDBG- ADA Sidewalk Improvements.....\$100,000

**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 23-0807-255**

**APPROVING CHANGE ORDER #1 TO A CONTRACT WITH AMERICAN ASPHALT & TRUCKING, LLC  
FOR 2022 ROAD IMPROVEMENT PROGRAM SMVB -00022  
FOR \$92,748.04 FOR A NEW CONTRACT AMOUNT OF \$863,366.71**

**WHEREAS**, the Borough of Somerville awarded a contract via Resolution 23-0515-170 to American Asphalt & Trucking, LLC, 818 Summer Avenue, Newark, NJ 07104 in the amount of \$770,618.67 and

**WHEREAS**, the Borough of Somerville desires to extend contract to include Culver Street concrete work and curb work for \$92,748.04; and

Change Order	Description	Contract Amount	Change Order Amount	New Contract Amount
#1	Culver Street concrete work	\$770,618.67	\$92,748.04	\$863,366.71

**BE IT RESOLVED** by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approves Change Order #1 for a contract to American Asphalt & Trucking, LLC, 818 Summer Avenue, Newark, NJ 07104 in the amount of \$92,748.04 for a new contract price of \$863,366.71.