

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

**Monday, August 21, 2023
Executive Session 6:30 P.M.
Public Portion 7:00 P.M. (estimate)**

LOCATION: COUNCIL CHAMBERS – POLICE HEADQUARTERS
24 SOUTH BRIDGE STREET, SOMERVILLE, NJ 08876

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- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES- EXECUTIVE SESSION**
 - a. August 7, 2023
- 4. RESOLUTION 23-0821-256 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. MOMENT OF SILENCE – Meredith Sullivan Boyan**
- 5. APPROVAL OF MINUTES**
 - a. August 7, 2023

6. DEPARTMENTAL REPORTS & NOTICES

- a. October 30, 2023 Special Council Meeting-Visioning Meeting for East Main Street Redevelopment area 6:00 p.m. 254 Robeson Street
- b. Animal Control Report – July 2023
- c. Public Information Center- Veterans Memorial Drive East- August 29, 2023, 6:00 a.m. – 8:00 p.m. 24 S. Bridge Street

7. PROCLAMATIONS

- a. Diaper Need Awareness Week September 18 – September 24

8. COMMITTEE REPORTS

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

2718-23-0821 AMENDING CHAPTER 166 SECTION 81 HANDICAPPED PARKING AREAS DESIGNATED TO ADDING SUBSECTION J & K TO INCLUDE (2) TWO PARKING STALLS ON WEST END AVENUE EAST OF THE SOMERVILLE PUBLIC LIBRARY

10. ORDINANCE FOR PUBLIC HEARING AND ADOPTION (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

11. MEETING OPEN TO THE PUBLIC

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

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

(RESOLUTIONS 23-0821-257 THRU 23-0821-269)

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

23-0821-257 APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY SUSTAINABLE JERSEY GRANT FOR THE COMMUNITY GARDEN

- 23-0821-258 RESOLUTION AUTHORIZING THE BOROUGH TO ENTER A LEGAL SERVICES AGREEMENT WITH STAG LIUZZA, LLC RELATED TO PFAS LITIGATION SERVICES
- 23-0821-259 AWARDDING A CONTRACT FOR THE PURCHASE OF TURNOUT GEAR TO MOOSE SAFETY SUPPLY FOR THE SOMERVILLE FIRE DEPARTMENT
- 23-0821-260 RESOLUTION CANCELLING UNCOLLECTIBLE TAXES IN 2023 BLOCK 107 LOT 15 DUE TO SUBDIVISION BY ASSESSOR AND APPLYING CREDIT TO BLOCK 107 LOT 15.01
- 23-0821-261 AUTHORIZING NEGOTIATION OF A CONTRACT FOR THE SOMERVILLE SENIOR CITIZENS HOUSING FACILITY AIR QUALITY HVAC UPGRADES
- 23-0821-262 APPROVING THE ATTACHMENT OF A MUNICIPAL LIEN ON BLOCK 14.01 LOT 9 COMMONLY KNOWN AS 6 MADISON STREET FOR PROPERTY MAINTENANCE
- 23-0821-263 AUTHORIZING THE BOROUGH OF SOMERVILLE TO ENACT A PROCUREMENT CARD PROGRAM ("P CARD") FOR THE PROCUREMENT OF GOODS AND SERVICE IN ACCORDANCE WITH THE STATE AUTHORIZED PROGRAM N.J.S.A 40:A-5.16 AND AMEND THE PERSONNEL & PROCEDURE POLICY TO INCORPORATE A BOROUGH P-CARD POLICY
- 23-0821-264 RESOLUTION TO CANCEL PARKING UTILITY CAPITAL AND SIDEWALK ASSESSMENT BALANCES
- 23-0821-265 PILOT TAX OVERPAYMENT REFUND 2023 -1001 STATION ROAD
- 23-0821-266 RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND SOMERVILLE MULTI-FAMILY URBAN RENEWAL, LLC AND DESIGNATING SOMERVILLE MULTI-FAMILY URBAN RENEWAL, LLC AS REDEVELOPER FOR THE PROPERTY IDENTIFIED ON THE OFFICAL TAX MAP OF THE BOROUGH OF SOMERVILLE AS BLOCK 62, LOTS 2, 3, 4 AND 5, WHICH PROPERTY IS LOCATED IN THE EAST CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA COMMONLY KNOWN AS 23, 25,27,37 SOUTH BRIDGE STREET

- 23-0821-267 APPROVING CHAPTER 159 FROM THE NATIONAL OPIOIDS SETTLEMENT TRUST
- 23-0821-268 APPROVING THE VOLKSWAGEN CLUB TO UTILIZE PARKING SPACES IN FRONT OF HISTORIC COURTHOUSE ON AUGUST 25TH FROM 5:00 P.M. – 9:00 P.M. FOR CRUISE NIGHT DISPLAY
- 23-0821-269 AUTHORIZING RESERVATION OF ALL PARKING SPACES ON THE NORTH SIDE OF EAST MAIN STREET BETWEEN BRIDGE STREET AND GROVE STREET ON OCTOBER 1, 2023 FROM 10:00 A.M. TO 6:00 P.M. FOR AN ELECTRIC VEHICLE SHOW

13. BILLS AND VOUCHERS

14. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinance for Introduction

ORDINANCE #2718-23-0821

AMENDING CHAPTER 166 SECTION 81 HANDICAPPED PARKING AREAS DESIGNATED TO ADDING SUBSECTION J & K TO INCLUDE (2) TWO PARKING STALLS ON WEST END AVENUE EAST OF THE SOMERVILLE PUBLIC LIBRARY

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Somerville that Chapter 166-81 shall read as follows:

SECTION 1. § 166-81 Handicapped parking areas designated.

No person shall park any vehicle, or cause any vehicle to be parked, in any space or area designated by signs erected therein and by markings on the surface thereof as a handicapped place or zone, unless said person or vehicle has been issued special identification tags or cards by the Division of Motor Vehicles. These areas are more specifically described as follows:

- A. Parking Lot No. 1 (three reserved stalls): as shown on Sheet A, attached to and made part of this chapter.
- B. Parking Lot No. 2 (two reserved stalls): as shown on Sheet B, attached to and made part of this chapter.
- C. Parking Lot No. 4 (two reserved stalls): as shown on Sheet C, attached to and made part of this chapter.
- D. Parking Lot No. 6 (two reserved stalls): as shown on Sheet D, attached to and made part of this chapter.

- E. Borough Hall driveway (one reserved stall): beginning at a point in the easterly line of the driveway at the front of the Somerville Municipal Building, said point being distant southerly 107 feet from the southerly curblineline of West End Avenue and from said point running southerly 15 feet therefrom.
- F. The most westerly parking stall located on the southerly side of Franklin Street.
- G. Parking Lot No. 5 (one reserved stall): as shown on Sheet F attached to and made part of this chapter.
- H. Parking Lot No. 7 (two reserved stalls): as shown on Sheet G attached to and made a part of this chapter.
- I. Veterans Memorial Drive Parking Deck (14 reserved stalls): as designated on a certain plan entitled "Veterans Memorial Drive East Parking Deck Parking Plan" dated September 16, 2003, the original of which is on file in the Office of the Clerk of the Borough of Somerville.
- J. On the southside of West end avenue from a point 141 feet east of Mountain Avenue to a point 161 feet easterly thereof
- K. On the southside of West End Avenue from a point 161 feet east of Mountain Avenue to a point 185 feet easterly thereof

SECTION 2. This ordinance shall take effect upon final passage and publication as provided by law.

Ordinance scheduled for Public Hearing & Adoption

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.

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

RESOLUTION 23-0821-257

**APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY
SUSTAINABLE JERSEY GRANT FOR THE COMMUNITY GARDEN**

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 been awarded \$ 2,500.00 from the Sustainable Jersey Grant and wishes to amend its 2023 Budget to include this amount as a 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 \$2,500.00 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:
Sustainable Jersey Grant
Grant \$ 2,500.00

BE IT FURTHER RESOLVED that a like sum of..... \$ 2,500.00
be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations-Excluded from "CAPS"
Public and Private Programs Offset by Revenues:
Sustainable Jersey 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 23-0821-258

RESOLUTION AUTHORIZING THE BOROUGH TO ENTER A LEGAL SERVICES AGREEMENT WITH STAG LIUZZA, LLC RELATED TO PFAS LITIGATION SERVICES

WHEREAS, the Borough of Somerville (the "Borough") is committed to delivering clean drinking water to its customers; and

WHEREAS, the Borough is also committed to identifying parties and taking reasonable steps to avoid passing on the costs to its consumers for the treatment and remediation of contamination; and

WHEREAS, STAG LIUZZA, L.L.C. has put together a team of uniquely qualified and experienced attorneys (the "Firm") who have joined together to assist public entities facing the challenges posed by contamination with per- and polyfluoroalkyl substances ("PFAS"); and

WHEREAS, the Firm is comprised of experienced attorneys in both in PFAS litigation and in the representation of public entities and water suppliers in cases involving groundwater contamination; and

WHEREAS, the governing body has determined it to be in the Borough's best interest to enter into the Agreement with the Firm and pursue any claims it may have related to PFAS; and

WHEREAS, the Borough desires to authorize the execution of the as Exhibit "A"; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Somerville, County of Somerset, State of New Jersey that the Mayor is hereby authorized to execute the Legal Services' Agreement with the Firm based upon the terms and conditions set forth herein and, in a manner, substantially similar to the Agreement attached hereto as Exhibit "A."

RESOLUTION 23-0821-259

AWARDING A CONTRACT FOR THE PURCHASE OF TURNOUT GEAR TO MOOSE SAFETY SUPPLY FOR THE SOMERVILLE FIRE DEPARTMENT

WHEREAS, The Borough of Somerville intends to participate in the New Jersey Purchasing Contract 17-FLEET-00824 with Moose Safety Supply, Inc., 426 Chapman Court, New Jersey 070840 for the purchase of turnout gear identified in Estimate # 1251 through New Jersey state pricing under the Viridian Fire Protective Gear contract; and

WHEREAS, Veridian Fire Protective Gear, 3710 W. Milwaukee Street, Spencer NU 14883 has a New Jersey State Contract distributed through Moose Safety Supply, Inc., 426 Chapman Court, New Jersey 070840; and

WHEREAS, the Borough of Somerville, pursuant to NJSA 40A11-12a and NJAC 5:34.7.29(c) may be resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Pricing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and property in the Department of Treasury; and

WHEREAS, funds are available to purchase 8 sets of gear, protective gloves, hoods in the amount of \$48,958.20 as per Estimate # 1251 dated August 16, 2023; and

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey awards a contract to Moose Safety Supply, Inc., 426 Chapman Court, New Jersey 070840 for the purchase of turnout gear identified in Estimate #1251 through state pricing under the Viridian Fire Protective Gear contract in the amount of \$48,958.20.

RESOLUTION 23-0821-260

RESOLUTION CANCELLING UNCOLLECTIBLE TAXES IN 2023 BLOCK 107 LOT 15 DUE TO SUBDIVISION BY ASSESSOR AND APPLYING CREDIT TO BLOCK 107 LOT 15.01

WHEREAS, the Tax Collector has advised that the following taxes are uncollectible due to Block 107 Lot 15.01 being subdivided; and

WHEREAS, the Collector has requested that the uncollectible taxes be cancelled of record;

WHEREAS, the Collector has recommended that the overpayment on Block 107 Lot 15 be applied to Block 107 Lot 15.01.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Somerville, that the taxes shown below be cancelled of record and that the Collector be and is hereby authorized to apply overpayment and adjust her records accordingly:

Cancel Billing

<u>Block/ Lot</u>	<u>Year</u>	<u>Amount</u>	<u>Location</u>	<u>Homeowner</u>	<u>Reason</u>
107 / 15	2023	\$14,922.77	179 Grove St.	NG, Albert &Jacy	Subdivided

107 / 15 2024 \$ 7,461.39 179 Grove St. NG, Albert &Jacy Subdivided

Transfer and Apply Overpayment

107/15 2023/1st qtr. \$3,812.72 179 Grove St. NG, Albert &Jacy Subdivided
107/15 2023/2nd qtr. \$3,812.71 179 Grove St. NG, Albert &Jacy Subdivided

Total overpayment to be transferred to Block 107 Lot 15.01 \$7,625.43.

RESOLUTION 23-0821-261

**AUTHORIZING NEGOTIATION OF A CONTRACT FOR THE SOMERVILLE SENIOR
CITIZENS HOUSING FACILITY AIR QUALITY HVAC UPGRADES**

WHEREAS, the Borough of Somerville has received Community Development Block Grant funding for a project at the Somerville Senior Citizens Housing located at 1 Mountain Road, Somerville, New Jersey; and

WHEREAS, the Borough of Somerville has conducted public bids on February 9, 2023 and July 6, 2023 in accordance with N.J.S.A. 40A:11- 4; and

WHEREAS, no bids have been received on both occasions, hence N.J.S.A. 40A:11-5 (3) (a) states if Bids have been advertised pursuant to section 4 of P.L. , c 198 (C.40A:11-4) on two occasions and (a) no bids have been received in response to the advertisement.... (b) any such contract may then be negotiated and be awarded upon adoption of a resolution by two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract..."

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes negotiation of a contract for the Somerville Senior Citizen Housing Facility Air Quality HVAC upgrades.

RESOLUTION 23-0821-262

**APPROVING THE ATTACHMENT OF A MUNICIPAL LIEN ON BLOCK 14.01 LOT 9
COMMONLY KNOWN AS 6 MADISON STREET FOR PROPERTY MAINTENANCE**

WHEREAS, the Department of Public Works was required to provide labor, provide equipment and disposal for property maintenance on Block 14.01, Lot 9, commonly known as 6 Madison Street on August 9, 2023; and

WHEREAS, the property owners were issued a Notice of Violation and failed to take required actions: and

WHEREAS, the Department of Public Works on August 9, 2023, was required to perform labor, provide equipment, and disposal in the amount of \$2,578.50 and provide administrative oversight in the amount of 15% of cost for a total of \$2,965.27

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes a property lien in the amount of \$2,965.27 to be placed on 6 Madison Street, Somerville, New Jersey 08876, Block 14.01, Lot 9.

RESOLUTION 23-0821-263

AUTHORIZING THE BOROUGH OF SOMERVILLE TO ENACT A PROCUREMENT CARD PROGRAM (“P CARD”) FOR THE PROCUREMENT OF GOODS AND SERVICE IN ACCORDANCE WITH THE STATE AUTHORIZED PROGRAM N.J.S.A 40:A-5.16 AND AMEND THE PERSONNEL & PROCEDURE POLICY TO INCORPORATE A BOROUGH P-CARD POLICY

WHEREAS, the Local Finance Notice 2013-17 and codified under N.J.A.C. 5:30-9A authorizes and identifies new rules for use of Procurement Cards (“P-Cards”); and

WHEREAS, the Borough of Somerville desires to utilize P-Cards which is an electronic procurement system incorporating restrictions and controls for the procurement of goods and services; and

WHEREAS, the Local Finance Notice designates the Qualified Purchasing Agent, (QPA) Kevin Sluka as an administrator of the program, and;

WHEREAS, the Borough of Somerville currently uses Provident Bank as the borough’s financial institution, and;

WHEREAS, Provident Bank administers P-Cards through Mastercard “*CommUNITY*” Card, and;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Somerville, County of Somerset, New Jersey, that the borough’s Procurement Card Program be established for use by designated authorized borough personnel under the direction of Qualified Purchasing Agent Kevin Sluka and the Chief Financial Officer Paige Elster shall be with Mastercard “*CommUnity*” Card through Provident Bank and policies shall be amended to include the P-Card Policy.

RESOLUTION 23-0821-264

RESOLUTION TO CANCEL PARKING UTILITY CAPITAL AND SIDEWALK ASSESSMENT BALANCES

WHEREAS, Certain improvement appropriation balances within the Parking Capital Fund and Sidewalk Trust Assessment Fund remain dedicated to projects completed or canceled; and

WHEREAS, it is necessary to formally cancel said improvement appropriation balances so that the unexpended balances may be returned to the Parking Capital fund and

Sidewalk Trust Assessment fund or credited to Surplus, and unused debt authorizations may be canceled; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Somerville, that the following unexpended Parking Utility Capital and Sidewalk Trust Assessment appropriation balances and be canceled:

Parking Capital fund Appropriation Cancellation			Amount of Cancellation	
Ord. No.	Ord. Date	Description	Funded	Unfunded
2616	6/15/2020	Improvements to Parking Lot 8	28,632.19	

Sidewalk Trust Assessment Fund Appropriation Cancellation			Amount of Cancellation	
Ord. No	Ord. Date	Description	Funded	Unfunded
2577	8/5/2019	2019 Sidewalk Assessment Program		1245.01

**RESOLUTION 23-0821-265
PILOT TAX OVERPAYMENT REFUND 2023-1001 STATION ROAD**

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

WHEREAS, the Tax Collector has researched and determined that a refund should be issued on this account.

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

Block	Lot	Qualifier	Year	Name	Address
123	5.02	C14012	2024	M. QUIGLEY	1001 Station Rd.

Reason	Amount	PO#
Adjusted Pilot Billing	\$ 995.44	23-01125

RESOLUTION 23-0821-266

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND SOMERVILLE MULTI-FAMILY URBAN RENEWAL, LLC AND DESIGNATING SOMERVILLE MULTI-FAMILY URBAN RENEWAL, LLC AS REDEVELOPER FOR THE PROPERTY IDENTIFIED ON THE OFFICAL TAX MAP OF THE BOROUGH OF SOMERVILLE AS BLOCK 62, LOTS 2, 3, 4 AND 5, WHICH PROPERTY IS LOCATED IN THE EAST CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA COMMONLY KNOWN AS 23,25,27,37 SOUTH BRIDGE STREET

WHEREAS, by adoption of a resolution on March 6, 2000, the Borough Council of the Borough of Somerville (the “Borough Council”) designated property identified on the official tax map of the Borough of Somerville (the “Borough”) as Tax Block 62, Lots 2, 3, 4 and 5 (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, the Borough Council, by resolution adopted July 6, 2020, conditionally designated Somerville Multi-Family, LLC (and an affiliated urban renewal entity to be formed, now known to be Somerville Multi-Family Urban Renewal, LLC) as conditional redeveloper for the Property, which conditional redeveloper designation was subsequently extended by the Borough Council by resolution adopted October 17, 2022 and then retroactively extended by the Borough Council once more by Resolution 23-0221-081 adopted February 21, 2023, for the purpose of entering into a redevelopment agreement by the Borough for the redevelopment of the Property; and

WHEREAS, in accordance with the Redevelopment Plan, Somerville Multi-Family, LLC filed an application (the “Application”) with the Somerville Borough Planning Board (the “Planning Board”) for preliminary and final major site plan approval with variance relief for the Property for the construction of a five (5) story mixed-use building, consisting of: (i) four (4) stories of apartments on the upper stories containing a total of fifty-eight (58) apartment units, thirteen (13) of which are one (1) bedroom units and forty-five (45) of which are two (2) bedroom units; (ii) one (1) lower level of parking space and two (2) subterranean parking levels providing for a total of ninety-one (91) parking spaces; and (iii) seven hundred seventy (770) square feet of retail/commercial space on the first floor (the “Project”); and

WHEREAS, at its meeting on March 23, 2022, the Planning Board reviewed and approved the Application and that approval of the Application was subsequently memorialized by Resolution 2021-030P, adopted by the Planning Board on April 27, 2022 (the “Planning Board Resolution 2021-030P”); and

WHEREAS, Somerville Multi-Family Urban Renewal, LLC has now 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 Somerville Multi-Family Urban Renewal, LLC as redeveloper for the Property and that the Borough enter into a redevelopment agreement with Somerville Multi-Family Urban Renewal, LLC (the “Redevelopment Agreement”) setting forth the terms and conditions by which Somerville Multi-Family 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 Somerville Multi-Family 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 Somerville Multi-Family Urban Renewal, LLC and, upon the full execution of such Redevelopment Agreement by the Borough and Somerville Multi-Family Urban Renewal, LLC, recognize Somerville Multi-Family 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 Somerville Multi-Family 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 Somerville Multi-Family Urban Renewal, LLC, will recognize Somerville Multi-Family 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 Somerville Multi-Family Urban Renewal, LLC as redeveloper of the Property is subject to and contingent upon Somerville Multi-Family 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 23-0821-267

**APPROVING CHAPTER 159 FROM THE NATIONAL OPIOIDS
SETTLEMENT TRUST**

WHEREAS, N.J.S.A. 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 \$7,361.90 from National Opioids Settlement Trust 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..... \$7,361.90 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:
National Opioids Settlement Trust.....\$7,361.90

BE IT FURTHER RESOLVED that a like sum of.....\$7,361.90 be and the same is hereby appropriated under the caption of:

General Appropriations:
Operations-Excluded from "CAPS"
Public and Private Programs Offset by Revenues:
National Opioids Settlement Trust

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 23-0821-268

APPROVING THE VOLKSWAGEN CLUB TO UTILIZE PARKING SPACES IN FRONT OF HISTORIC COURTHOUSE ON AUGUST 25TH 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 Volkswagen Club to use parking spaces located on Main Street in front of the Historic Courthouse on August 25th for Cruise Night display.

RESOLUTION 23-0821-269

AUTHORIZING RESERVATION OF ALL PARKING SPACES ON THE NORTH SIDE OF EAST MAIN STREET BETWEEN BRIDGE STREET AND GROVE STREET ON OCTOBER 1, 2023 FROM 10:00 A.M. TO 6:00 P.M. FOR AN ELECTRIC VEHICLE SHOW

WHEREAS, the Borough of Somerville will coordinate with Ridewise and New Jersey Electric Vehicle Association (NJEVA) to conduct an Electric Vehicle (EV) show/exhibit; and

WHEREAS, the NJEVA is a non-profit organization advocating for Electric Vehicle purchases and providing education for drivers and purchasers; and

WHEREAS, the Somerville Environmental Commission is an advocate to educate and create awareness of environmentally friendly opportunities and desires to promote such events and activities; and

WHEREAS, the fall Street Fair is held on the same day and the Electric Vehicle Show will complement the activities being held.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes reservation of parking spaces on the north side of east main Street between Bridge Street and Grove Street on October 1, 2023 from 10:00 a.m. to 6:00 p.m. for an Electric Vehicle Show.

BE IT FURTHER RESOLVED, the Borough of Somerville staff is directed to coordinate with NJEVA and Ridewise to coordinate activities and promotion of the show, and the Department of Public Works, Police Department, parking personnel and the Downtown Somerville Alliance, Inc., shall be provided a copy of this Resolution for their action.