

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

**Tuesday, September 5, 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 21, 2023
- 4. RESOLUTION 23-0905-271 TO ENTER INTO EXECUTIVE SESSION**

**EXECUTIVE SESSION AGENDA**

- a. Council Vacancy

**COUNCIL MEETING AGENDA**

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. SELECTION OF COUNCILMEMBER AS PER VACANCY LAW**
- 5. OATH OF OFFICE**
- 6. APPROVAL OF MINUTES**
  - a. August 21, 2023
- 7. DEPARTMENTAL REPORTS & NOTICES**
  - a. Nominees received to fill vacancy received on August 23, 2023

b. October 30, 2023 Special Council meeting

**8. PROCLAMATIONS**

a. 180<sup>th</sup> Anniversary of First Baptist Church

**9. COMMITTEE REPORTS**

**10. ORDINANCE FOR PUBLIC HEARING AND ADOPTION** (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

**11. 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)

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

**(RESOLUTIONS 23-0905-272 THRU 23-0905-281)**

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

23-0905-272 APPROVING BLOCK PARTY – OCTOBER 28, 2023 FOR FLEETWOOD DRIVE AND IMPERIAL DRIVE

23-0905-273 APPROVING BLOCK PARTY – OCTOBER 21, 2023 (Rain date October 22, 2023) FOR W. SPRING STREET

23-0905-274 APPROVING THE RELEASE OF PERFORMANCE BOND AND REDUCTION OF CASH BOND AMOUNT FOR SOMERSET STATION URBAN RENEWAL, LLC, WITH CHA PROJECT #32956-5000

23-0905-275 APPROVING TAX SALE COSTS 2023

23-0905-276 AWARDED CHANGE ORDER #1 TO GREENMAN-PEDERSON, INC., FOR ENGINEERING INSPECTION SERVICES FOR THE SOMERVILLE TRANSIT VILLAGE SITE ENHANCEMENTS PROJECT-VETERANS MEMORIAL DRIVE IN THE AMOUNT OF \$4,340.00

- 23-0905-277      REQUESTING AND ACCEPTING ROAD RESTORATION PAYMENT FROM NEW JERSEY AMERICAN WATER FOR W. ORCHARD STREET & EAST CADILLAC DRIVE IN THE AMOUNT OF \$103,450.00
- 23-0905-278      AWARDING CHANGE ORDER #1 TO A CONTRACT WITH BADGER ROOFING COMPANY FOR ROOF REPLACEMENT AT WEST END HOSE FIREHOUSE IN THE AMOUNT OF \$2,555.30 FOR A NEW CONTRACT AMOUT OF \$113,855.30
- 23-0905-279      PARTICIPATION WITH THE REGIONAL CENTER PARTNERSHIP IN THE JOINT SUBMISSION OF AN APPLICATION FOR PLAN ENDORSEMENT RENEWAL TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF PLANNING ADVOCACY
- 23-0905-280      APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY SUSTAINABLE JERSEY GRANT FOR THE PSE&G ENERGY EFFICIENCY PARTNERSHIP PROGRAM
- 23-0905-281      RESOLUTION FOR REFUND OF ALL ESCROW AND MAINTENANCE BOND RELATED TO THE PROJECT LOCATED AT BLOCK 81, LOT 1.01 131 N. GASTON AVENUE & 453 WILLIAM STREET FOR VIAMARE LLC

### **13. BILLS AND VOUCHERS**

### **14. ADJOURNMENT**

KEVIN SLUKA, MUNICIPAL CLERK

Ordinance scheduled for Public Hearing & Adoption

**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 curblines 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.

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

**RESOLUTION 23-0905-272**

**APPROVING BLOCK PARTY – OCTOBER 28, 2023 FOR  
FLEETWOOD DRIVE AND IMPERIAL DRIVE**

**WHEREAS**, an application for Block Party closure was received for Fleetwood Drive and Imperial Drive was added as per applicant:

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the approval of the Block Party Closure Application for October 28, 2023 for Fleetwood Drive and Imperial Drive from Noon to 8:00 p.m.

**RESOLUTION 23-0905-273**

**APPROVING BLOCK PARTY – OCTOBER 21, 2023  
(Rain date October 22, 2023) FOR W. SPRING STREET**

**WHEREAS**, an application for Block Party closure was received for W. Spring Street:

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the approval of the Block Party Closure Application for October 21, 2023 (Rain date October 22, 2023) for W. Spring Street from N. Bridge Street to Davenport Street from Noon to 8:00 p.m.

**RESOLUTION 23-0905-274**

**APPROVING THE RELEASE OF PERFORMANCE BOND AND REDUCTION OF  
CASH BOND AMOUNT FOR SOMERSET STATION URBAN RENEWAL, LLC, WITH  
CHA PROJECT #32956-5000**

**WHEREAS**, as per Resolution 22-0801-256 at the recommendation of CHA Companies, via letter dated May 31, 2022, from Christopher Borinski, PE; and  
The performance bond and cash bond were reduced as follows; 10% cash bond amount reduction from \$313,757.52 to \$94,127.26 and performance bond amount reduction from \$2,823,817.68 to \$847,145.30.

**WHEREAS**, in a letter dated August 23, 2023 from Christopher Borinski, PE, it has been requested that the cash portion of the bond be reduced to \$10,635 and the Performance Bond released and the developer shall post a maintenance guarantee for a period of two (2) years in the amount equal to 15% of the costs of improvements...”;  
and

**WHEREAS**, in a letter dated August 23, 2023 from Christopher Borinski, PE, identified that CHA has prepared a Maintenance Bond Estimate dated August 11, 2023, reflecting that the updated total cost of \$2,401,465 results in a maintenance guarantee in the amount of 15% of \$360,219.75 to be provided:

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approves a cash bond reduction to \$10,365.00 and release of the performance bond for Somerset Station Urban Renewal, LLC an

affiliate of Somerset Development, LLC. Upon the submission of a maintenance bond totaling \$360,219.75 as described in the preamble of this resolution.

### **RESOLUTION 23-0905-275**

#### **APPROVING TAX SALE COSTS 2023**

**WHEREAS**, NJSA 54:5-19.1 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 rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

**WHEREAS**, the rules and regulations allow said municipality to charge a fee of up to \$25.00 per notice for the creation, printing and mailing of said notice; and

**WHEREAS**, Pursuant to NJSA 54:5-38, the officer conducting a tax sale shall collect and pay into the municipal treasury a fee for all costs incurred by the municipality in holding the sale. The amount of fee so paid shall be 2% of the existing lien as stated in NJSA 54:4-19 and 54:5-2 but not less than \$15.00 and not more than \$100.00 for each parcel in the sale; and

**WHEREAS**, the Borough of Somerville wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base and 2% of the existing lien as stated in NJSA 54:4-19 and 54:5-2 but not less than \$15.00 and not more than \$100.00 for each parcel in the sale.

**BE IT FURTHER RESOLVED** by the Mayor and Borough Council of the Borough of Somerville that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2023 electronic tax sale.

### **RESOLUTION 23-0905-276**

#### **AWARDING CHANGE ORDER #1 TO GREENMAN-PEDERSON, INC., FOR ENGINEERING INSPECTION SERVICES FOR THE SOMERVILLE TRANSIT VILLAGE SITE ENHANCEMENTS PROJECT-VETERANS MEMORIAL DRIVE IN THE AMOUNT OF \$4,340.00**

**WHEREAS**, the Borough of Somerville issued a contract to Greenman Pederson, Inc. 301 Gibraltar Drive- Suite 2A, Morris Plains, New Jersey 07950 via Purchase Order 23-01012 on July 17, 2023 in the amount of \$16,100.00 in accordance with proposal dated July 10, 2023; and

**WHEREAS**, it has been determined that it is necessary to provide additional services during construction in the amount of \$4,340.00; and

Change Order #	Original Amount of Contract	Description of Change order	Change Order Amount	New Contract Amount
#1	\$16,100.00	Additional services required	\$4,340.00	\$20,440.00

**BE IT RESOLVED** by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve Change Order #1 to a contract with Greenman Pederson, Inc. 301 Gibraltar Drive- Suite 2A, Morris Plains, New Jersey 07950 increasing the contract amount from \$16,100.00 to \$20,440.00.

**RESOLUTION 23-0905-277**

**REQUESTING AND ACCEPTING ROAD RESTORATION PAYMENT FROM NEW JERSEY AMERICAN WATER FOR W. ORCHARD STREET & EAST CADILLAC DRIVE IN THE AMOUNT OF \$103,450.00**

**WHEREAS**, New Jersey American Water performed utility improvements on W. Orchard Street and East Cadillac Drive resulting in pavement excavation; and

West Orchard Street	\$48,450.00
East Cadillac Drive	\$55,000.00

**WHEREAS**, the Business Administrator and Public Works Director are hereby authorized to execute all necessary documents to accept payment.

**BE IT RESOLVED** by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the acceptance of a payment from New Jersey American water for a total of \$103,450.00 for road restoration of West Orchard Street and east Cadillac Drive.

**RESOLUTION 23-0905-278**

**AWARDING CHANGE ORDER #1 TO A CONTRACT WITH BADGER ROOFING COMPANY FOR ROOF REPLACEMENT AT WEST END HOSE FIREHOUSE IN THE AMOUNT OF \$2,555.30 FOR A NEW CONTRACT AMOUNT OF \$113,855.30**

**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**, the Borough Council awarded Change Order #1 on August 7, 2023 via Resolution 23-0807-244 in the amount of \$4,300 increasing the contract amount of \$107,000.00 to \$111,300.00

**WHEREAS**, Brendan Nally and the project architect is recommending a 2<sup>nd</sup> change order to the award as follows:

Change Order #	Description of Change	Current Contract	Price Adjustment	New Contract Amount
2	Installing a new roof system over a portion of the lower roof that had concrete deck rather than a metal deck	\$111,300.00	\$2,550.30	\$113,855.30

**BE IT RESOLVED** by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approves Change Order #2 to a contract to Badger Roofing Company, 5 Smalley Avenue, Middlesex, NJ 08848 in the amount of \$2,550.00 increasing the contract from \$111,300.00 to \$113,855.30.

**RESOLUTION 23-0905-279**

**PARTICIPATION WITH THE REGIONAL CENTER PARTNERSHIP IN THE JOINT SUBMISSION OF AN APPLICATION FOR PLAN ENDORSEMENT RENEWAL TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF PLANNING ADVOCACY**

**WHEREAS**, in May of 1996, in accordance with the State Planning Rules, N.J.A.C. 17:32-8.6(a) the NJ State Planning Commission designated the Boroughs of Somerville and Raritan and a portion of Bridgewater Township as an official Regional Center; and

**WHEREAS**, the Regional Center Partnership was created in 1998 as a unique public/private partnership between the three municipalities, Somerset County, various non-profit agencies and the private sector to collaboratively work together on regional initiatives to enhance quality of life for residents and employees that live and work in the Regional Center; and

**WHEREAS**, plan endorsement encourages municipalities to engage in cooperative regional planning, it ensures that municipal, county, regional and state agency plans are consistent with the State Development and Redevelopment Plan and with each other, and entitles municipalities and counties to a higher priority for available funding, streamlined permit reviews and coordinated state agency services



**WHEREAS**, there are numerous benefits, including a streamlined application process, in plan endorsement for the Regional Center together with the Boroughs of Somerville, Raritan and Township of Bridgewater, in designating the Regional Center Partnership to lead the endorsement process:

**BE IT RESOLVED** by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby designates the Regional Center Partnership to lead the endorsement process for the joint application for plan endorsement renewal with the New Jersey Department of Community Affairs, Office of Planning Advocacy.

**RESOLUTION 23-0905-280**

**APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY  
SUSTAINABLE JERSEY GRANT FOR THE PSE&G ENERGY EFFICIENCY  
PARTNERSHIP PROGRAM**

**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 23-0905-281**

**RESOLUTION FOR REFUND OF ALL ESCROW AND MAINTENANCE BOND  
RELATED TO THE PROJECT LOCATED AT BLOCK 81, LOT 1.01 131 N. GASTON  
AVENUE & 453 WILLIAM STREET FOR VIAMARE LLC**

**WHEREAS**, escrows for planning board, engineering inspection and maintenance bond were posted for block 81, lot 1.01 131 N. Gaston Avenue & 453 William Street for Viamare LLC; and

**WHEREAS**, the project has been completed and the two year maintenance bond period has expired; and

**WHEREAS**, the balance of the all escrow accounts are \$2,511.43; and

**WHEREAS**, the maintenance bond is \$6,462.00; and

**WHEREAS**, Borough of Somerville, planner/engineer Michael Cole of Cole and Associates recommends refund of all escrows and maintenance bond; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Finance Officer be instructed to refund the balance of these deposits in the amount of \$ 2,511.43 for escrow accounts and \$6,462.00 for the maintenance bond to the above-named claimant.