

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

**Monday, October 2, 2023
Executive Session 6:30 P.M.
Public Portion 7:00 P.M. (estimate)**

LOCATION: COUNCIL CHAMBERS – SOMERVILLE CIVIC CENTER
24 ROBESON STREET, SOMERVILLE, NJ 08876

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- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES- EXECUTIVE SESSION**
 - a. September 18, 2023
- 4. RESOLUTION 23-1002-296 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Professional Services RFP - 2024
- b. Redevelopment

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. September 18, 2023
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. October 30, 2023 Special Council Meeting
 - b. Land Use Board Meetings will stay at 24 S. Bridge Street through October.
 - c. Board of Public Utilities- Order approving Municipal Consent- Sewer Sale Closing October 3, 2023

6. PRESENTATION

- a. ROOT 22 Dispensary LLC
- b. Resolution 23-1002-298 Research – R. O’Neill

7. PROCLAMATION & RECOGNITION

- a. RESOLUTION RECOGNIZING KNOCK OUT OPIOD ABUSE DAY – OCTOBER 6, 2023

8. COMMITTEE REPORTS

9. ORDINANCE FOR INTRODUCTION

2719-23-1002 CREATING CHAPTER 149B OF THE BOROUGH CODE ENTITLED STORMWATER – PRIVATELY OWNED STORAGE FACILITIES FOR SALT AND OTHER DE-ICING MATERIALS

10. MEETING OPEN TO THE PUBLIC

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

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

(RESOLUTIONS 23-1002-297 THRU 23-1002-309)

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

23-1002-297 APPROVING THE HIRING OF WILLIAM DISLA AS PART TIME – (HOURLY) PARKING ENFORCEMENT OFFICER EFFECTIVE OCTOBER 7, 2023

23-1002-298 ACCEPTING DONATION OF CIVIL DEFENSE FIRE DEPARTMENT WORLD WAR II HELMET FOR SOMERVILLE FIRE MUSEUM – DONATED BY ALBERT J. NIER

23-1002-299 ACCEPTING THE RESIGNATION OF SUSAN SMOCK EFFECTIVE OCTOBER 5, 2023 (END OF BUSINESS OCTOBER 4, 2023)

23-1002-300 RESOLUTION FOR LOCAL SUPPORT FOR SUITABILITY OF CANNABIS BUSINESS TO ROUTE 22 DISPENSARY, LLC FOR THE ISSUANCE OF A CLASS 5 RETAILER LICENSE AT 1062 ROUTE 22 EAST, SOMERVILLE, NEW

JERSEY AS PER APPLICATION DATED SEPTEMBER 12, 2023

- 23-1002-301 A RESOLUTION OF THE BOROUGH OF SOMERVILLE APPROVING THE REFUNDING OF CERTAIN OF ITS OUTSTANDING DEBT UTILIZING PROCEEDS FROM THE SALE OF THE BOROUGH'S SANITARY SEWER SYSTEM AND AUTHORIZING THE AUTHORIZED OFFICERS OF THE BOROUGH TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE REDEMPTION OF CERTAIN DEBT OF THE BOROUGH
- 23-1002-302 GRANTING A RIGHT OF WAY APPROVAL FOR NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS
- 23-1002-303 AUTHORIZING CHANGE ORDER #1 TO A CONTRACT TO DESANTIS CONSTRUCTION, INC. FOR RECONSTRUCTION OF EASTERN STATES PARKWAY AND RESURFACING OF MADISON STREET REDUCING THE CONTRACT BY \$126,008.56 FROM THE AMOUNT OF \$657,418.46 TO \$531,409.90 AND AUTHORIZING FINAL PAYMENT
- 23-1002-304 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 \$3,820.00 FOR A NEW CONTRACT AMOUNT OF \$43,546.67
- 23-1002-305 APPROVING SALARY ADJUSTMENT TO PAIGE ELSTER DURING THE TERM OF THE CHIEF FINANCIAL OFFICER SHARED SERVICES AGREEMENT WITH RARITAN BOROUGH
- 23-1002-306 APPROVING A STREET CLOSURE ON EAST MAIN STREET, FROM GROVE STREET TO BRIDGE STREET AND GROVE STREET BETWEEN MAIN STREET AND HIGH STREET FOR DIVERSITY FESTIVAL FROM 12:00 P.M. TO 4:00 P.M. ON SUNDAY, OCTOBER 15, 2023
- 23-1002-307 APPROVING THE REDUCTION OF PERFORMANCE BOND AMOUNT FOR JOSELIN FERNANDEZ – APPLICATION #2020003Z

23-1002-308 AUTHORIZING A THE PROFESSIONAL SERVICES AGREEMENT WITH CHA CONSULTING, INC. TO INCLUDE ENGINEERING REVIEW AND INSPECTION SERVICES FOR PLAYGROUND CONSTRUCTION AT THE A & A SOMERVILLE, LLC BLOCK 50 LOTS 13 & 14 PROJECT

23-1002-309 AUTHORIZING A NEGOTIATED CONTRACT WITH 1ST GOAL HEATING AND COOLING LLC FOR SOMERVILLE SENIOR CITIZENS HOUSING FACILITY AIR QUALITY HVAC UPGRADES

12. BILLS AND VOUCHERS

13. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinance scheduled for Introduction

ORDINANCE #2719-23-1002

CREATING CHAPTER 149B OF THE BOROUGH CODE ENTITLED STORMWATER – PRIVATELY OWNED STORAGE FACILITIES FOR SALT AND OTHER DE-ICING MATERIALS

149B-1

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Somerville to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

149B-2

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - F. "Resident" means a person who resides on a residential property where de-icing material is stored.

149B-3

SECTION III. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities,

tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.
5. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16th and October 14th.
 - B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
 - C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
 - D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

149B-4

SECTION IV. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

149B-5

SECTION V. Enforcement:

This ordinance shall be enforced by the Department of Public Works, Zoning Office and any other municipal enforcement agency during the course of ordinary enforcement duties.

149B-6

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines of \$1,250 per day.

149B-7

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

149B-8

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

RESOLUTION 23-1002-297

**APPROVING THE HIRING OF WILLIAM DISLA AS PART TIME – (HOURLY)
PARKING ENFORCEMENT OFFICER EFFECTIVE OCTOBER 7, 2023**

WHEREAS, William Disla accepted the “Offer of Employment” dated September 19, 2023; and

WHEREAS, a background check was performed by the Borough of Somerville in accordance with authorization; and

WHEREAS, the hourly rate of \$20.00 shall be prorated for the remainder of 2023 year:

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby hire William Disla as part time-(Hourly) Parking Enforcement Officer, at an hourly rate of \$20.00 effective October 7, 2023.

RESOLUTION 23-1002-298

**ACCEPTING DONATION OF CIVIL DEFENSE FIRE DEPARTMENT WORLD WAR II
HELMET FOR SOMERVILLE FIRE MUSEUM – DONATED BY ALBERT J. NIER**

WHEREAS, Mayor Sullivan received a letter dated June 11, 2023 from James Lukenda, a former neighbor of Mr. Albert J. Nier whom provided the helmet; and

WHEREAS, research was conducted by Rich O'Neill, curator for the Somerville Fire Museum; and

WHEREAS, the helmet has been accepted by the Somerville Fire Museum:

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby accepts the donation of a Civil Defense Fire Department WW II Helmet for the Somerville Fire Museum donated by Albert J. Nier.

RESOLUTION 23-1002-299

**ACCEPTING THE RESIGNATION OF SUSAN SMOCK
EFFECTIVE OCTOBER 5, 2023 (END OF BUSINESS OCTOBER 4, 2023)**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey accepts the resignation of Susan Smock effective October 5, 2023 (end of business October 4, 2023). We wish her well and thank her for her service.

RESOLUTION 23-1002-300

**RESOLUTION FOR LOCAL SUPPORT FOR SUITABILITY OF CANNABIS
BUSINESS TO ROUTE 22 DISPENSARY, LLC FOR THE ISSUANCE OF A CLASS 5
RETAILER LICENSE AT 1062 ROUTE 22 EAST, SOMERVILLE, NEW JERSEY AS
PER APPLICATION DATED SEPTEMBER 12, 2023**

WHEREAS, pursuant to the provisions of N.J.S.A. 17:30-5.1, July 19, 2021, the Borough of Somerville has adopted Ordinance No. 2641 creating and has subsequently created Chapter 61 of the Borough Code entitled “Cannabis” to license and regulate cannabis business and Ordinance No. 2640 of 2021 amending Chapter 102 to authorize Class 5 Retailer licensed cannabis business in designated zoning districts, identified as B-6 zone; and

WHEREAS, the Borough of Somerville has determined that the retail sale and delivery should be permitted in appropriate locations and regulated to protect the health safety and welfare of its citizens; and

WHEREAS, the Borough of Somerville and the Borough of Somerville Planning conducted meetings in accordance with the Open Meetings Act providing the public an opportunity to comment on all Ordinance related to the retail sale of Cannabis and identification of permissible zones: and

WHEREAS, an Applicant seeking to own and operate a proposed cannabis business is required to demonstrate local support for the suitability and appropriateness of its business location from a municipality pursuant to applicable state statutes and regulations; and

WHEREAS, the Borough Council are required to review and consider a request of an Applicant to conduct a cannabis business at specific location within the municipality located within the zone identified as a B-5 zone; and

WHEREAS, the Borough Council has established an administrative process to review applications to determine whether the proposed location is suitable and appropriate for the proposed activities that are related to the operations of the proposed cannabis business to be conducted; and

WHEREAS, the Borough Council has received and reviewed an application submitted by person and/or entity seeking to own and operate a proposed cannabis business withing the Borough; and

WHEREAS, the Borough Council has authorized the availability of two (2) Class 5 licenses as per Borough Code Chapter 61-7 A., and if resolution is approved, Root 22, Dispensary, LLC shall be conditionally determined to possess the right to one (1) license and shall be effective and issued upon successful approval by the State of New Jersey, approval of land use application and issuance of a Certificate of Occupancy, at which time the license shall be effective for 3 years from the date of issuance; and

WHEREAS, in accordance with Chapter 61-7 D (1) Root 22, LLC this Resolution of Support shall pursue a state permit up to 12 months; and

NOW THEREFORE BE IT RESOLVED THAT pursuant to N.J.S.A. 24:61-7.2.d(4)(c) and N.J.A.C. 17:30-5.1(g) the Borough Council of the Borough of Somerville, County of Somerset and State of New Jersey hereby approves this Resolution of Support to Root

22 Dispensary, LLC for the issuance of a Class 5 Cannabis Retailer facility at 1062 Route 22 East, identified as Block 92, Lot 25 on Borough of Somerville Application No.2023-001.

BE IT FURTHER RESOLVED, this Resolution of Support does not constitute a zoning permit or land use approval and no lot hereafter may be used and no building or part thereof hereafter may be erected, constructed, reconstructed, moved, extended, converted, altered, maintained or used except in conformity with the provisions of the Borough Administrative Code and all other applicable government requirements, conditions, and approvals.

RESOLUTION 23-1002-301

A RESOLUTION OF THE BOROUGH OF SOMERVILLE APPROVING THE REFUNDING OF CERTAIN OF ITS OUTSTANDING DEBT UTILIZING PROCEEDS FROM THE SALE OF THE BOROUGH'S SANITARY SEWER SYSTEM AND AUTHORIZING THE AUTHORIZED OFFICERS OF THE BOROUGH TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE REDEMPTION OF CERTAIN DEBT OF THE BOROUGH

WHEREAS, the Borough of Somerville, New Jersey (the "Borough") is authorized to issue its bonds pursuant to the provisions of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of the Title 40A of the New Jersey Statutes, as amended and supplemented, and other applicable provisions of law; and

WHEREAS, the Borough adopted various bond resolutions authorizing the issuance of its general obligation bonds (the "Outstanding Bonds"), the proceeds of which the Borough used for various municipal purposes; and

WHEREAS, the Borough has contracted to sell its sanitary sewer system to New Jersey American Water and desires to use the proceeds from the sale to redeem certain of its Outstanding Bonds, including but not limited to is Sewer Utility Bonds, Series 2020, as well as to redeem certain bonds issued by the Somerset County Improvement Authority (the "SCIA Bonds") for the benefit of the Borough; and

WHEREAS, the Borough is desirous of appointing the Escrow Agent for the redemption of certain of its Outstanding Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF SOMERVILLE, AS FOLLOWS:

SECTION 1. That the Mayor or Chief Financial Officer (an "Authorized Officer") is hereby authorized and directed, upon the finalization of the terms therein, to approve such terms and to execute an Escrow Deposit Agreement(s), with such additions, deletions or modifications thereto as the Authorized Officer shall approve, such approval to be conclusively evidenced by the execution and

delivery thereof. Furthermore, the Authorized Officer is hereby authorized to select the Outstanding Bonds to be refunded and the authorization of the Escrow Deposit Agreement(s) shall evidence the Outstanding Bonds to be refunded.

SECTION 2. TD Bank, National Association is hereby appointed to act as Escrow Agent with respect to the Outstanding Bonds to be refunded.

SECTION 3. That any Authorized Officer, the Clerk of the Borough and any other representative or agent of the Borough are hereby authorized and directed to execute and deliver any and all documents and instruments, and to do and cause to be done any and all acts and things necessary or proper for carrying out the redemption of the Outstanding Bonds and the SCIA Bonds and all related transactions contemplated by this resolution.

SECTION 4. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

SECTION 5. This resolution shall become effective in accordance with applicable law.

RESOLUTION 23-1002-302

GRANTING A RIGHT OF WAY APPROVAL FOR NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS

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

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

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

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

WHEREAS, Verizon Wireless has provided the Borough's professionals with plans setting forth the proposed installations including plans entitled: 1) "Somerville HS 01 SC, Site Location [Nearest To] 263 Davenport Street, Somerville NJ" dated June 26, 2023 (attached as Exhibit "A"); and 2) "Somerville HS 02 SC, Site Location [Nearest To] 222 Davenport Street, Somerville NJ" dated March 7, 2023 (attached as Exhibit "B") (collectively hereafter referred to as the "Sites");

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

- A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
- B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Somerville.
- C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Somerville, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Somerville.
- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Somerville as an additional insured.
- E. Verizon Wireless shall remit to the Borough of Somerville two hundred and seventy dollars (\$270.00) for each of the Sites, per year, as a right-of-way fee.
- F. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations arising from its construction, installation or maintenance of its facilities.

- G. Notwithstanding any provision contained herein, neither the Borough of Somerville nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- H. The permission and authority hereby granted shall be coterminous with the approvals set forth by Resolution 18-0220-077, attached hereto as Exhibit "C."

RESOLUTION 23-1002-303

AUTHORIZING CHANGE ORDER #1 TO A CONTRACT TO DESANTIS CONSTRUCTION, INC. FOR RECONSTRUCTION OF EASTERN STATES PARKWAY AND RESURFACING OF MADISON STREET REDUCING THE CONTRACT BY \$126,008.56 FROM THE AMOUNT OF \$657,418.46 TO \$531,409.90 AND AUTHORIZING FINAL PAYMENT

WHEREAS, the Borough of Somerville awarded a contract on August 1, 2022, DeSantis Construction, Inc., PO Box 6030, Somerset, NJ 08875 for Reconstruction of Eastern States Parkway and Resurfacing of Madison Street in the amount of \$657,418.46; and

WHEREAS, during the course of the contract certain extra work, supplemental work and reductions were necessary resulting in Change Order #1 and it is necessary to approve the following: and

Change Order #	Description	Original Contract	Change Amount	New Contract
1	Adjustments to quantities	\$657,418.46	\$126,008.56	\$531,409.90

WHEREAS, DeSantis Construction, Inc., PO Box 6030, Somerset, NJ 08875 has presented final invoices and bond requirements; and

WHEREAS, the Borough of Somerville is authorized to make the final payment and close out the contract:

THEREFORE, 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 with DeSantis Construction, Inc., PO Box 6030, Somerset, NJ 08875 for Eastern States Parkway Reconstruction and Resurfacing of Madison Street reducing the amount of the contract by \$126,008.56 to a new contract amount of \$531,409.90.

RESOLUTION 23-1002-304

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 \$3,820.00 FOR A NEW CONTRACT AMOUNT OF \$43,546.67

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 subsequently amended the contract to \$39,726.67 via Resolution 23-0807-245; 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 11, 2023 in the total amount of \$3,820.00 for a new contract amount of \$43,546.67; 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, amended via resolution 23-0807-245 to \$39,726.67
2. Said Contract shall increase by \$3,820.00 for a new contract amount of \$43,546.67.
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.

RESOLUTION 23-1002-305

APPROVING SALARY ADJUSTMENT TO PAIGE ELSTER DURING THE TERM OF THE CHIEF FINANCIAL OFFICER SHARED SERVICES AGREEMENT WITH RARITAN BOROUGH

WHEREAS, the Borough of Somerville and the Borough of Raritan authorized Shared Services Agreement for sharing of, Paige Elster Chief Financial Officer; and

WHEREAS, the Borough of Somerville shall serve as host agency for the Shared Services Agreement; and

WHEREAS, the Borough of Somerville employs Paige Elster, as the Chief Financial Officer, and she serves as a exempt management employee; and

WHEREAS, the Shared Services Agreement, adopted by Resolution 23-0918-287 is for a maximum duration of six months and calls for payments made to the Borough of Somerville by the Borough of Raritan and adjustment of salary for Paige Elster; and

WHEREAS, Paige Elster's salary shall be increased by \$30,000 for the six-month period, or prorated during the term of the Shared Services Agreement; and

WHEREAS, if the Agreement were to terminate prior to the six-month period both the payments made by Raritan and adjustment to salary shall also terminate and be prorated accordingly, and

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the salary adjustment to Paige Elster during the term of the Chief Financial Officer Shared Services Agreement with Raritan Borough in the increased amount of \$30,000 and if said agreement shall terminate, the payments by Raritan Borough and the salary adjustment shall terminate and payments shall be prorated.

RESOLUTION 23-1002-306

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

WHEREAS, the County of Somerset is hosting a Diversity Festival on October 15, 2023; and

WHEREAS, approval for the event is contingent on an approved Emergency Action Plan and obtaining all the necessary departmental and agency approvals:

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

RESOLUTION 23-1002-307

APPROVING THE REDUCTION OF PERFORMANCE BOND AMOUNT FOR JOSELIN FERNANDEZ – APPLICATION #2020003Z

WHEREAS, the applicant has requested a 70% cash bond reduction and performance bond reduction; and

WHEREAS, in a letter dated September 22, 2023 from Michael Cole, PE, of Cole & Associates, LLC to Kevin Sluka, Municipal Clerk recommends the 70% bond amount reduction from \$55,416.00 to \$16,624.80, 10% in cash \$1,662.48, and bond amount of \$14,962.32;

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approves the 70% performance bond reduction for Joselin Fernandez, Application #2020003Z.

RESOLUTION 23-1003-308

AUTHROIZING A THE PROFESSIONAL SERVICES AGREEMENT WITH CHA CONSULTING, INC. TO INCLUDE ENGINEERING REVIEW AND INSPECTION SERVICES FOR PLAYGROUND CONSTRUCTION AT THE A & A SOMERVILLE, LLC BLOCK 50 LOTS 13 & 14 PROJECT

WHEREAS, the Borough Council of the Borough of Somerville anticipates the construction and other activities related to the construction of the proposed Playground to be located Block 50 lots 13 & 14 in the Kirby Avenue Redevelopment Area located in the Borough; and

WHEREAS, the Borough of Somerville contracted for an environmental Preliminary Assessment (PA) of the location(s) undertaken by Geosyntec consultants, Inc., 930 Harvest Drive, Blue Bell Pennsylvania 19422, on August 1, 2022 via Purchase Order 23-01072, and

WHEREAS, the Borough of Somerville received a Preliminary Assessment Report, Project Number 19422, dated September 2023; and

WHEREAS, the Borough of Somerville reviewed the report and distributed the report to the Somerville Environmental Commission for review; and said report shall remain on file for public inspection; and

WHEREAS, the Borough of Somerville and the developers desires to have the project constructed, and once deemed complete the playground and the property will be dedicated to the Borough; and

WHEREAS, the Borough of Somerville feels it is in the best interests to utilize CHA Consultants, Inc. 1639 Route 10 East, Suite 103, Parsippany, New Jersey 07054-4506 to complete the reviews and inspection of the project; and

WHEREAS, the Borough has engaged CHA Consultants, Inc. (CHA), as the Planning Board conflict Planner and Engineer since 2017, most recently accepted a proposal dated December 5, 2022, as conflict engineers; and

WHEREAS, this resolution will amend said agreement to include any planning review, engineering review and site inspection activities for the year 2023/4 by CHA for the proposed Playground construction project.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorize CHA Consultants 1639 Route 10 East, Suite 103, Parsippany, New Jersey 07054-4506 to

complete the reviews and inspection of the Parcview Playground Project and further authorize the Mayor and Municipal Clerk to execute all necessary documents.

RESOLUTION 23-1003-309

AUTHORIZING A NEGOTIATED CONTRACT WITH 1ST GOAL HEATING AND COOLING LLC FOR SOMERVILLE SENIOR CITIZENS HOUSING FACILITY AIR QUALITY HVAC UPGRADES

WHEREAS, the Borough of Somerville adopted Resolution 23-0821-261 authorizing negotiation of a contract for the Somerville Senior Citizens Housing Facility located at 1 Mountain Avenue; and

WHEREAS, the Borough of Somerville conducted bids on February 9, 2023 and July 6, 2023 that were unsuccessful; and

WHEREAS, the Borough of Somerville authorized T & M Associates to solicit and negotiate proposals; and

WHEREAS, 1st Goal Heating and Cooling, 271 Blackwell Street, Dover, New Jersey 07801 provided a proposal as follows:

Base Bid -\$110,000; Replacement of electrical panel \$15,000; Air Quality wall mounts \$206,800 and the Borough provided an additional work allowance for a total of \$336,800; and

WHEREAS, the Borough of Somerville received a grant from Somerset County Community Development Block Grant Program for a total of \$194,763.38; and

WHEREAS, the Borough of Somerville is able to award the Base Bid, the electrical panel and air quality wall mounted air purifiers as directed.; and

BE IT RESOLVED by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorize a contract to 1st Goal Heating and Cooling 1st Goal Heating and Cooling, 271 Blackwell Street, Dover, New Jersey 07801 in the amount not to exceed the amount available through the Somerset County Community Development Block Grant.