

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

**Monday, October 16, 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. October 2, 2023
- 4. RESOLUTION 23-1016-310 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment – CS Energy
- b. Professional Service Contracts
- c. Personnel

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. October 2, 2023
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. Animal Control Report- September
- 6. PUBLIC HEARING**
 - a. Proposed Bidder Pre-Qualification Regulations for Entry Portico and Exterior Restoration Project

7. PROCLAMATION & RECOGNITION

- a. Native American Heritage Month

8. COMMITTEE REPORTS

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

2720-23-1016 AN ORDINANCE AMENDING ORDINANCE #2702 PROVIDING FUNDING FOR VARIOUS CAPITAL PURPOSES FOR THE BOROUGH OF SOMERVILLE AND APPROPRIATING \$1,668,800 FOR SUCH PURPOSE

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 23-1016-311 THRU 23-1016-315)

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

- 23-1016-311 APPROVING PLACE-TO-PLACE TRANSFER OF LICENSE #1818-33-017-007, SOMERVILLE HOSPITALITY, LLC FROM "IN POCKET" TO BE USED AT 50 WEST MAIN STREET, SOMERVILLE, NEW JERSEY
- 23-1016-312 ADOPTING PRE-QUALIFICATION REGULATIONS FOR THE SOMERVILLE BOROUGH ENTRY PORTICO AND EXTERIOR RESTORATION PROJECT
- 23-1016-313 RESOLUTION SUPPORTING AN APPLICATION FOR AN HDSRF GRANT IN THE AMOUNT OF \$2,074,230.00 FOR THE REMEDIATION OF PORTION OF THE LANDFILL BDA REDEVELOPMENT AREA, LOCATED ON ROUTE 206 NORTH IN THE BOROUGH OF SOMERVILLE
- 23-1016-314 APPROVING THE FIRE DEPARTMENT LIGHTS PARADE ON DECEMBER 2, 2023 AT 5:30 P.M. UNTIL 10:00 P.M. AT 170 E. MAIN STREET
- 23-1016-315 APPROVING CHANGE ORDER #1 AMENDING CONTRACT WITH CAPITAL PAVING AND CONTRACTING

FOR 2021 CDBG CURB RAMPS REDUCING CONTRACT
BY \$11,894.48 FROM \$107,294.00 TO \$95,399.52

12. BILLS AND VOUCHERS

13. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinance scheduled for Introduction

ORDINANCE #2720-23-1016

**AN ORDINANCE AMENDING ORDINANCE #2702 PROVIDING
FUNDING FOR VARIOUS CAPITAL PURPOSES FOR THE BOROUGH
OF SOMERVILLE AND APPROPRIATING \$1,668,800 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 Ordinance of the Borough Council of the Borough of Somerville, in the County of Somerset, New Jersey (the "Borough") entitled "An Ordinance Providing Funding For Various Capital Purposes For The Borough Of Somerville And Appropriating \$1,668,800 For Such Purpose" finally adopted on April 3, 2023 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 2 of the Ordinance is hereby amended as follows:

"The amount of \$1,668,800 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from (a) the Capital Improvement Fund in the amount of \$1,252,300 (\$793,800 of said amount expected to be derived from a NJDOT grant), (b) Capital Surplus in the amount of \$300,000 and (c) Developer Infrastructure Trust Fund in the amount of \$116,500."

Section 3. 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 4. This amendatory ordinance shall take effect immediately upon due passage and publication according to law.

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

RESOLUTION 23-1016-311

**APPROVING PLACE-TO-PLACE TRANSFER OF LICENSE #1818-33-017-007,
SOMERVILLE HOSPITALITY, LLC FROM “IN POCKET” TO BE USED AT 50 WEST
MAIN STREET, SOMERVILLE, NEW JERSEY**

WHEREAS, an application has been filed for place-to-place transfer of Plenary Retail Consumption License 1818-33-017-007, issued to Somerville Hospitality, LLC currently held “in pocket” to be used at 50 West Main Street; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, publication in the Courier News, took place on September 27, 2023 and October 4, 2023:

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey does here by approve effective October 17, 2023, the place-to-place transfer of the aforesaid Plenary Retail Consumption License from “in pocket” to be sited at 50 West Main Street and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to premises located at 50 West Main Street, effective October 17, 2023.”

RESOLUTION 23-1016-312

**ADOPTING PRE-QUALIFICATION REGULATIONS FOR THE
SOMERVILLE BOROUGH ENTRY PORTICO AND
EXTERIOR RESTORATION PROJECT**

WHEREAS, the Borough of Somerville has received grants from the New Jersey Historic Trust in the amount of \$218,907.00 and from the Somerset County Historic Preservation Grant in the amount of \$124,031.00 for the City Hall historic preservation, including the Portico Restoration Project; and

WHEREAS, the Borough of Somerville desires to pre-qualify bidders for the Portico Restoration Project so that the project may be undertaken by a contractor with the skill and experience to perform the scope of work as defined; and

WHEREAS, New Jersey local Public Contract Law N.J.S.A. 40A: 11-1 et seq. has set forth the proper procedures for the pre-qualification of bidders at N.J.S.A. 40A: 11-25; and

WHEREAS, the project architect, HMR Associates, 821 Alexander Road, Suite 115, Princeton, New Jersey 08540 has been contracted by the Borough of Somerville and has prepared the Pre-Qualification Regulations and Bidder’s Qualification Statement; and

WHEREAS, the Pre-Qualification Statement has been reviewed and approved by the State of New Jersey Department of Community Affairs; and

WHEREAS, the Borough of Somerville advertised as per Local Public Contracts Law and conducted a public meeting on October 16, 2023, and said public hearing, included all comments, shall be recorded in the official minute book for said hearing; and

WHEREAS, after properly conducting the hearing and meeting all the requirements, it has been determined that it is in the best interest of the Borough of Somerville to adopt the Pre-Qualification Regulations for the Borough of Somerville Portico Restoration Project is adopted and directs the Municipal Clerk to provide all necessary information to the State of New Jersey as required.

RESOLUTION 23-1016-313

RESOLUTION SUPPORTING AN APPLICATION FOR AN HDSRF GRANT IN THE AMOUNT OF \$2,074,230.00 FOR THE REMEDIATION OF PORTION OF THE LANDFILL BDA REDEVELOPMENT AREA, LOCATED ON ROUTE 206 NORTH IN THE BOROUGH OF SOMERVILLE

WHEREAS, the Borough Council of the Borough of Somerville (the “Borough”) is committed to the redevelopment and remediation of a portion of the Landfill BDA Redevelopment Area located on Route 206 North in the Borough of Somerville (the “Property”) for the purpose of creating a Community Solar energy generating facility; and

WHEREAS, the Borough has determined that there has previously been a discharge of hazardous substances and/or hazardous waste on the Property; and

WHEREAS, the Borough intends to apply for a grant from the New Jersey Department of Environmental Protection (“NJDEP”) Hazardous Discharge Site Remediation Fund (“HDSRF Grant”) to fund the continuation of remediation of certain areas within the Property comprising approximately 29.5 acres within the Landfill BDA Redevelopment Area, which areas are designated on the official tax map of the Borough as Block 124, Lots 17.01 and 21, and are identified in the draft Landfill Closure and Post Closure Care Plan prepared by Geosyntec Consultants for Hathaway Solar LLC, dated July 2021 to be submitted to the NJ DEP for approval; and

WHEREAS, the draft Landfill Closure and Post Closure Care Plan refers to the Remedial Investigation Report/Remedial Action Workplan, dated June 23, 2011 (RIR/RAW), which was approved by the NJDEP September 21, 2011; and

WHEREAS, the closure of this portion of the landfill will be through the installation of a “cap and cushion” layer (cap) as specified in N.J.A.C. 7:26-2A9 (e)(4)(ii), consisting of a geotextile cushion, polyethylene geomembrane and synthetic turf to isolate the underlying fill material; and

WHEREAS, this remediation is estimated to cost \$13,432,307.00 which is intended to be funded through HDSRF Grants as identified below in the total amount of \$10,074,230.00, funding 75% of the total estimated remediation costs, and the developer and Borough will contribute the remaining estimated remediation cost balance of \$3,358,076.81; and

WHEREAS, the Borough previously applied for and received two HDSRF Grants in 2021 and 2022 totaling \$8,000,000.00 which is to be applied by the Borough toward the funding of the estimated remediation costs; and

WHEREAS, the HDSRF Grant application authorized to be submitted by this Resolution is for the sum of \$2,074,230.00 and will bring the total HDSRF Grant amounts to the sum of \$10,074,230.00.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Somerville that it hereby authorizes the submission of an application to the NJDEP for an HDSRF Grant to fund the continuation of remediation of certain areas of the Landfill BDA Redevelopment Area.

BE IT FURTHER RESOLVED, that the Mayor and Borough Administrator are authorized and directed to sign and submit to the NJDEP a HDSRF Grant application and any and all associated documents for a HDSRF Grant in the amount of \$2,074,230.00 which HDSRF Grant funds are to be utilized by the Borough to fund the remediation of certain areas of the landfill.

RESOLUTION 23-1016-314

APPROVING THE FIRE DEPARTMENT LIGHTS PARADE ON DECEMBER 2, 2023 AT 5:30 P.M. UNTIL 10:00 P.M. AT 170 E. MAIN STREET

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey memorializes the approval of the Fire Department Lights Parade on December 2, 2023 at 5:30 p.m. until 10:00 p.m. at 170 E. Main Street.

RESOLUTION 23-1016-315

APPROVING CHANGE ORDER #1 AMENDING CONTRACT WITH CAPITAL PAVING AND CONTRACTING FOR 2021 CDBG CURB RAMPS REDUCING CONTRACT BY \$11,894.48 FROM \$107,294.00 TO \$95,399.52

WHEREAS, via Resolution 22-1017-316, the Borough of Somerville awarded a contract to Capital Paving and Contracting, 67 Beaver Avenue, Suite 25, Annandale, New Jersey; and

WHEREAS, the project is complete and Change Order #1 is necessary to close out the project; and

Change Order #	Description	Original Contract	Adjustment	New Contract Amount
1	Quantity adjustments	\$107,294.00	\$(11,894.48)	\$95,399.52

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves Change Order #1 amending a contract with Capital Paving and Contracting, 67 Beaver Avenue, Suite 25, Annandale, New Jersey from \$107,294.00 to \$95,399.52.