

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

**Monday, November 6, 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 16, 2023
- 4. RESOLUTION 23-1106-317 TO ENTER INTO EXECUTIVE SESSION**

**EXECUTIVE SESSION AGENDA**

- a. Redevelopment
- b. Personnel

**COUNCIL MEETING AGENDA**

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
  - a. October 16, 2023
- 5. DEPARTMENTAL REPORTS & NOTICES**
- 6. COMMITTEE REPORTS**
- 7. PUBLIC HEARING**

## 8. DISCUSSION

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

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

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 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)

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

### (RESOLUTIONS 23-1106-318 THRU 23-1106-333)

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

23-1106-318 APPROVING THE 31st ANNUAL ST. PATRICK'S DAY PARADE FOR SUNDAY, MARCH 10, 2024 STARTING PARADE AT 1:30 P.M. AND APPROVING REQUEST FOR ROAD CLOSURE OF MAIN STREET BEGINNING AT GROVE STREET AND ENDING AT BOROUGH HALL

23-1106-319 APPROVING CHAPTER 159 FOR FUNDING THROUGH THE SOMERSET COUNTY DEPARTMENT OF HUMAN SERVICES – YOUTH SERVICES GRANT

23-1106-320 APPOINTING SCOTT SWEITZER TO SERVE ON THE SOMERVILLE HISTORIC ADVISORY COMMITTEE

23-1106-321 APPROVING THE HIRING OF CODY SHAFFER AS FULLTIME DRIVER LABORER EFFECTIVE NOVEMBER 13, 2023, AT A RATE OF \$22.00 PER HOUR

23-1106-322 AUTHORIZING SUBMISSION OF AN APPLICATION AND SUPPORT FOR THE 2023 SUSTAINABLE JERSEY-PSE&G ENERGY EFFICIENCY PARTNERSHIP PROGRAM- TRACK 3

TECHNICAL ASSISTANCE FOR ENERGY EFFICIENCY IN  
MUNICIPAL FACILITIES

- 23-1106-323 RESOLUTION AMENDING RESOLUTION 22-2307  
AUTHORIZING THE BOROUGH OF SOMERVILLE OFFICE  
OF EMERGENCY MANAGEMENT TO FACILITATE THE  
IMPLEMENTATION AND COORDINATION OF THE NIMS  
PROGRAM FOR SOMERVILLE NJ
- 23-1106-324 ACCEPTING THE RESIGNATION OF MABEL RODRIGUEZ  
EFFECTIVE NOVEMBER 28, 2023 (END OF BUSINESS ON  
NOVEMBER 27, 2023)
- 23-1106-325 APPOINTING CLAUDIA BAYAIT TO THE POSITION OF  
REGISTRAR EFFECTIVE NOVEMBER 21, 2023
- 23-1106-326 REQUESTING THAT THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION SUPPORT THE APPLICATION BY  
PSE&G TO PERFORM WORK DURING DAYTIME HOURS  
FOR THE PSE&G INFRASTRUCTURE PROJECT IN 2024 ON  
ROUTE 28 (MAIN STREET) BETWEEN DOUGHTY AVENUE  
AND GROVE STREET
- 23-1106-327 CANCELLATION OF BOROUGH TAX SALE CERTIFICATES  
NOT ISSUED FOR PILOT PROPERTIES
- 23-1106-328 RESOLUTION TO REFUND SEWER OVERPAYMENTS AS A  
RESULT OF THE SALE OF THE SEWER SYSTEM
- 23-1106-329 AUTHORIZATION TO PAY THE \$500.00 APPLICATION FEE  
FOR A GRANT FROM THE HAZARDOUS DISCHARGE SITE  
REMEDIATION FUND TO THE NEW JERSEY ECONOMIC  
DEVELOPMENT AUTHORITY (NJ EDA) FOR THE  
REMEDIATION OF PORTIONS OF BLOCK 124, LOTS 1 AND  
21 WITHIN THE FORMER MUNICIPAL LANDFILL
- 23-1106-330 ACCEPTING THE RESIGNATION OF WILLIAM DISLA  
PARKING ENFORCEMENT OFFICER EFFECTIVE  
NOVEMBER 17, 2023 (END OF BUSINESS ON NOVEMBER  
16, 2023)
- 23-1106-331 AUTHORIZING TRANSFER OF FUNDS TO FUND CERTAIN  
LINE ITEMS IN THE 2023 BUDGET
- 23-1106-332 AUTHORIZING GRANT FUNDS RECEIVED FROM THE  
OPIOID SETTLEMENT TO BE UTILIZED FOR THE  
CHALLENGE DAY PROGRAM IN THE AMOUNT NOT TO  
EXCEED \$5,000

23-1106-333 AUTHORIZING FREE PARKING IN LOTS 1,2,4,6,7 ON  
FRIDAY, DECEMBER 1, 2023, FROM 5:00 P.M. TO 10:00  
P.M. FOR HOLIDAY JUBILEE

## **12. BILLS AND VOUCHERS**

## **13. ADJOURNMENT**

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Adoption

### **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 15<sup>th</sup> and April 15<sup>th</sup>:
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 16<sup>th</sup> and October 14<sup>th</sup>.
- 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.

### **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 23-1106-318**

#### **APPROVING THE 31<sup>st</sup> ANNUAL ST. PATRICK'S DAY PARADE FOR SUNDAY, MARCH 10, 2024 STARTING PARADE AT 1:30 P.M. AND APPROVING REQUEST FOR ROAD CLOSURE OF MAIN STREET BEGINNING AT GROVE STREET AND ENDING AT BOROUGH HALL**

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the 31<sup>st</sup> Annual St. Patrick's Day Parade for Sunday, March 10, 2024 at 1:30 p.m. contingent on filing an approved Emergency Action Plan & Off- Duty Application and hereby approve the request for road Closure of Main Street beginning at Grove Street and ending at Borough Hall.

#### **RESOLUTION 23-1106-319**

#### **APPROVING CHAPTER 159 FOR FUNDING THROUGH THE SOMERSET COUNTY DEPARTMENT OF HUMAN SERVICES – YOUTH SERVICES GRANT**

**WHEREAS**, NJSA 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and



**WHEREAS**, said Director may also approve the insertion of any item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Somerville has received notice of an award of \$5,000 from the Somerset County Department of Human Services Youth Services Grant and wishes to amend its 2023 Budget to include this amount as revenue.

**NOW THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Somerville hereby requests the Director of the Division of Local Government Services to approve the amendment of an additional item of revenue in the budget of the year 2023 in the sum of.....\$5,000.00 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:  
Youth Services fiscal year 2024-Governor's  
.....\$5,000.00

**BE IT FURTHER RESOLVED** that a like sum of.....\$5,000.00  
be and the same is hereby appropriated under the caption of:

General Appropriations:  
Operations-Excluded from "CAPS"  
Public and Private Programs Offset by Revenues:  
Municipal Alliance-Governor's Council on Alcoholism

**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 23-1106-320**

**APPOINTING SCOTT SWEITZER TO SERVE ON THE SOMERVILLE HISTORIC  
ADVISORY COMMITTEE**

**BE IT RESOLVED**, that the Mayor appoints and the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby consents to the appointment of Scott Sweitzer to serve on the Somerville Historic Advisory Committee for 2023.

**RESOLUTION 23-1106-321**

**APPROVING THE HIRING OF CODY SHAFFER AS FULLTIME DRIVER LABORER  
EFFECTIVE NOVEMBER 13, 2023, AT A RATE OF \$22.00 PER HOUR**

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hires Cody Shaffer as a fulltime Driver Laborer in accordance with offer letter dated November 2, 2023, at a rate of \$22.00 per hour.

**RESOLUTION 23-1106-322**

**AUTHORIZING SUBMISSION OF AN APPLICATION AND SUPPORT FOR THE 2023 SUSTAINABLE JERSEY-PSE&G ENERGY EFFICIENCY PARTNERSHIP PROGRAM- TRACK 3 TECHNICAL ASSISTANCE FOR ENERGY EFFICIENCY IN MUNICIPAL FACILITIES**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Borough of Somerville strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**[WHEREAS**, the Borough of Somerville is participating in Sustainable Jersey; and

**WHEREAS**, one of the purposes of Sustainable Jersey is to provide resources to municipalities to make progress on sustainability issues, and they have created the 2023 Sustainable Jersey-PSE&G Energy Efficiency Partnership Program to help increase energy efficiency for residents, businesses, and municipal facilities.

**THEREFORE**, the Borough Council of the Borough of Somerville has determined that the Borough of Somerville should apply for the aforementioned 2023 Sustainable Jersey-PSE&G Energy Efficiency Partnership Program for Technical Assistance for energy efficiency in municipal facilities.

**THEREFORE**, the Borough of Somerville is applying for the 2023 Sustainable Jersey-PSE&G Energy Efficiency Partnership Program, will provide staff support for all activities related to the Sustainable Jersey-PSE&G Energy Efficiency Partnership Program, including examining Engine Company, West End Hose Company and the Emergency Services Facility for energy efficiency and energy improvements; and will

- Identify one or more staff to serve as primary contacts for Sustainable Jersey for energy efficiency in municipal facilities.
- Provide access to utility bills and other energy records as needed for the project (energy efficiency in municipal facilities)
- Commit to attend a virtual kick-off event and other virtual trainings (energy efficiency outreach campaigns)
- Provide support from relevant finance, facility, and other staff as needed for project implementation.

**THEREFORE, BE IT RESOLVED**, that Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey authorizes the Borough Administrator to

submit the aforementioned application to the 2023 Sustainable Jersey-PSE&G Energy Efficiency Partnership Program and all documents required as part of the application.

### **RESOLUTION 23-1106-323**

#### **RESOLUTION AMENDING RESOLUTION 22-2307 AUTHORIZING THE BOROUGH OF SOMERVILLE OFFICE OF EMERGENCY MANAGEMENT TO FACILITATE THE IMPLEMENTATION AND COORDINATION OF THE NIMS PROGRAM FOR SOMERVILLE NJ**

**WHEREAS**, on February 28, 2003, the President of the United States, issued in cooperation with representatives of federal, state, and local government, to develop a National Incident Management Systems (NIMS) to provide a consistent approach to the effective management of situations involving natural disasters, man-made disasters or terrorism. Further, this directive will enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system. The HSPD-5 required that state and local governments adopt the NIMS as a pre-condition to the receipt of federal grants, and other activities related to the management and preparedness for certain disaster and hazard situations; and

**WHEREAS**, On August 5, 2003, the Governor of the State of New Jersey issued Executive Order #50 requiring counties and municipalities to adopt the NIMS standards; and

**WHEREAS**, on April 4, 2006, the County of Somerset issued resolution 06-243 authorizing the Somerset County Office of Emergency Management to oversee the National Incident Management System (NIMS) Program for Somerset County. At that time, the Board of Chosen Freeholders of the County of Somerset direct appropriate department heads to adopt HSPD-5 and New Jersey Executive Order #50 and modify internal operating guidelines and standards including by-laws and to train emergency responders and staff and comment to NIMS standard as appropriate; and

**WHEREAS**, as of April 28<sup>th</sup>, 2015, all Somerset County municipalities have adopted an ordinance accepting NIMS as the management system for emergency incidents; and

**WHEREAS**, the Incident Command System, a component of NIMS dictates positions, titles, and responsibilities of first responders; and

**WHEREAS**, on July 20, 2021, the Governor of the State of New Jersey issued Executive Order #248 which rescinded Executive Order #50; and

**WHEREAS**, Executive Order #248 declares that NIMS shall continue as the standard for incident management for all planned events and incidents in this State; and

**WHEREAS**, Executive Order #248 authorizes all State, county and municipal agencies to issue such directives, administrative orders, regulations and other guidance as may be necessary to mandate the use of NIMS at all planned events and incidents by personnel within their subject areas of responsibility; and

**WHEREAS**, on August 18, 2021, the State Office of Emergency Management issued Directive NJOEM-1 (2021) which provides the minimum training standards that are required for all requiring counties and municipalities to adopt; and

**WHEREAS**, on October 12, 2022, the State Office of Emergency Management issued Directive NJOEM-10 (2022) which declares ICS (Incident Command System) shall be used to manage any type of incident, including planned events and ICS is applicable to all types of incidents, regardless of their size or cause; and

**WHEREAS**, all incident personnel, first responders or emergency response providers, Municipal Emergency Management Coordinators, EOC Command and General Staff, Public Information Officers, MAC/Policy Group Personnel and Senior Elected and Senior Elected and Appointed Official in all municipalities within Somerset County shall adhere to the training requirements set forth in Executive Order NJOEM-1 (2021) and any amendments thereafter; and

**WHEREAS**, the Borough of Somerville Emergency Management Coordinator and Deputies shall adhere to the training requirements set forth in Executive Order NJOEM-1 (2021) and any amendments thereafter; and

**WHEREAS**, all Borough of Somerville Emergency Management Coordinator and Deputies are required to follow the following training guidelines; and

Policy Group Training Requirements

- ICS 402

EOC Director/EOC Deputies Training Requirements

- ICS 100
- ICS 200
- ICS 300
- ICS 400
- IS 700
- IS 800
- G-191
- IS-220
- G2300
- Somerset County EOC Training
- EMMIT Training

ESF Coordinators/Deputies Training Requirements

- ICS 100
- ICS 200
- IS 700
- IS 800
- Somerset County EOC Training
- EMMIT Training

Support Staff Training Requirements

- ICS 100
- IS 700
- IS 800

**WHEREAS**, the Borough of Somerville Emergency Management Coordinator shall also be the Borough of Somerville NIMS Coordinator; and

**WHEREAS**, the Borough of Somerville NIMS Coordinator shall oversee the NIMS program to ensure that jurisdictions within the County, involved in any stage of an incident or planned event, are compliant with the NIMS standards set forth by the Homeland Security Presidential Directive (HSPD)-5 and New Jersey Executive Order #248; and all NJOEM Directives; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Clerk of the Somerville Borough Council are hereby authorized to accept the amendments of Resolution 22-2307 to have the changes stated in this document implemented by the Borough of Somerville NIMS Coordinator which is the authorized agent to facilitate implementation and coordinate the NIMS Program for the Borough of Somerville.

#### **RESOLUTION 23-1106-324**

#### **ACCEPTING THE RESIGNATION OF MABEL RODRIGUEZ EFFECTIVE NOVEMBER 28, 2023 (END OF BUSINESS ON NOVEMBER 27, 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 Mabel Rodriguez effective November 28, 2023 (end of business November 27, 2023). We thank her and wish her well with all her future endeavors.

#### **RESOLUTION 23-1106-325**

#### **APPOINTING CLAUDIA BAYAIT TO THE POSITION OF REGISTRAR EFFECTIVE NOVEMBER 21, 2023**

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby appoints Claudia Bayait to the position of Registrar in accordance with offer of employment dated October 28, 2023, at an annual salary of \$67,704.

#### **RESOLUTION 23-1106-326**

#### **REQUESTING THAT THE NEW JERSEY DEPARTMENT OF TRANSPORTATION SUPPORT THE APPLICATION BY PSE&G TO PERFORM WORK DURING DAYTIME HOURS FOR THE PSE&G INFRASTRUCTURE PROJECT IN 2024 ON ROUTE 28 (MAIN STREET) BETWEEN DOUGHTY AVENUE AND GROVE STREET**

**WHEREAS**, Route 28 between Doughty Avenue and Grove Street is commonly known as Somerville's Main Street; and

**WHEREAS**, Main Street, Somerville is one of the most recognized downtowns in New Jersey, home to over a hundred restaurants, retail and service providers; and

**WHEREAS**, during the month of October work was performed starting at night 7:00 p.m. and parking restrictions at 6:00 p.m. for a small segment of East Main Street that impacted restaurants and retailers negatively; and

**WHEREAS**, we recognize that the work must be completed and has a tremendous value to the Borough of Somerville; however it needs to be performed in a manner that would cause less impact to the small business owners on our thriving Main Street; and

**WHEREAS**, PSE&G has been able to coordinate with the Borough of Somerville on various aspects of the project and has accommodated the borough working around various events held in the borough, providing weekly notifications and working with our communications team to provide accurate information; and

**WHEREAS**, during the pandemic many of these businesses were hurt and many have rebounded successfully, however we need to ensure that we continue to do everything possible to create an environment in which they all succeed and we feel that daytime hours in 2024 would provide a better environment for them to do so; and

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey has requested that Public Service Electric & Gas petition the State of New Jersey, Department of Transportation to authorize daytime work on this project from January through March and the Borough of Somerville requests the New Jersey Department of Transportation support the application by PSE&G to perform daytime work for the PSE&G Infrastructure Project in 2024.

### **RESOLUTION 23-1106-327**

#### **CANCELLATION OF BOROUGH TAX SALE CERTIFICATES NOT ISSUED FOR PILOT PROPERTIES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Somerville, New Jersey, that:

**WHEREAS**, the Tax Collector has determined that Tax Sale Certificates #23-00025 and 23-00026, sold by the Borough of Somerville on October 18, 2023 but not issued to lien holder for delinquent balances on PILOT properties, be canceled due to 30-day default letter, stated in the PILOT agreement, was not issued; and

**WHEREAS**, the Tax Collector is authorized to issue refunds to the lien holder for original amount of Tax Sale Certificates; and

**WHEREAS**, the properties listed below still have delinquent PILOT balances and the 30 day default letter will be issued and liens sold at tax sale in 2024 if balances remain:

<b>Block/Lot/Qualifier</b>	<b>Address</b>	<b>TSC # to be cancelled</b>	<b>Amount</b>	<b>Sold To</b>
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123.04/2.06/C0407	83 Robeson St.	23-00025	\$3,176.97	Benjamin Fleck
123.04/2.06/C0407	1036 Station Rd.	23-00026	\$5,176.71	Benjamin Fleck

Total refund \$8,353.68

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Somerville, New Jersey, that tax sale certificates noted above be cancelled and refunds issued.

### **RESOLUTION 23-1106-328**

#### **RESOLUTION TO REFUND SEWER OVERPAYMENTS AS A RESULT OF THE SALE OF THE SEWER SYSTEM**

**WHEREAS**, a sewer overpayments have occurred on properties in the Borough of Somerville; and

**WHEREAS**, the Sewer Collector has researched and determined that refunds for the attached list should be issued on these accounts due to the sale of the sewer system to New Jersey American Water; and

**WHEREAS**, the total refund is \$7,514.35 for 53 properties attached.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sewer Collector be instructed to refund the amounts for the blocks, and lots listed in attachment.

### **RESOLUTION 23-1106-329**

#### **AUTHORIZATION TO PAY THE \$500.00 APPLICATION FEE FOR A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND TO THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY (NJ EDA) FOR THE REMEDIATION OF PORTIONS OF BLOCK 124, LOTS 1 AND 21 WITHIN THE FORMER MUNICIPAL LANDFILL**

**WHEREAS**, the Borough of Somerville (the "Borough") intends to redevelop and remediate a portion of the Landfill BDA located on Route 206 North in the Borough of Somerville (the "Property") for the purpose of creating a solar energy generating facility; and

**WHEREAS**, the Borough of Somerville wishes to undertake an environmental remediation for this site, and;

**WHEREAS**, the Borough of Somerville has applied to the NJ Department of Environmental Protection (NJ DEP) for a supplemental Remediation grant in the amount of \$2,074,230 from the Hazardous Discharge Site Remediation Fund (HDSRF) representing 75% of the remediation cost to undertake this remediation; and

**WHEREAS**, the NJ DEP has determined the application is eligible for a grant from the fund and has advised the NJ EDA of this determination; and

**WHEREAS**, THE NJ EDA has previously assigned grant number “Product 289000” (\$3 million) and “Product 301883” (\$5 million) for this project and has now requested the Borough pay a \$500.00 application fee for this supplemental grant to the NJ EDA; and

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Somerville that the above referenced grant application has been submitted, and hereby authorize the Borough Administrator to issue a check to the NJ EDA in the amount of \$500.00 for the grant application fee; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority with the application fee check.

**RESOLUTION 23-1106-330**

**ACCEPTING THE RESIGNATION OF WILLIAM DISLA  
PARKING ENFORCEMENT OFFICER EFFECTIVE NOVEMBER 17, 2023  
(END OF BUSINESS ON NOVEMBER 16, 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 William Disla effective November 17, 2023 (end of business November 16, 2023).

**RESOLUTION 23-1106-331**

**AUTHORIZING TRANSFER OF FUNDS TO FUND CERTAIN LINE ITEMS IN THE  
2023 BUDGET**

**WHEREAS**, transfers are allowed during the last two months of the year and first three months of the year, as per NJSA 40:4-58, and

**WHEREAS**, additional funds are needed to fund certain line items in the 2023 municipal budget; and

**WHEREAS**, there are excess funds in some appropriations to cover these transfers:

**NOW, THEREFORE, BE IT RESOLVED**, that the following transfers be made:

<b>AMOUNT</b>	<b>FROM</b>	<b>ACCOUNT #</b>
\$1,300.00	Community Development S&W	3-01-22-195-000-111
\$2,100.00	Community Development S&W	3-01-22-195-000-111
\$2,000.00	Administrative & Exec. S&W	3-01-20-100-000-111
\$25,000.00	DPW Roads OE Contract Svcs.	3-01-26-290-000-554
\$10,000.00	Administrative & Exec. OE	3-01-20-100-000-649

**TO**



\$1,300.00	Electrical Inspector S&W	3-01-22-195-002-111
\$2,100.00	Planning Board OE	3-01-21-180-000-659
\$2,000.00	Elections S&W	3-01-20-120-000-112
\$25,000.00	Parks & Grounds OE	3-01-28-375-000-533
\$10,000.00	Social Security	3-01-36-472-000-686

Total Funds Transferred \$40,400.00

**RESOLUTION 23-1106-332**

**AUTHORIZING GRANT FUNDS RECEIVED FROM THE OPIOID SETTLEMENT TO BE UTILIZED FOR THE CHALLENGE DAY PROGRAM IN THE AMOUNT NOT TO EXCEED \$5,000**

**WHEREAS**, the Borough of Somerville participated in the National Opioid Settlements; and

**WHEREAS**, the Borough of Somerville accepted funds that were eligible to provide for drug awareness, substance use and substance abuse; and

**WHEREAS**, the Borough of Somerville and the Somerville Municipal Alliance Commission has reviewed the Challenge Day Program and found that in the past the program was beneficial to the 8<sup>th</sup> grade students at the Somerville Middle School; and

**WHEREAS**, Challenge Day Program as described on the “Somerville Municipal Alliance Commission Request for Program Funding Application” is an appropriate and acceptable use of the funds; and

**WHEREAS**, Borough of Somerville approves funding from the opioid settlement funds up to amount of \$5,000; and

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves a grant in the amount not to exceed \$5,000 from the opioid settlement for Challenge Day Program as outlined in the Somerville MAC Request for Program Funding.

**RESOLUTION 23-1106-333**

**AUTHORIZING FREE PARKING IN LOTS 1,2,4,6,7 ON FRIDAY, DECEMBER 1, 2023, FROM 5:00 P.M. TO 10:00 P.M. FOR HOLIDAY JUBILEE**

**BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes free parking in Lots, 1,3,4,6 & 7 on Friday, December 1, 2023 from 5:00 p.m. to 10:00 p.m. for Holiday Jubilee.