

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

**Tuesday, February 20, 2024
Executive Session 6:00 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. February 5, 2024
- 4. RESOLUTION 24-0220-061 TO ENTER INTO EXECUTIVE SESSION**

EXECUTIVE SESSION AGENDA

- a. Redevelopment
- b. Personnel
- c. Litigation

COUNCIL MEETING AGENDA

- 1. OPEN PUBLIC MEETING LAW STATEMENT**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**
- 4. APPROVAL OF MINUTES**
 - a. February 5, 2024
- 5. DEPARTMENTAL REPORTS & NOTICES**
 - a. 2-12-24 DLGS approval to utilize a prequalification process for the Entry and Exterior Restoration at Somerville Borough Hall
 - b. 2023 Annual Financial Statement filed.
 - c. Vanderveer Elementary School student letters to Mayor & Council

6. COMMITTEE REPORTS

7. DISCUSSION ITEM

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

2727-24-0205 AMENDING CHAPTER 147 SECTION 5 ENTITLED "PERMITTED NUMBER OF STICKERS; STICKERS, BULK ITEMS" SPECIFICALLY AMENDING SECTION (B) AMENDING THE COSTS FOR STICKERS TO SIX DOLLARS (\$6) AND SPECIFICALLY ALLOWING BULK ITEMS TO BE PART OF THE SANITATION STICKER PROGRAM

2728-24-0205 ORDINANCE TO EXCEED THE CY 2024 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

9. 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)

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

(RESOLUTIONS 24-0220-062 THRU 24-0220-073)

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

24-0220-062 AUTHORIZING A REFUND OF \$1,950.00 TO DGM STATION HOUSE, LLC APPLICATION #2016-006P FROM THE ESCROW ACCOUNT

24-0220-063 AUTHORIZING A REFUND OF \$80.00 TO K OF C #1432 SOMERVILLE COUNCIL FOR RAFFLE LICENSE NUMBER RL-23-012

24-0220-064 AMENDING RESOLUTION 24-0116-038 AUTHORIZING INVOICING FOR 2024 PARKING IMPACT FEES TO REMOVE 15-23 DIVISION STREET FROM INVOICING FOR 2024

24-0220-065 AUTHORIZING A REFUND OF \$3,315.95 TO PATRICIA GARAY AT 122 BARTINE STREET - APPLICATION #2022-010Z FROM THE ESCROW ACCOUNT

- 24-0220-066 NOTICE OF INTENT TO UTILIZE THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) TO AWARD A CONTRACT TO BEN SHAFFER RECREATION, INC., FOR PLAYGROUND INSTALLATION AND SAFETY SURFACE AT WALCK PARK
- 24-0220-067 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR REDEVELOPMENT COUNSEL TO RAINONE COUGHLIN MINCHELLO ATTORNEYS AT LAW
- 24-0220-068 ADOPTING JOB TITLE AND JOB DESCRIPTION FOR SENIOR RECORDS CLERK-ADMINISTRATIVE ASSISTANT
- 24-0220-069 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SURVEYING, ENGINEERING DESIGN AND CONTRACT ADMINISTRATION & INSPECTION SERVICES TO T&M ASSOCIATES FOR SERVICES FOR 2023 SAFE STREETS TO TRANSIT
- 24-0220-070 AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE SOMERVILLE BOARD OF EDUCATION AND THE BOROUGH OF SOMERVILLE FOR SALTING SERVICES AND RELATED SERVICES
- 24-0220-071 APPROVING PARKING PERMIT OVERPAYMENT REFUND FOR 64 WEST MAIN STREET IN THE AMOUNT OF \$500.00
- 24-0220-072 AUTHORIZING APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY FOR FISCAL YEAR 2023 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR COMMUNICATIONS EQUIPMENT
- 24-0220-073 APPROVING THE HIRING OF LINDSAY GRADE AS ADMINISTRATIVE ASSISTANT TO THE CHIEF OF POLICE

11. BILLS AND VOUCHERS

12. ADJOURNMENT

KEVIN SLUKA, MUNICIPAL CLERK

Ordinances scheduled for Adoption

ORDINANCE NO. 2727-24-0205

AMENDING CHAPTER 147 SECTION 5 ENTITLED “PERMITTED NUMBER OF STICKERS; STICKERS, BULK ITEMS” SPECIFICALLY AMENDING SECTION (B) AMENDING THE COSTS FOR STICKERS TO SIX DOLLARS (\$6) AND SPECIFICALLY ALLOWING BULK ITEMS TO BE PART OF THE SANITATION STICKER PROGRAM

Amending Chapter 147 Section 5 (B) to read as follows:

B. ~~The initial price for a sticker for a garbage bag shall be three dollars (\$3). The price shall be amended from time to time by Mayor and Council.~~ The fee for each sticker is six dollars (\$6) per household trash per each additional garbage bag Household bulk items may be disposed of under the Sanitation Sticker Program only if the item is allowed under the local solid waste program. The number of stickers required for each bulk item is identified at the Municipal Clerk’s Office. The stickers shall be paid in advance of pickup. Bulk items that do not have the appropriate number of stickers shall not be picked up and shall be subject to local code enforcement rules.

Bulk items that have the appropriate number of stickers shall be placed at curbside with the regular household waste in accordance with policy.

The effective date shall be July 1, 2024.

ORDINANCE #2728-24-0205

ORDINANCE TO EXCEED THE CY 2024 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap law, NJSA 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15 provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Somerville, in the County of Somerset, New Jersey, finds it advisable and necessary to increase its CY 2024 budget by up to 3.5 % over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$170,925.28 in excess of the increase in final

appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years:

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Somerville, in the County of Somerset, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Somerville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$598,273.48 and that the CY 2024 municipal budget for the Borough of Somerville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

This Ordinance shall take effect after publication in accordance with applicable law.

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

RESOLUTION 24-0220-062

AUTHORIZING A REFUND OF \$1,950.00 TO DGM STATION HOUSE, LLC APPLICATION #2016-006P FROM THE ESCROW ACCOUNT

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the refund from the escrow account of \$1,950.00 to DGM Station House, LLC application #2016-006P.

RESOLUTION 24-0220-063

AUTHORIZING A REFUND OF \$80.00 TO K OF C #1432 SOMERVILLE COUNCIL FOR RAFFLE LICENSE NUMBER RL-23-012

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the refund from the escrow account of \$80.00 to K OF C #1432 SOMERVILLE COUNCIL raffle license number RL-23-012.

RESOLUTION 24-0220-064

AMENDING RESOLUTION 24-0116-038 AUTHORIZING INVOICING FOR 2024 PARKING IMPACT FEES TO REMOVE 15-23 DIVISION STREET FROM INVOICING FOR 2024

WHEREAS, the following entities are required to pay parking impact fees for 2024; and

WHEREAS, the Borough Council authorizes the issuance of invoices annually.

<u>Location</u>	<u>Block & Lot</u>	<u>Owner</u>	<u>2023</u>
66-76 & 78-84 W. Main Street	Block 114 Lots 23 & 24	DGM West Management LLC 313 US Highway N. Suite 9 Chester, NJ 07930	\$2,520.00
6 N. Doughty Avenue	Block 115 Lots 27.02	DGM West Management LLC 313 US Highway N. Suite 9 Chester, NJ 07930	\$6,120.00
24 Division Street	Block 118 Lot 16	24 Division Redev. 407 Frederick Avenue S. Plainfield, NJ 07080	\$360.00
9-13 Division Street	Block 119 Lot 22	9-13 Division Street, LLC 157 Hillside Terrace Staten Island NY 10308	\$1,440.00
55-57 West Main Street	Block 118 Lot 11	Alpine Holdings Group 27 Mehan Avenue Raritan, NJ 08869	\$1,440.00
15-23 Division Street	Block 119 Lot 21.01	Manasquan Bank 2221 Landmark Place Wall, NJ 08736	\$1,440.00
Wolfgang's Valet Parking			\$1,404.00
Cobalt parking in Garage		The Cobalt Urban Renewal, LLC 41 Bayard Street New Brunswick, NJ 08901	\$6,400.00 per 1/4 \$12,480.00 per 1/2 \$23,040 per year
The Davenport		The Davenport Urban Renewal, LLC 41 Bayard Street New Brunswick, NJ 08901	\$800.00 per 1/4 \$1,560.00 per 1/2 \$2,880.00 per year
Station House parking in Garage	Block 611 Lots 4, 5 & 6.01	DGM Station House Urban Renewal, LLC 313 Route 206, Suite 9 Chester, NJ 07930	\$4,000.00 per 1/4 \$7,800.00 per 1/2 \$14,400.00 per year

THEREFORE, BE IT RESOLVED by the governing body of the Borough of Somerville hereby authorizes the Borough Clerk to invoice the property owners as listed in the preamble.

BE IT FURTHER RESOLVED, that an audit will be conducted to identify any due past balances and liens shall be attached for outstanding balances.

RESOLUTION 24-0220-065

**AUTHORIZING A REFUND OF \$3,315.95 TO PATRICIA GARAY AT
122 BARTINE STREET - APPLICATION #2022-010Z FROM THE
ESCROW ACCOUNT**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the refund from the escrow account of \$3,315.95 to Patricia Garay at 122 Bartine Street - Application #2022-010Z.

RESOLUTION 24-0220-066

**NOTICE OF INTENT TO UTILIZE THE EDUCATIONAL SERVICES COMMISSION OF
NEW JERSEY (ESCNJ) TO AWARD A CONTRACT TO BEN SHAFFER
RECREATION, INC., FOR PLAYGROUND INSTALLATION AND SAFETY SURFACE
AT WALCK PARK**

WHEREAS, the Borough of Somerville intends to utilize the Educational Services Commission of New Jersey (ESCNJ) to award a contract to Ben Shaffer Recreation, Inc., for playground installation and safety surface at Walck park; and

WHEREAS, the Borough of Somerville is a member of ESCNJ Cooperative and has utilized ESCNJ previously; and

WHEREAS, Ben Shaffer Recreation, Inc., holds contracts ESCNJ 20/21-02 and ESCNJ 20/21-22.

WHEREAS, an opportunity to comment regarding this intent to award by submission of a letter or email to the Borough Clerk:

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby issues a notice of intent to award a contract utilizing ESCNJ to Ben Shaffer Recreation, Inc., and an opportunity to comment is being provided.

RESOLUTION 24-0220-067

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR REDEVELOPMENT COUNSEL TO RAINONE COUGHLIN MINCHELLO
ATTORNEYS AT LAW**

WHEREAS, the Borough of Somerville requires professional legal services to serve as Redevelopment Counsel to consult for the Borough as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.7; and

WHEREAS, the Borough Administrator has determined and certified in writing by copy of this Resolution that the value of the contract will exceed \$17,500; and

WHEREAS, the firm of Rainone Coughlin Minchello Attorneys At Law submitted a proposal dated November 17, 2023 that exhibited a familiarity with the Borough of Somerville, experience with municipalities within the County, public clients of similar size, projects of similar size, and an hourly rate acceptable to the Borough; and

WHEREAS, the Borough of Somerville has utilized the firm of Rainone Coughlin Minchello Attorneys at Law in the past and found their work to be satisfactory; and

WHEREAS, the firm of Rainone Coughlin Minchello Attorneys At Law has submitted a proposal along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable the firm of Rainone Coughlin Minchello Attorneys At Law to provide such services; and

WHEREAS, the firm of Rainone Coughlin Minchello Attorneys At Law shall serve as Redevelopment Counsel in accordance with their proposal dated November 17, 2023 for a period one year.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Somerville, County of Somerset, State of New Jersey as follows:

1. A professional services contract with Rainone Coughlin Minchello Attorneys at Law, 555 US Highway One South, Suite 440, Iselin, New Jersey 08830 is hereby authorized.
2. The Mayor and Clerk are authorized to sign a contract with Rainone Coughlin Minchello Attorneys at Law, 555 US Highway One South, Suite 440, Iselin, New Jersey 8830 in accordance with the following terms and conditions:
 - A. Term: A period of not to exceed 12 months or for length of project
 - B. Rate: \$165 hourly blended rate for the services of all attorneys shall be charged for services being charged to the Borough of Somerville, as per proposal dated November 17, 2023. For Redevelopment matters a rate of three hundred (\$300) per hour is charged against developers' escrows.

Total amount should not exceed \$50,000 for municipal charges.

C. Services: The firm shall provide professional Legal Counsel on redevelopment matters.

3. The Borough Clerk in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Official Newspaper stating the nature, duration, service and amount of this contract.
4. The Borough Clerk shall make copies of this resolution available for public inspection at the Municipal Building, 25 West End Avenue, Somerville, NJ during regular business hours.

RESOLUTION 24-0220-068

ADOPTING JOB TITLE AND JOB DESCRIPTION FOR SENIOR RECORDS CLERK-ADMINISTRATIVE ASSISTANT

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby adopts a job title and job description of Senior Records Clerk-Administrative Assistant.

RESOLUTION 24-0220-069

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SURVEYING, ENGINEERING DESIGN AND CONTRACT ADMINISTRATION & INSPECTION SERVICES TO T&M ASSOCIATES FOR SERVICES FOR 2023 CAROL PAGER ADA PLAYGROUND EXPANSION PROJECT

WHEREAS, the Borough of Somerville requires professional surveying, engineering and contract administration & inspection services; and

WHEREAS, the Borough Administrator has determined and certified in writing by copy of this Resolution that the value of the contract will exceed \$17,500; and

WHEREAS, the firm of T&M Associates submitted a proposal that exhibited a familiarity with the Borough of Somerville, experience with municipalities within the County, public clients of similar size, projects of similar size, budgets of similar size and a rate schedule acceptable to the Borough; and

WHEREAS, the Borough of Somerville has utilized the firm of T&M Associates., in the past and found their work to be satisfactory; and

WHEREAS, the firm of T&M Associates has submitted a proposal along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable the firm of T&M Associates to provide such services; and

WHEREAS, the firm of T&M Associates shall serve as project engineer in accordance with their proposal dated February 14, 2024

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Somerville, County of Somerset, State of New Jersey as follows:

1. A professional services contract with T&M Associates, 1455 Broad Street, Suite 250, Bloomfield, NJ 07003 is hereby authorized
2. The Mayor and Clerk are authorized to sign a contract with T&M Associates, 1455 Broad Street, Suite 250, Bloomfield, NJ 07003 in accordance with the following terms and conditions:
 - A. Term: A period of not to exceed 12 months or for length of project
 - B. Rate: \$19,600.00
 - C. Services: The firm shall provide Professional Surveying, Engineering and Contract Administration & Inspection Services
3. The Borough Clerk in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Official Newspaper stating the nature, duration, service and amount of this contract.
4. The Borough Clerk shall make copies of this resolution available for public inspection at the Municipal Building, 25 West End Avenue, Somerville, NJ during regular business hours.

RESOLUTION 24-0220-70

AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE SOMERVILLE BOARD OF EDUCATION AND THE BOROUGH OF SOMERVILLE FOR SALTING SERVICES AND RELATED SERVICES

WHEREAS, the Board of Education is desirous of contracting with the Borough of Somerville for salting services and related services; and

WHEREAS, the Interlocal Services Act N.J.S.A. 40:8A-1 et. seq., authorizes and empowers the Borough and Board of Education to enter such an agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset State of New Jersey hereby authorize the Mayor and Municipal Clerk to execute the Interlocal Services Agreement between the Board of Education and the Borough of Somerville for salting services and related services.

RESOLUTION 24-0220-071

**APPROVING PARKING PERMIT OVERPAYMENT REFUND FOR
64 WEST MAIN STREET IN THE AMOUNT OF \$500.00**

WHEREAS, a parking permit overpayment has occurred on property in the Borough of Somerville; and

WHEREAS, the parking utility supervisor and finance department has researched and determined that a refund should be issued.

NOW, THEREFORE, BE IT RESOLVED, that the finance officer be instructed to refund the duplicate payment to the individual listed below:

Joseph Godby 64 W. Main St. Somerville \$500.00

RESOLUTION 24-0220-072

**AUTHORIZING APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY
FOR FISCAL YEAR 2023 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM
FOR COMMUNICATIONS EQUIPMENT**

WHEREAS, the Borough of Somerville is making application to the Department of Homeland Security Fiscal Year 2023 Assistance to Firefighter's Grant; and

WHEREAS, the Borough of Somerville Fire Department has identified a funding need for communications equipment that is eligible under the FY 2023 Assistance to Firefighters Grant; and

WHEREAS, in accordance with the terms and conditions of the grant application the Mayor and Borough Council agrees to fund 5% of the grant on a project estimate of \$940,000.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes and endorses the submission of an application to the Department of Homeland Security for Fiscal Year 2023 Assistance to Firefighters Grant Program for communications equipment.

RESOLUTION 24-0220-073

**APPROVING THE HIRING OF LINDSAY GRADE AS ADMINISTRATIVE ASSISTANT
TO THE CHIEF OF POLICE**

WHEREAS, the Borough of Somerville advertised for the position of Administrative Assistant to the Chief in accordance with policy and AFSCME Collective Bargaining Agreement and interviews were conducted by the Somerville Police Department; and

WHEREAS, the Chief of Police recommended the hiring of Lindsay Grade effective February 21, 2024; and

WHEREAS, an offer employment was made via letter dated January 31, 2024 and accepted by Lindsay Grade; and

WHEREAS, the annual salary is \$50,000 and shall be prorated for 2024

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the hiring of Lindsay Grade as Administrative Assistance to the Police Chief at an annual salary of \$50,000 prorated for 2024 effective February 21, 2024.