

Somerville, NJ December 5, 2016

**BOROUGH OF SOMERVILLE
COUNCIL MEETING AGENDA**

1. Roll Call
2. Salute to the Flag
3. Swearing-In United States Marine Corps – Performed by Captain Wecksler also in attendance Sgt. Gonzalez
 - a. Max Madrazo
 - b. Eric Montano
 - c. Marco Pigna
4. Approval of Minutes
 - a. November 21, 2016
5. Departmental Reports & Important Notices
6. Committee Reports
7. Discussion Items:
8. Meeting Open to the Public

9. ORDINANCES FOR INTRODUCTION

2510-16-1205 ADOPTING THE GASTON AVENUE REDEVELOPMENT
PLAN FOR THE GASTON AVENUE REDEVELOPMENT
AREA PURSUANT TO N.J.S.A. 40A:12A-1ET SEQ.

2511-16-1205 AMENDING THE BOROUGH CODE BY REPEALING
CHAPTER 36 ENTITLED “BOARD OF RECREATION
COMMISSIONERS” AND ADOPTING CHAPTER 5,
SECTION 75 ARTICLE VIII ENTITLED DEPARTMENT OF
RECREATION AND ADOPTING CHAPTER 5, SECTION 61
ENTITLED RECREATION COMMITTEE

10. CONSENT RESOLUTIONS (any items pulled off consent agenda is required to have a motion and roll call vote)

(Resolutions 16-1205-466 thru 16-1205-478)

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|-------------|---|
| 16-1205-466 | AMENDING TERM EXPIRATION DATE ON RESOLUTION16-0815-319
APPOINTING ERNST MICHEL TO THE DOWNTOWN SOMERVILLE
ALLIANCE |
| 16-1205-467 | AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE
FUNDS FROM ESCROW ACCOUNT – STERLING
SOMERVILLE URBAN RENEWAL CO. TO DRIVER
ASSOCIATES, LLC |
| 16-1205-468 | AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE
FUNDS FROM ESCROW ACCOUNT VMD ASSOCIATES, LLC TO DRIVER
ASSOCIATES, LLC |
| 16-1205-469 | AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE
FUNDS FROM ESCROW ACCOUNT SOMERSET
DEVELOPMENT, LLC TO DRIVER ASSOCIATES, LLC |
| 16-1205-470 | AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM
ESCROW ACCOUNT – 40 HAYNES STREET REDEVELOPMENT LLC FOR
DRIVER ASSOCIATES, LLC |
| 16-1205-471 | AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM
ESCROW ACCOUNT DESAPIO PROPERTIES TO DRIVER ASSOCIATES, LLC |

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- 16-1205-472 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT CRUSADER SERVICING TO DRIVER ASSOCIATES, LLC
- 16-1205-473 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – JSM LANDMARK TO DRIVER ASSOCIATES, LLC
- 16-1205-474 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – JSM @154 WEST MAIN STREET, LLC TO DRIVER ASSOCIATES, LLC
- 16-1205-475 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT 66 VMD ASSOCIATES, LLC TO COLE & ASSOCIATES, LLC
- 16-1205-476 APPROVING TAX PAYMENT REFUND FOR OVERPAYMENT OF 2016 TAX PAYMENT
- 16-1205-477 APPROVING CHANGE ORDER NUMBER 5 THRU 9 TO A CONTRACT WITH SCAFAR CONTRACTING, INC., FOR REPLACEMENT OF SANITARY SEWER PIPE PREPARED FOR SOUTH STREET
- 16-1205-478 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY SAFETY FUND APPLICATION 2015

11. BILLS AND VOUCHERS

12. ADJOURNMENT

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The first regular meeting of the Somerville Borough Council for the Month of December 2016 was convened on Monday, Monday, December 5, 2016 at 7:00pm prevailing time in Borough Council Chambers 24 South Bridge Street, Somerville, New Jersey.

Upon call of the roll, the following Borough Council members were present: Mayor Brian Gallagher, presiding, Councilwoman Jane Kobuta, Councilman Jason Kraska, Councilman Thompson Mitchell, Council President, Steve Peter, Councilman Dennis Sullivan, and Councilman Ken Utter.

Also present was Clerk-Administrator Kevin Sluka and Borough Attorney Jeremy Solomon.

The pledge of allegiance was recited by those in attendance. It was led by member of the United States Marine Corps.

Councilman Utter presented the three Somerville High School students who are being sworn in this evening to the United States Marine Corps.

Swearing-In United States Marine Corps – Performed by Captain Wecksler also in attendance Sgt. Gonzalez

- Max Madrazo
- Eric Montano
- Marco Pigna

Mayor Gallagher commented on the commitment that these young men have made to their country. He was very pleased to be able to publically recognize them and their families this evening. He wished them and their families well as they begin this journey.

The minutes of the Borough Council Minutes of November 21, 2016 were presented in writing for approval:

Councilman Mitchell made a motion and was seconded by Councilman Peter and was approved by the following vote:

Carried unanimously

Councilwoman Kobuta abstained due to her absence.

Committee Reports:

Councilman Sullivan reported on the progress of the 2017 budget process. The next meeting will be next Monday, December 12, 2016.

Councilman Utter reported on the initial success of the Adopt a Hydrant program.

Councilman Utter reported on the success of the 2016 Somerville Fireman's Holiday lights parade.

Councilman Utter report the current Somerville Rescue Squad's fall fund drive which is underway.

Councilman Utter reported on free holiday parking for Municipal Parking Lots 1,2,6,7 on Saturday's from Thanksgiving to New Years.

Councilman Kraska reported on a planning senior luncheon for Senior Citizens for the last Saturday in January at the Lincoln Hose Fire House. More details to follow.

Councilman Kraska reported on the success of the 1st Annual Turkey trot with over 600 runners.

Councilman Kraska also reported on the success of the tree lighting on Division Street.

Councilman Mitchell reported on a 5% increase in the 2017 Sewer charges from the Raritan Valley Sewerage Authority.

Councilman Mitchell wished everyone a Happy Holiday Season to all.

Councilman Peter reported that the leaf collection may be extended by one week to the recent rain fall.

Clerk-Administrator Sluka reported on the scheduled parking committee meeting which will allow for feedback from the public. This will be held on Tuesday, December 13, 2016 at 6:00pm in Council Chambers.

Open to the Public:

At this time Mayor Gallagher opened the meeting to comments from the public.

Luc Sergile, Somerville Board of Education, commented on the adopt a fire hydrant program and also the success of the Turkey Trot and annual tree lighting.

Herb Hall 22 Fairmont Ave, Somerville commented on parking meeting and asked if Ville TV would be able to film the meeting.

Clerk-Administrator Sluka provided an additional overview of the purpose of the meeting.

Mr. Hall thanked the Mayor and Council for their follow-through on the Board of Education presentation on the apartment impact on the schools in Somerville.

Mr. Hall asked if the Library Board has made any further contributions to the operations of the Library from the trust account.

Mayor Gallagher replied that at this time, there has been no contribution at this point but they continue to look at future fund raising opportunities.

There were no comments at this time and the public portion of the meeting was closed.

Ordinance for Introduction:

ORDINANCE #2510-16-1205

ADOPTING THE GASTON AVENUE REDEVELOPMENT PLAN FOR THE GASTON AVENUE REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

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 I Pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) the Somerville Borough Council ("Borough Council"), by a Resolution adopted on October 13, 2015, determined the Gaston Avenue Study Area as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 6 (the "Gaston Avenue Redevelopment Area").
- SECTION II In furtherance of redeveloping the Gaston Avenue Redevelopment Area and pursuant to N.J.S.A. 40A:12A-7.f., a redevelopment plan, entitled Gaston Avenue Redevelopment Plan (the "Redevelopment Plan"), was prepared by Cole and Associates, LLC. for the Gaston Avenue Redevelopment Area.
- SECTION III On November 9, 2016, the Somerville Planning Board (the "Planning Board") reviewed and commented on the Redevelopment Plan, which was revised by Cole and Associates, LLC.
- SECTION IV On November 23, 2016, the Planning Board reviewed the revised Redevelopment Plan prepared by Cole and Associates, LLC. dated October 2016, and the Planning Board voted unanimously to recommend to Borough Council to accept the Redevelopment Plan for the Landfill Redevelopment Area.
- SECTION V Pursuant to N.J.S.A. 40A:12A-7.f., the Borough Council accepts the recommendation of the Planning Board as to the Redevelopment Plan for the Gaston Avenue Redevelopment Area.
- SECTION VI The Borough Council hereby adopts the Gaston Avenue Redevelopment Plan prepared by Cole and Associates, LLC. dated October, 2016, which is attached hereto and is hereby made a part of this Ordinance.

Mayor Gallagher opened the meeting to comments on this ordinance and there were none at this time.

Councilman Utter made a motion and was seconded by Councilman Kraska to introduce this ordinance.

Councilman Mitchell asked if emergency service facilities were permitted as a part of this redevelopment plan.

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Colin Driver stated that while not specifically noted, the Borough Council has the power to approve an emergency service facility in this location.

The motion was called for a vote and approved by the following vote:

Ayes: Councilwoman Kobuta, Councilman Kraska,
Councilman Mitchell, Councilman Peter,
Councilman Sullivan, Councilman Utter

Nays: None

ORDINANCE #2511-16-1205

AMENDING THE BOROUGH CODE BY REPEALING CHAPTER 36 ENTITLED "BOARD OF RECREATION COMMISSIONERS" AND ADOPTING CHAPTER 5, SECTION 75 ARTICLE VIII ENTITLED DEPARTMENT OF RECREATION AND ADOPTING CHAPTER 5, SECTION 61 ENTITLED RECREATION COMMITTEE

BE IT ORDAINED by the Borough Council of the Borough of Somerville that by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey that the "Code of the Borough of Somerville" is hereby amended as follows:

1. Chapter 36, entitled "Board of Recreation Commissioners" is hereby repealed in its entirety.
2. Article VIII entitled "Departments of Chapter 5, entitled Administrative Organization" is amended by adopting Section 5-75
 - 5-75. Department of Recreation
 - A. There is hereby established a Department of Recreation consisting of a Director of recreation who shall be the head of the Department and such subordinate officers and employees as shall be authorized by resolution of the Governing Body.
 - B. The Department of Recreation shall, within the limitations of available funding, plan, develop, implement, conduct, supervise and control programming of recreational activities.
 - C. The Director of Recreation shall be in charge of and have supervision over the operation of the Department of Recreation and shall supervise and/or perform recreational activities and recreational related functions and duties as assigned to the Department. The Director shall report to the Borough Administrator
 - D. The Department of Recreation will be funded through the municipal budget and all revenue received shall be paid over to the Borough of Somerville.
 - 5-61. Recreation Committee
 - A. There is hereby established a Recreation Committee. The Committee will be effective January 1, 2017. Its members shall consist of the same members of the Recreation Commission on December 31, 2016. The terms and expiration dates of the Commission shall also be directly transferred to the Committee on January 1, 2017.
 - 5-62. Committee Membership; Meeting Schedule
 - A. Said Committee shall consist of seven (7) members, who shall be designated Commissioners and not more than two (2) alternate members, who shall be designated at the time of appointment as "alternate #1" and "alternate #2".
 - B. The Recreation Committee shall select annually a Chairperson and a Vice Chairperson.
 - C. The Committee Members shall meet monthly or as designated as per the Chair.
 - D. The meetings shall be public meetings and open to the public as per the Open Public Meetings Act
 - 5-63. Term; vacancies; absences
 - A. The Committee Members will assume the same terms and expiration dates as the Commission had on December 31, 2016.
 - B. The Mayor shall appoint all Committee Members.

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- C. The Committee members shall receive no compensation for their service.
- D. The length of the terms of the regular members and for alternate members shall be for five (5) years and shall remain with the same expiration dates as the Commission had on December 31, 2016.
- E. If a member is absent for more than 60% of the annual meetings the Member shall be considered resigned unless provided a stay by the Committee in cases of extraordinary circumstances.

5-64. Appropriation

The Borough shall through its budgeting process appropriate funds for the function of recreation. The Committee Members or Department shall not incur any expenses in excess of the amounts appropriated for the Department in the Municipal Budget.

On December 31, 2016 the Recreation Commission will have remaining funds in an account; said funds shall be used in the year of 2017 by the Department of Recreation as directed by the Recreation Committee, if a balance of funds exist on December 31, 2017, said balance shall become municipal surplus.

5-65. Powers

The Recreation Committee Members shall consult with, advise and assist the Director of Recreation with planning, developing, implementing, conducting programs, and providing policy decision making recommendations.

5-66. Criminal history background checks of employees and volunteers involved with recreation programs. [Added 12-17-07 by Ord. No. 2250; amended 3-16-09 by Ord. No. 2288]

A. Background checks required.

- (1) Any nonprofit, youth serving organization, as defined by State law, N.J.S.A. 15A:3A-1, including the Department of Recreation, which operates a youth sports program that receives funding from Somerville Borough or utilizes facilities owned or maintained by Department of Recreation shall require all employees and volunteers of that organization who have regular, unsupervised contact with minors to obtain a criminal history background check.
- (2) All such employees or volunteers shall file completed applications for the background check including fingerprints, prior to their first day of service. No such employee or volunteer shall be permitted to serve the organization unless that person consents in writing to the background check. Until a background check is complete, employees and volunteers shall not have regular, unsupervised contact with any minor.
- (3) The employee or nonprofit youth-serving organization shall bear the costs associated with conducting the background check, in accordance with N.J.S.A. 15A:3A-2(d).
- (4) The Recreation Committee Members at a public meeting may exempt any person who has undergone a Federal and State criminal history background check by nature of their professional position or has undergone a similar background check simultaneously in nature to the requirements contained herein, and who can provide proof of results of such background check is exempt from requirements during the time period in which the individual is an employee or volunteer. [Amended 3-17-14 by Ord. No. 2433]
- (5) Any person who is employed as a full-time staff member with the Borough of Somerville School District shall be exempt from the requirements hereunder.

B. Conditions under which a person shall be disqualified from service.

- (1) A person shall be disqualified from serving as an employee or volunteer of a nonprofit youth-serving organization if that person's criminal history background check reveals a record of conviction of any of the following crimes and offenses:
 - (a) In New Jersey, any crime or disorderly persons offense:
 - [1] Involving danger to the person, meaning those crimes and disorderly persons offenses as set forth in N.J.S.A. 2C:11-1, et seq., such as criminal homicide; N.J.S.A. 2C:12-1, et seq., such as assault, reckless endangerment, threats, stalking; N.J.S.A. 2C:13-1, et seq., such as kidnapping; N.J.S.A. 2C:14-1, et seq., such as sexual assault; or, N.J.S.A. 2C:15-1, et seq., such as robbery;
 - [2] Against the family, children or incompetents, meaning those criminal and disorderly persons offenses set forth in N.J.S.A. 2C:24-1, et seq., such as endangering the welfare of a child;
 - [3] Involving theft as set forth in Chapter 20 of Title 2C of the State of New Jersey Statutes;
 - [4] Involving any controlled dangerous or controlled substance analog as set forth in Chapter 35 of Title 2C of the State of New Jersey Statutes except paragraph (4) of subsection (a) of N.J.S.A. 2C:3510.
- (2) In any other State or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in this section.

C. Submissions, exchange of background information.

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- (1) Each employee or volunteer shall submit his or her application for a criminal history background check through the New Jersey State Police Volunteer Review Operation (VRO) which requires fingerprint samples be taken for all volunteers. The fingerprinting is arranged through Live Scan program under contract to Sagem Morpho, Inc. The Director of Recreation shall coordinate the background checks with the Somerville Police Department and the New Jersey State Police, in accordance with the requirements of N.J.S.A. 15A:3A-1 et seq.
- (2) If the background check disqualifies the individual from employment or volunteering, he or she shall be so notified by the Somerville Chief of Police, or the Chief's designee, and such information shall be kept confidential by the Police Department.
- (3) Successful background checks shall be reported to the Director of Recreation, who shall maintain a list of all individuals who are qualified to serve as employees or volunteers with nonprofit youth-serving organizations by virtue of their having successfully completed the background check. The Director of Recreation may share that list with organizations who would like to know if a prospective employee or volunteer has passed the background check.
- (4) A successful background check remains valid for the term in which the employee and/or volunteer remains active, however the Recreation Commission may exercise its right to request a background check at its discretion at any time during active service as an employee and/or volunteer. [Amended 3-17-14 by Ord. No. 2433]
- (5) Access to criminal history record information shall be limited in accordance with law, including N.J.S.A. 15A:3A-1 et seq. and N.J.A.C. 13:59-1.1 et seq.

D. Appeal procedure.

- (1) Any person whose criminal history background check disqualifies that person from employment or from volunteering, may appeal his or her disqualification.
 - (a) A person may challenge the accuracy of the criminal history check;
 - (b) A person may claim to be rehabilitated;
 - (c) No person may appeal a disqualification on the grounds of rehabilitation, if the person has been rejected because that person has been convicted, adjudicated, delinquent or acquitted by reason of insanity of aggravated sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.A. 2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A. 2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. on N.J.S.A. 2C:24-4; luring or enticing pursuant to section 1 of P.L. 1993, c.291 (N.J.S.A. 2C:13-6); criminal sexual contact pursuant to N.J.S.A. 2C:14-3b. if the victim is a minor; kidnapping pursuant to N.J.S.A. 2C:13-2, or false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.A. 2C:34-1; or an attempt to commit any of these enumerated offenses.
- (2) A challenge to the accuracy of the report shall be filed with the Borough of Somerville Chief of Police, who shall coordinate the challenge with the New Jersey State Police.
- (3) An appeal based on rehabilitation shall be made to an Appeals Committee, which shall consist of the Director of Recreation, the Somerville Chief of Police, the Borough Administrator and/or their designees. Any such appeal must be made within thirty (30) days of receipt of the notice of disqualification.
- (4) In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Committee shall consider the following factors:
 - (a) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
 - (b) The nature and seriousness of the offense;
 - (c) The circumstances under which the offense occurred;
 - (d) The date of the offense;
 - (e) The age of the person when the offense was committed;
 - (f) Whether the offense was an isolated or repeated incident;
 - (g) Any social conditions which may have contributed to the offense; and
 - (h) Any other evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.
- (5) If the Appeals Committee determines that the disqualified person has been successfully rehabilitated, it shall enter that person's name on the list of qualified employees and volunteers maintained by the Director of Recreation.

E. Penalty.

- (1) Failure to comply with this section will result in the Recreation Department prohibiting the use of facilities, or withholding sponsorship for the facility.
- (2) In the event that any portion of this section is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the section

actually adjudged to be invalid, and the remaining portions of this section shall be deemed severable there from and shall not be affected.

- F. Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of the inconsistencies.
- G. In the event that any provision of this ordinance or application thereof to any person or circumstances is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and , to realize this intent the provisions and applications of this ordinance are declared to be severable.
- H. This ordinance shall be effective immediately upon adoption, approval and publication in accordance with law.

Mayor Gallagher opened the meeting to comments on this ordinance.

Granville Brady, 9 Lee Way, Somerville, as a member of the Recreation Task Force he has no problem with the Ordinance. He did have a problem with the terms of 5 years of appointees. He also has a concern to the appointment process and suggests that the committee should be appointed by the Mayor and Borough Council. It is too restrictive of a committee to be appointed for a five year term.

Mayor Gallagher commented that he agrees with the need to reduce the number of years and is suggesting a three year term. There should be staggered terms. He is also in agreement with the need to keep the number at seven members of the committee.

Councilwoman Kobuta commented the she would like to see the appointments made by the Mayor with the consent of Council.

It was a consensus on the Borough Council to have a minimum of 5 and a maximum of 9 committee members.

Councilman Utter made a motion and was seconded by Councilman Kraska to introduce this ordinance.

The motion was called for a vote and approved by the following vote:

- Ayes: Councilwoman Kobuta, Councilman Kraska, Councilman Mitchell, Councilman Peter, Councilman Sullivan, Councilman Utter
- Nays: None

Resolutions:

The following consent resolutions were presented:

RESOLUTION 16-1205-466

AMENDING TERM EXPIRATION DATE ON RESOLUTION16-0815-319 APPOINTING ERNST MICHEL TO THE DOWNTOWN SOMERVILLE ALLIANCE

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey appoints Ernst Michel as a Trustee to The Downtown Somerville Alliance as Proprietor term to expire on December 31, 2017.

RESOLUTION 16-1205-467

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – STERLING SOMERVILLE URBAN RENEWAL CO. TO DRIVER ASSOCIATES, LLC

WHEREAS, the Borough of Somerville requires a Developers Escrow to pay for developer costs associated with redevelopment projects; and

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WHEREAS, a deposit was received from Sterling Somerville Urban Renewal Co. and deposited into our Developers Escrow Account; and

WHEREAS, it has confirmed that \$438.75 be paid to Driver Associates, LLC (Invoice #2016-11SSUR, Period Ending 11/29/16) for services rendered.

NOW, THEREFORE, BE IT RESOLVED, that the Finance Officer be instructed to issue a check in the amount listed above from the balance of the escrow deposit on file for Sterling Somerville Urban Renewal Co. #7764124655.

RESOLUTION 16-1205-468

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT VMD ASSOCIATES, LLC TO DRIVER ASSOCIATES, LLC

WHEREAS, the Borough of Somerville requires a Developers Escrow to pay for developer costs associated with redevelopment projects; and

WHEREAS, a deposit was received from VMD Associates, LLC and deposited into our Developers Escrow Account; and

WHEREAS, it is confirmed that \$390.00 be paid to Driver Associates, LLC (Invoice 2016 – 11W, Period Ending 11/29/2016) for services rendered.

NOW, THEREFORE, BE IT RESOLVED, that the Finance Officer be instructed to issue a check in the amount listed above from the balance of the escrow deposit on file for VMD Associates LLC #7762624976.

RESOLUTION 16-1205-469

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT SOMERSET DEVELOPMENT, LLC TO DRIVER ASSOCIATES, LLC

WHEREAS, the Borough of Somerville requires a Developers Escrow to pay for developer costs associated with redevelopment projects, and

WHEREAS, a deposit was received from Somerset Development, LLC and deposited into our Developers Escrow Account, and

WHEREAS, it is confirmed that \$1,852.50 be paid to Driver Associates, LLC (Invoice #2016-11S, Period Ending 11/29/16) for services rendered.

NOW, THEREFORE, BE IT RESOLVED, that the Finance Officer be instructed to issue a check in the amount listed above from the balance of the escrow deposit on file for Somerset Development, LLC #7762624992.

RESOLUTION 16-1205-470

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – 40 HAYNES STREET REDEVELOPMENT LLC FOR DRIVER ASSOCIATES, LLC

WHEREAS, the Borough of Somerville requires a Developers Escrow to pay for developer costs associated with redevelopment projects; and

WHEREAS, a deposit was received from 40 Haynes Street Redevelopment, LLC and deposited into our Developers Escrow Account; and

WHEREAS, it is confirmed that \$633.75 be paid to Driver Associates, LLC (Invoice #2016-11H, Period Ending 11/29/16) for services rendered.

NOW, THEREFORE, BE IT RESOLVED, that the Finance Officer be instructed to issue a check in the amount listed above from the balance of the escrow deposit on file for 40 Haynes Street Redevelopment LLC #7762625015

RESOLUTION 16-1205-471

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS

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FROM ESCROW ACCOUNT DESAPIO PROPERTIES TO
DRIVER ASSOCIATES, LLC

WHEREAS, the Borough of Somerville requires a Developers Escrow to pay for developer costs associated with redevelopment projects; and

WHEREAS, it is determined that \$195.00 be paid to Driver Associates, LLC (Invoice #2016-11D, Period Ending 11/29/16) for services rendered.

NOW, THEREFORE, BE IT RESOLVED, that the Finance Officer be instructed to issue a check in the amount listed above from the balance of the escrow deposit on file for DeSapio Properties #7763733738.

RESOLUTION 16-1205-472

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS
FROM ESCROW ACCOUNT CRUSADER SERVICING TO
DRIVER ASSOCIATES, LLC

WHEREAS, the Borough of Somerville requires a Developers Escrow to pay for developer costs associated with redevelopment projects; and

WHEREAS, a deposit was received from Crusader Servicing and deposited into our Developers Escrow Account; and

WHEREAS, it is determined that \$48.75 be paid to Driver Associates, LLC (Invoice #2016-11C, Period Ending 11/29/16) for services rendered.

NOW, THEREFORE, BE IT RESOLVED, that the Finance Officer be instructed to issue a check in the amount listed above from the balance of the escrow deposit on file for Crusader Servicing #7763919114.

RESOLUTION 16-1205-473

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – JSM
LANDMARK TO DRIVER ASSOCIATES, LLC

WHEREAS, the Borough of Somerville requires a Developers Escrow to pay for developer costs associated with redevelopment projects; and

WHEREAS, a deposit was received from JSM Landmark and deposited into our Developers Escrow Account; and

WHEREAS, it has confirmed that \$731.25 be paid to Driver Associates, LLC (Invoice #2016-11J, Period Ending 11/29/16) for services rendered.

NOW, THEREFORE, BE IT RESOLVED, that the Finance Officer be instructed to issue a check in the amount listed above from the balance of the escrow deposit on file for JSM Landmark # 7760805585.

RESOLUTION 16-1205-474

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE
FUNDS FROM ESCROW ACCOUNT – JSM @154 WEST MAIN STREET, LLC TO DRIVER
ASSOCIATES, LLC

WHEREAS, the Borough of Somerville requires a Developers Escrow to pay for developer costs associated with redevelopment projects, and

WHEREAS, a deposit was received from JSM @154 West Main Street, LLC and deposited into our Developers Escrow Account, and

WHEREAS, it has confirmed that \$195.00 be paid to Driver Associates, LLC (Invoice #2016-11J154, Period Ending 11/29/16) for services rendered.

NOW, THEREFORE, BE IT RESOLVED, that the Finance Officer be instructed to issue a check in the amount listed above from the balance of the escrow deposit on file for JSM @154 West Main Street, LLC # 7764279286.

RESOLUTION 16-1205-475

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT 66
VMD ASSOCIATES, LLC TO

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COLE & ASSOCIATES, LLC

WHEREAS, the Borough of Somerville requires a Developers Escrow to pay for developer costs associated with redevelopment projects; and

WHEREAS, a deposit was received from 66 VMD Associates, LLC and deposited into our Developers Escrow Account; and

WHEREAS, it has confirmed that \$7,840.00 be paid to Cole & Associates, LLC (Invoice # 18182013014P-Insp #5, for Period Ending 11/18/16) for services rendered.

NOW, THEREFORE, BE IT RESOLVED, that the Finance Officer be instructed to issue a check in the amount listed above from the balance of the escrow deposit on file for 66 VMD Associates, LLC #7762625007.

RESOLUTION 16-1207-476

APPROVING TAX PAYMENT REFUND FOR OVERPAYMENT OF 2016 TAX PAYMENT

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

WHEREAS, the Tax Collector has research and determined that a refund can be issued on this account.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be instructed to refund the amounts to the block and lots listed below:

Block	Lot	Year	Name	Address	Reason	Amount	PO#
14	10	2016	P Artiglere	4 Monroe St	Senior Citizen Ded Allowed	\$250	16-02606
142	17	2016	L Olson	198 W Summit	Widow of Veteran Allowed	\$250	16-02607
92	58	2016	J Hartlove	41 S Cadillac	Veteran Ded Allowed	\$250	16-02608

RESOLUTION 16-1205-477

APPROVING CHANGE ORDER NUMBER 5 THRU 9 TO A CONTRACT WITH SCAFAR CONTRACTING, INC., FOR REPLACEMENT OF SANITARY SEWER PIPE PREPARED FOR SOUTH STREET

WHEREAS, the Borough of Somerville had publically bid the "Replacement of Sanitary Sewer Pipe Prepared for South Street" on September 1, 2016 at 10:00 a.m.; and

WHEREAS, on September 6, 2016 via Resolution 16-0906-356 the Borough of Somerville awarded a contract to Scafara Contracting, Inc., 225 Pacific Street, Newark, NJ 07114 in the amount of \$262,190.00

WHEREAS, on November 7, 2016 via resolution 16-1107-423, the Borough Council approved the following change orders:

Change Order #	Description	Amount of Change Order	New Contract Amount
1	Discovery of an unidentified sewer lateral disconnect and reconnect on October 3, 2016	\$9,502.27	\$271,692.27
2	Additional cleaning & CCTV of approximately 350 linear feet of existing sewer from manhole to manhole	\$3,852.66	\$275,544.93
3	Existing 2" gas service was unexpectedly covered with steel plates which required to be removed and replaced to facilitate trench box installation	\$7,120.34	\$282,665.27
4	Uncharted connection discovered upstream connection manhole, plugged per engineer	\$1,559.79	\$284,225.06

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WHEREAS, it is necessary to accept the following change orders and said change orders have been reviewed and approved by the Borough’s Sanitary Engineer:

Change Order #	Description	Amount of Change Order	New Contract Amount
5	Additional CCTV above the work performed in change order #2	\$1,604.22	\$285,829.28
6	Existing Manhole Concrete Base	\$2,341.81	\$288,171.09
7	Removal and disposal of concrete	\$6,027.50	\$294,198.59
8	Quantity increases on line items	\$7,683.50	\$301,882.09
9	Quantity decreases on line items	(\$29,680.00)	\$272,202.09

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves Changer Orders Number 5 thru 9 for a new contract amount of \$272,202.09

RESOLUTION 16-1205-478

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORATION FOR THE HIGHWAY SAFETY FUND APPLICATION 2015

NOW, THEREFORE, BE IT RESOLVED, that the Council of Borough of Somerville formally approves the grant application for the above stated projected.

BE IT FURTHER RESOLVED, that by the Mayor/Council and Clerk are hereby authorized to submit an electronic grant application identified as Highway Safety Fund Application 2015 the State of New Jersey Department of Transportation on of Borough of Somerville.

BE IT FURTHER RESOLVED, that by the Mayor and Council of the Borough of Somerville are hereby authorized to sign the grant agreement on behalf of Borough of Somerville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 16-1205-479

RESOLUTION REQUESTING CHANGE IN TITLE, TEXT, OR AMOUNT OF APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-85

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such municipality;

WHEREAS, the Borough of Somerville has been awarded a Municipal Alliance grant for the twelve month period July 1, 2016 through June 30, 2017 requiring a Borough cash match of \$2,757.34;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-85, the Council of the Borough of Somerville, in the County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year 2016:

That the appropriation provided for in the approved budget amendment entitled:
Municipal Alliance on Alcoholism and Drug Abuse with
an amended appropriation Amount of \$11,029.36
To Include Matching Funds for Grants in the sum of \$2,757.34

And appropriations in the like amount of \$2,757.34 are added to the budget entitled:

State and Federal Programs, Municipal Alliance Grant - Local Match \$2,757.34

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the City for the reasons set forth:

The Borough provided for the possibility of receiving an added grant after adoption of the 2016 budget by providing a line item “Matching Funds for Grants.” The amount of grant and the related match requirements now becoming known after passage of the budget. In order to accept these Grants, legal provision for the required match must be made. The above correction will provide for the said legal provision.

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

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RESOLUTION 16-1205-480

AUTHORIZING TRANSFER OF FUNDS TO FUND CERTAIN LINE ITEMS IN THE 2016 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 2016 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:

AMOUNT	FROM	TO
\$3,000	Building & Grounds– SW	Building & Grounds - OE

Councilman Sullivan made a motion and was seconded by Councilman Peter to approve the aforementioned consent resolutions and was approved by the following vote:

Ayes: Councilwoman Kobuta, Councilman Kraska, Councilman Mitchell, Councilman Peter, Councilman Sullivan, Councilman Utter

Nays: None

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Councilman Sullivan, Finance Chairman presented the following vouchers for approval:

P.O. Id	Vendor Name	Amount
16-01015	PAUL ALLENA	663.00
16-01072	29 SOMERSET PROPERTY, LLC	300.00
16-02542	NEW JERSEY LEAGUE OF MUNICIPAL	150.00
16-02543	NEW JERSEY LEAGUE OF MUNICIPAL	125.00
16-00612	SOMERSET COUNTY GOVERNING OFFI	35.00
16-02309	SOMERSET CTY ADM. BLDG	68.82
16-02309	SOMERSET CTY ADM. BLDG	371.28
16-02426	W.B. MASON CO., INC	35.58
16-02094	FEDEX	22.50
16-02422	STAPLES CR PLAN	52.11
16-02422	STAPLES CR PLAN	214.98
16-02612	ADP,LLC	303.58
16-02612	ADP,LLC	101.00
16-02612	ADP,LLC	92.55
16-02612	ADP,LLC	895.52
16-02503	RUTGERS, STATE UNIV OF, NJ	1,099.00
16-02613	PAIGE ELSTER	153.20
16-01056	COMPUTER SYSTEMS & METHODS	1,810.00
16-02557	SOMERSET COUNTY M.I.S.	7,400.00
16-01015	PAUL ALLENA	1,020.00
16-01189	VERIZON	144.99
16-02581	DENNIS GALVIN	130.00
16-01512	VERIZON WIRELESS	105.30
16-02357	AMANO MCGANN INC	1,410.73
16-02145	ERIC WASSER	392.00
16-02144	DENNIS GALVIN	375.00
16-02604	STEVE'S SCREEN PRINTING	282.00
16-02548	NEW JERSEY PLANNING OFFICIALS	370.00
16-02549	FRANK VUOSO	261.00
16-02605	W.B. MASON CO., INC	558.27
16-02422	STAPLES CR PLAN	29.69
16-02426	W.B. MASON CO., INC	21.90
16-02309	SOMERSET CTY ADM. BLDG	1,092.64
16-02574	NJAPZA	30.00
16-02574	NJAPZA	30.00
16-02611	FRANK VUOSO	332.18
16-01007	METLIFE-GROUP BENEFITS	5,268.20
16-02603	U S SECURITY ASSOC., INC	220.23
16-02603	U S SECURITY ASSOC., INC	220.22
16-02603	U S SECURITY ASSOC., INC	155.50
16-02603	U S SECURITY ASSOC., INC	886.60
16-02603	U S SECURITY ASSOC., INC	765.07
16-01064	STEVE WEINMAN	1,458.37
16-02601	STEVE WEINMAN	190.00
16-02412	HOME DEPOT CREDIT SERVICES	763.89
16-02412	HOME DEPOT CREDIT SERVICES	5.97
16-02426	W.B. MASON CO., INC	17.16
16-02407	ONE PIECE AT A TIME EMBROIDERY	315.00
16-02441	OCTAVIO ANGELOZZI	434.75
16-02442	THOMAS CALABRESE	268.25
16-01515	VERIZON WIRELESS	96.30
16-02487	FIREHOUSE GRANTS LLC	3,000.00
16-00987	CENTRAL HOOK AND LADDER	1,300.00
16-01494	SOMERSET COUNTY EMERGENCY SERV	250.00
16-01142	AMERICAN WATER	12,187.50
16-01024	BOB SMITH & ASSOC.	1,666.74
16-02521	DAREN MANFREADY	127.44
16-01620	PDQ AUTO SUPPLY OF MANVILLE	456.49
16-01964	VERSALIFT	2,313.62
16-02501	SHI INT'L CORP.	889.00
16-01620	PDQ AUTO SUPPLY OF MANVILLE	25.98
16-02179	PROGRESSIVE BUSINESS COMPLIANC	44.35
16-02412	HOME DEPOT CREDIT SERVICES	29.50

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16-02464	CCP INDUSTRIES, INC	1,123.66
16-02460	PDQ AUTO SUPPLY OF MANVILLE	679.51
16-02461	A & K EQUIPMENT CO	819.86
16-01968	TREASURER-STATE OF NEW JERSEY	1,015.00
16-02524	TREASURER-STATE OF NEW JERSEY	2,500.00
16-02233	CIPOLLINI CARTING & RECYCLING	19,838.78
16-02412	HOME DEPOT CREDIT SERVICES	133.84
16-02422	STAPLES CR PLAN	67.98
16-02426	W.B. MASON CO., INC	54.94
16-02546	BRENDAN NALLY	106.31
16-01593	ONE TOTAL CLEANING SERVICES	1,372.91
16-01593	ONE TOTAL CLEANING SERVICES	1,372.91
16-02082	COOL O MATIC	826.88
16-01262	SOMERSET COUNTY HEALTH DEPT	8,969.00
16-01806	ST HUBERTS	8,875.00
16-02550	DAREN MANFREADY	24.08
16-02551	FOLEY INCORPORATED	303.92
16-01198	PSE&G CO.	9,324.51
16-02347	SOMERSET SOLAR 1 LLC	44.75
16-01198	PSE&G CO.	16,726.96
16-01048	SOMERVILLE BOARD OF ED	950.00
16-01096	VERIZON	60.32
16-01105	VERIZON	28.35
16-01116	VERIZON	28.57
16-01512	VERIZON WIRELESS	1,114.17
16-02575	FRANK VUOSO	140.00
16-02138	AMERICAN WATER	659.23
16-02606	PATRICIA ARTIGLERE	250.00
16-02607	LINDA OLSON	250.00
16-02608	JAMES HARTLOVE	250.00
16-02426	W.B. MASON CO., INC	7.77
16-02422	STAPLES CR PLAN	20.99
16-01922	CERTAPRO PAINTERS OF CENTRAL S	4,000.00
16-02403	STROBER ROOFING METAL WORKS	8,400.00
16-02596	DRIVER ASSOCIATES LLC	13,000.00
16-01911	STAPLES CREDIT PLAN	94.99
16-02561	SCAFAR CONTRACTING INC	272,202.09
16-02539	LAURA CAMISA	35.00
16-02560	B.E.S.T. SYSTEMS LLC	656.00
16-02567	AC RACE MANAGEMENT	495.00
16-02584	AC RACE MANAGEMENT	3,410.00
16-02587	KRISTEN WAWRZYNIAK	490.27
16-02580	DENNIS GALVIN	325.00
16-02582	BETSY CONDIOTTI & ASSOCIATES	219.75
16-02583	BETSY CONDIOTTI & ASSOCIATES	301.00
16-02593	LOUMARC SIGNS	187.00
16-02609	BOROUGH OF SOMERVILLE	175.00
16-02609	BOROUGH OF SOMERVILLE	6,157.34
16-02610	BOROUGH OF SOMERVILLE	400.00
16-02610	BOROUGH OF SOMERVILLE	6,271.37
16-01239	LOREN PHOTOS LLC	990.00
16-02585	H B COMMUNICATIONS INC	860.00
16-02586	GRANICUS INC	218.00

Councilman Sullivan made a motion and was seconded by Councilman Mitchell to approve the aforementioned vouchers.

The motion was approved by the following vote:

Ayes:	Councilwoman Kobuta, Councilman Kraska, Councilman Mitchell, Councilman Peter, Councilman Sullivan, Councilman Utter
Nays:	None

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At this time, there being no further business, Councilman Sullivan made a motion and was seconded by Councilman Mitchell to adjourn the meeting.

Carried unanimously

The meeting was adjourned at 7:55pm.

Respectfully submitted,

Paul Allena, Secretary