

Somerville, NJ September 8, 2015

**BOROUGH OF SOMERVILLE  
COUNCIL MEETING AGENDA**

Tuesday, September 8, 2015

7:00 P.M.

LOCATION: COUNCIL CHAMBERS – POLICE HEADQUARTERS  
24 SOUTH BRIDGE STREET, SOMERVILLE, NJ 08876

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1. Roll Call
2. Salute to the Flag
3. Moment of Silence- George Sheats and Michael Ceponis
4. Approval of Minutes
  - a. August 17, 2015
5. Departmental Reports & Important Notices
  - a. August 2015 Summons Report
  - b. August Monthly Housing Report
6. PROCLAMATIONS & RECOGNITIONS
  - a. National Sickle Cell Awareness Month- September
  - b. National Childhood Cancer Awareness Month- September
7. Discussion
  - a. Monitored Well Water- Sewer Charges
8. Committee Reports
9. Meeting Open to the Public
10. ORDINANCES FOR INTRODUCTION
 

2478-15-0908 ESTABLISHING A PARKING UTILITY IN AND OF THE  
BOROUGH OF SOMERVILLE

2479-15-0908 APPROVING THE PILOT APPLICATION AND AUTHORIZING THE  
MAYOR AND BOROUGH CLERK TO EXECUTE A FINANCIAL  
AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE  
AND THE SOMERVILLE URBAN RENEWAL, LLC PURSUANT TO  
N.J.S.A. 40A:20-1 ET SEQ. FOR PROPERTY LOCATED AT 46 EAST  
MAIN STREET, ALSO KNOWN AS LOTS 1, 2, 3 AND 34 IN BLOCK 63,  
AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF  
SOMERVILLE, LOCATED IN THE EAST CENTRAL BUSINESS DISTRICT  
REDEVELOPMENT AREA
11. ORDINANCE FOR PUBLIC HEARING AND ADOPTION
 

2476-15-0817 AMENDING THE MUNICIPAL LAND USE CODE CHAPTER 102,  
SECTION 118 ENTITLED OFF STREET PARKING AND LOADING  
REQUIREMENTS – SUBSECTION F- (4) ENTITLED DRIVEWAYS

2477-15-0817 AMENDING CHAPTER 166 VEHICLES AND TRAFFIC ARTICLES VII  
SECTIONS 32 THRU 75, ARTICLE XVI, SECTIONS 75 THRU 79.1,  
ARTICLE XVII SECTION 80-95

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## 12. CONSENT RESOLUTIONS

(Resolutions 15-0908-296 thru 15-0908-323)

- 15-0908-296 APPROVING APPLICATION FOR DEMONSTRATION PERMIT 15-002- WILLIAM TEALE – SEPTEMBER 26, 2015
- 15-0908-297 APPROVING BLOCK PARTY ON VANDERVEER AVENUE ON OCTOBER 31, 2015 FROM 1:00 P.M. TO 6:00 P.M. WITH ROAD CLOSURE OF VANDERVEER AVENUE FROM STEELE AVENUE TO FAIRMONT AVENUE
- 15-0908-298 APPROVING BLOCK PARTY ON FIELDSTONE DRIVE ON OCTOBER 18, 2015 FROM NOON TO 5:00 P.M. WITH ROAD CLOSURE FROM GRIMM DRIVE TO ROBIN ROAD
- 15-0908-299 APPROVING THE ATTACHMENT OF A MUNICIPAL LIEN ON BLOCK 64 LOT 3 COMMONLY KNOWN AS 19 HAMILTON STREET FOR SITE CLOSURE
- 15-0908-300 AUTHORIZING DGM MANAGEMENT TO REPLACE A CASH BOND WITH A PERFORMANCE BOND ON 6 NORTH DOUGHTY AVENUE PROJECT
- 15-0908-301 APPROVING NEW TAXI DRIVER LICENSE FOR ROLANDO BECERRIL
- 15-0908-302 APPROVING NEW TAXI DRIVER LICENSE FOR RAVI K. SINGH
- 15-0908-303 APPROVING GIRLS ON THE RUN 5K RACE FOR NOVEMBER 22, 2015
- 15-0908-304 APPROVING A HANDICAP SPACE ON WEST HIGH STREET IN FRONT OF 132 WEST HIGH STREET ON SATURDAYS AND SUNDAYS ONLY
- 15-0908-305 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – Somerset Developers LLC
- 15-0908-306 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – VMD Associates LLC
- 15-0908-307 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – DESAPIO PROPERTIES
- 15-0908-308 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – JSM LANDMARK
- 15-0908-309 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – 40 HAYNES STREET REDEVELOPMENT LLC
- 15-0908-310 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – THE EXCHANGE AT SOMERVILLE
- 15-0908-311 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – Somerset Developers LLC to DeCurtis FitzPatrick & Cole
- 15-0908-312 APPROVING LIFE CHAIN EVENT FOR OCTOBER 4, 2015 ON SOMERSET STREET AND MOUNTAIN AVENUE
- 15-0908-313 EXTENDING THE CONDITIONAL DESIGNATION OF SOMERSET DEVELOPMENT, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 123, LOTS 2.01, 3, 5 & 12.01 AND TAX BLOCK 124, LOTS 18, 19 & 20 IN THE LANDFILL REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A MIXED USE PROJECT

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- 15-0908-314 APPROVING A BLANKET SIDEWALK SALE APPROVAL TO BE CONDUCTED ON OCTOBER 4, 2015
- 15-0908-315 APPROVING A GRANT APPLICATION TO BE SUBMITTED TO THE 2015 SOCIETY OF FIRE PROTECTION ENGINEERS NEW JERSEY CHAPTER FOR FIRE PREVENTION WEEK HOARDING AND FIRE SAFETY
- 15-0908-316 ESTABLISHING AND ADOPTING A "COMPLETE STREETS POLICY" FOR THE BOROUGH OF SOMERVILLE
- 15-0908-317 APPROVING OCTOBERFEST TO BE HELD ON SEPTEMBER 26 & SEPTEMBER 27, 2015 ON NORTH BRIDGE STREET BETWEEN MAIN STREET AND WEST HIGH STREET – ROAD WILL BE CLOSED
- 15-0908-318 EXTENDING THE CONDITIONAL DESIGNATION OF DESAPIO PROPERTIES, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 63, LOTS 1, 2, 3, 34, IN THE EASTERN CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A RESIDENTIAL PROJECT
- 15-0908-319 ACCEPTING THE RESIGNATION OF JAMES P. MILLER – SEASONAL LABORER EFFECTIVE AT THE END OF BUSINESS OF SEPTEMBER 11, 2015
- 15-0908-320 APPROVING ALCOHOLIC BEVERAGE LICENSES TO BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGES FOR APPROVAL
- 15-0908-321 ACCEPTING THE RESIGNATION OF ST. CLAIR WATSON– SEASONAL LABORER EFFECTIVE AT THE END OF BUSINESS OF JULY 27, 2015
- 15-0908-322 AWARDDING A CONTRACT TO BEYER FORD FOR A 2015 FORD EXPLORER UNDER NEW JERSEY STATE CONTRACT #A83013
- 15-0908-323 AWARDDING A CONTRACT TO FALCON ROAD MAINTENANCE & EQUIPMENT FOR A FOUR (4)TON FALCON RME ASPHALT HOT PATCHER TRAILER UNDER THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE

13. BILLS AND VOUCHERS

14. ADJOURNMENT

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The first regular meeting of the Somerville Borough Council for the Month of September 2015 was convened on Tuesday, September 8, 2015 at 7:00 pm prevailing time in Borough Council Chambers 24 South Bridge Street, Somerville, New Jersey.

Clerk-Administrator Sluka read the open public meeting statement and advised that the meeting was properly noticed in the newspaper and at Borough Hall.

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

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

The pledge of allegiance was recited by those in attendance.

Mayor Gallagher asked for a moment of silence to honor George Sheats, life-long Somerville resident and local business owner and Michael Ceponis, Former Borough Councilman and former Somerset County Freeholder who both passed away earlier this month.

The minutes of the August 17, 2015 meeting were presented in writing for approval.

Councilman Utter made a motion and was seconded Councilwoman Kobuta to approve the minutes as presented. The motion was approved by the following vote:

Carried unanimously

#### **Discussion:**

##### A. Monitored Well Water- Sewer Charges

Clerk-Administrator Sluka provided an overview of the existing 23 wells in Somerville and how this ordinance will bring them into compliance with the actual water usage over the 9 winter months. The current well owners receive a flat fee over the year. This Ordinance will allow the new billing system to be implemented in 2016.

Councilman Mitchell asked if there was any water testing requirements for these wells.

Borough Planner Michael Cole responded that there are no legal requirements for private well owners to have their wells tested.

#### **Committee Reports:**

Councilman Sullivan commented on the new procedure for the 2016 Capital Budget.

Councilman Sullivan commented that all schools are open and to please drive carefully.

Councilman Kraska reported that the Spray Park will close on September 20, 2015.

Councilman Kraska reported that the Carol Pager Park renovations are underway.

Councilman Mitchell reported on the upcoming Weekend Journey into the Past on October 10-11, 2015. There will be four historic Somerville locations as part of these tours.

Councilman Mitchell reported on changes to the electronic recycling program in Somerset County. Items are now being accepted at the County Garages in either Bridgewater or Hillsborough.

Councilman Mitchell reported on the upcoming 9-11 ceremony on Friday, September 11, 2015 at the 911 memorial clock on Main Street in Somerville.

Councilman Utter reported on Emergency Preparedness Month during the month of September.

Councilman Utter reported on the Downtown New Jersey Contest and that Downtown Somerville has moved into the second round. Please remember to vote.

Councilman Utter reminded everyone of the 2015 Downtown Somerville Jazz Festival on Sunday, September 20, 2015.

Councilman Utter reported that the Girl Scouts will be working with the DSA on downtown projects.

Councilwoman Kobuta thanked the Girl Scouts for volunteering to assist with some projects in Downtown Somerville.

Councilwoman Kobuta commented on the continued efforts by Paul Allena with the Verizon billing.

Mayor Gallagher commented on the status of the landfill clean-up. The Borough has received confirmation from Trenton that they can move forward sending out bid documents for the first phase of the environmental remediation. They Borough recently was awarded nearly \$12 million dollars through state grants for this environmental remediation. This is very big news for Somerville.

**Ordinances for Introduction:**

ORDINANCE NO. 2478-15-0908

ESTABLISHING A PARKING UTILITY IN AND OF THE BOROUGH OF SOMERVILLE

BE IT ORDAINED, by the Mayor and Council of the Borough of Somerville, County of Somerset, State of New Jersey, being the governing body thereof, as follows:

SECTION 1 - Chapter 166, "Parking," of the Revised General Ordinances of the Borough of Somerville is hereby amended and supplemented by the addition of a new Section 22, entitled "Parking Utility," to read as follows:

166.22.1 Parking Utility Established

It is hereby established within the Borough of Somerville a public utility for the purpose of operating, maintaining and preserving the Parking facilities owned and operated by the Borough of Somerville, as well as any additional facility that may be included by agreement.

166.22.2 Official name

The name by which the utility shall be known is the "Somerville Parking Utility," hereafter referred to as the "Parking Utility."

166.22.3 Functions

The function of the Parking Utility shall be to operate, maintain, and preserve the existing Parking facilities owned, operated and maintained by the Borough, together with any additional facilities or extensions of the existing facilities that may be contracted to be managed and operated, all in accordance with Chapter 166, "Parking," of the Revised General Ordinances of the Borough of Somerville, together with all services relating to such purposes, including the billing and collection of Parking user fees.

166.22.4 Financial affairs

For purposes of financial operations and more specifically for purposes of accounting for the revenues and expenditures of the Parking Utility, said financial operation shall be specifically in accordance with N.J.S.A. 40A:1-1, N.J.S.A. 40A:4-33 and N.J.S.A. 40A:4-35.

SECTION 2 - Severability Clause

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3 - Repealer

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4 - Effective Date

This ordinance shall take effect immediately on January 1, 2016, upon adoption and publication in accordance with the laws of the State of New Jersey.

Mayor Gallaher provided an overview on the intent of the parking utility. This will not be a Parking Authority. It will be a utility similar to the current sewer utility and it will allow funds to be dedicated directly to parking management and infrastructure improvements. The Borough Council will control the allocation of funds and the budget for the parking utility.

At this time, Mayor Gallagher opened the meeting for comments from the public on this ordinance.

Jim Crane, Main Street, Somerville, he is opposed to the creation of the parking utility. He does not feel the hiring of a part-time parking manager is necessary and is opposed to the creation of this utility.

There were no other comments and the public portion was closed.

Councilman Utter made a motion and was seconded by Councilman Wilson to introduce Ordinance 2478-15-0908.

Councilman Sullivan commented that there are no specifics provided in reference to this ordinance.

Clerk-Administrator Sluka replied that this ordinance provides for the creation of the parking utility and allows for the further development of the organization.

Councilwoman Kobuta asked if the parking utility would allow for additional street improvements.

Mayor Gallagher replied that the intent of the parking utility is to be able to provide for road, curb and sewer repair at the approval of the Borough Council.

Mayor Gallagher commented that this will allow for the parking infrastructure costs to be moved from the Somerville taxpayer to the user of the service namely the parking lots and streets.

Mayor Gallagher demonstrated that collections are moving from a tin can to a smart phone and the revenue of being reinvested into the parking infrastructure.

Mayor Gallagher reopened the meeting to comments from the public.

Allison O'Neill, Division Street, Somerville, asked if the parking utility positions will be public positions and advertised and salaries made available for public comment.

Mayor Gallagher replied that all personnel decisions and financial matters would be approved through the Borough Council.

Councilman Mitchell commented on the sewer utility and how it operates as a comparison as to how the parking utility could operate. He commented on the legal citing regarding how the municipality handles the finances of the parking utility and how the street improvements would be used.

Jim Crane, Main Street, Somerville, commented on the recent parking report which indicated a part-time parking manager to be hired.

Mayor Gallagher replied that this was a recommendation from the committee and is not a definitive decision on the parking utility structure. This is the start of further communication with all the parties involved in this structure. This will be in an open and transparent setting.

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

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

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ORDINANCE NO. 2479-15-0908

APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF SOMERVILLE AND THE SOMERVILLE URBAN RENEWAL, LLC PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. FOR PROPERTY LOCATED AT 46 EAST MAIN STREET, ALSO KNOWN AS LOTS 1, 2, 3 AND 34 IN BLOCK 63, AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF SOMERVILLE, LOCATED IN THE EAST CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA

BE IT ORDAINED by the Borough Council of the Borough of Somerville that:

Section 1. The Borough Council of the Borough of Somerville (the "Borough") designated Block 63, Lots 1, 2, 3 and 34 (the "Property") as part of the East Central Business District Redevelopment Area (the "Redevelopment Area") and adopted the Redevelopment Plan for the Redevelopment Area on May 9, 1998 (the "Plan"), which Plan has been amended from time to time.

Section 2. On May 4, 2015, the Borough adopted a resolution conditionally designating DeSapio Properties, LLC (the "Redeveloper") as redeveloper of the Properties for a period of 120 days subject to certain conditions

Section 3. DeSapio Properties, LLC has created an urban renewal entity, Somerville Urban Renewal, LLC which shall take title to the Properties and act as Redeveloper.

Section 4. On August 12, 2015, the Redeveloper obtained preliminary and Final Site Plan approval from the Borough Planning Board for the Property for the development of a mixed use project, consisting of retail, office and residential uses (the "Project").

Section 5. The Borough and the Redeveloper are currently negotiating a redevelopment agreement, which will set forth certain terms and conditions with respect to the redevelopment of the Property, the construction of the Project and the payment of certain costs in connection therewith (the "Redevelopment Agreement").

Section 6. Pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the "Long Term Tax Exemption Law", as codified in N.J.S.A. 40A:20-1 et seq.), the Borough is authorized to provide for tax abatement within a redevelopment area and for payments in lieu of taxes.

Section 7. The Redeveloper is the owner of the Property.

Section 8. The Redeveloper, who is now known as Somerville Urban Renewal, LLC, has submitted an application for the approval of a Project, as such term is used in the Long Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the "Exemption Application", a copy of which is attached hereto as Exhibit A).

Section 9. The Exemption Application requests a 25-year term for the Financial Agreement and an annual service charge based on 10% of annual gross revenue for years 1-5; 12% of annual gross revenue for years 6-14; and 15% of annual gross revenue for years 15-25.

Section 10. The Borough and the Redeveloper have reached agreement with respect to, among other things, the terms and conditions relating to the Annual Service Charges and desire to execute the Financial Agreement.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Somerville, County of Somerset, New Jersey, as follows:

Section 1. The Borough acknowledges that Somerville Urban Renewal, LLC, by effectuating the redevelopment, will significantly limit its profits due to the extraordinary cleanup and remediation costs to be borne by the Entity, which will provide significant and long-term benefits to the Borough.

Section 2. The Borough makes the following findings:

A. Relative benefits of the Project when compared to the costs:

1. The Property currently generates approximately \$54,851 in real estate tax revenue to the City as the Property is currently used in part for industrial use. The projected Annual Service Charge will generate average revenue to the Borough of approximately \$220,413 annually over the term.

- 2. It is estimated that the Project will create jobs during construction and new permanent jobs;
  - 3. The Project should stabilize and contribute to the economic growth of existing local business and to the creation of new business, which will serve the new residents and attract additional people to Somerville;
  - 4. The Project will further the redevelopment objectives of the Redevelopment Plan for the Redevelopment Area; and
  - 5. The clearance and remediation of the property will greatly improve the neighborhood.
  - 6. The Borough has determined that the benefits of the Project significantly outweigh the costs to the Borough.
- B. Assessment of the importance of the Tax Exemption defined in obtaining development of the Project and influencing the locational decisions of probable occupants:
- 1. The relative stability and predictability of the Annual Service Charge will make the Project more attractive to investors and lenders needed to finance the Project; and
  - 2. The relative stability and predictability of the Annual Service Charge will allow stabilization of the Project operating budget, allowing a high level of urban design, aesthetics and amenities as well as the use of high quality materials which will maintain the appearance of the buildings over the life of the Project, which will insure the likelihood of the success of the Project and insure that it will have a positive impact on the surrounding area.

Section 3. The Exemption Application is hereby accepted and approved.

Section 4. The Financial Agreement shall be for a 25-year term with an annual service charge based on 10% of annual gross revenue for years 1-5; 12% of annual gross revenue for years 6-14; and 15% of annual gross revenue for years 15-25 for the project in accordance with the Long Term Tax Exemption Law, which terms were previously agreed to in the Redevelopment Agreement.

Section 5. The Financial Agreement is hereby authorized to be executed and delivered on behalf of the Borough by the Mayor in substantially the form attached hereto as Exhibit B. The Borough Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Mayor and to affix the corporate seal of the Borough to the Financial Agreement.

Section 6. This ordinance shall take effect upon final passage and publication as required by law.

Colin Driver, Director of Redevelopment provided an overview of this PILOT for DeSapio redevelopment project on East Main Street. This is a 25 year PILOT which will deliver \$1.3 million on overall tax dollars.

At this time, Mayor Gallagher opened the meeting for comments from the public on this ordinance.

There were no other comments and the public portion was closed.

Councilman Mitchell made a motion and was seconded by Councilman Sullivan to approve Ordinance for introduction 2479-15-0908.

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

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

Nays: None

**Ordinances for Hearing & Adoption:**

2477-15-0817

**AMENDING CHAPTER 166 VEHICLES AND TRAFFIC ARTICLES VII SECTIONS 32  
THRU 75, ARTICLE XVI, SECTIONS 75 THRU 79.1, ARTICLE XVII  
SECTION 80-95**

Colin Driver presented an overview of the Parking Task Force report and the timeline which calls for the next steps which would be the ordinance which would address the changes in parking to include rates, enforcement hours and fines. The ordinance presented this evening is in excess of 50 pages.

At this time Mayor Gallagher opened the meeting for comments on the parking ordinance. Due to the large crowd he will allow everyone with an opportunity to speak this evening

John Hewitt, Zen Studios Division Street, commented that the raising the rates will have an impact on business owners and employees. \$10 a day for parking six days a week will have an impact on the owners. He is not against the ordinance or rate but is concerned with employee parking.

Bob Raul, Somerville, he is opposed to these changes and the approach. He asked commented if there were any Borough residents on this committee.

Fred Weid, Somerset St, Somerville, commented that most of the burden will be on the out of town visitors coming into town. He is concerned for the Somerville residents who would like to come to the downtown and will be paying more for parking.

Jim Crane, Main Street Somerville, commented that surrounding towns to Somerville do not charge for parking. This places Somerville shop owners at a disadvantage. He also commented on a recent report Department of Justice report from Ferguson MO and on the ability of a town to levy fines which may have an impact on poor people. He further commented on the on increase in parking fine rates over the newly established parking rates.

Jeff Silverman, Lloyds Furniture, he has operated here in Somerville for 65 years. He has seen many significant changes in Somerville over the last number of years and he thanked everyone involved. He is also concerned with changes in the retail operations over time. The Main Street consumer has changed over time. He asked that the Council consider a reduced parking permit for employees.

Allison O'Neil, Division Street, Somerville, is concerned with tripling the rates, extending hours and also Saturdays. She appreciates the efforts on Division Street. The town is moving up but these significant parking changes are too much.

Paul Sanford, 27 Ross Street, Somerville, commented on the creation of the special improvement district in 1988. Over the past few years the SID funding has been used for public entertainment within the SID. He further commented that the SID funds should be used to fund a parking utility.

Travis Collins, 190 West Main Street, Somerville, as a downtown resident he has no option other than use public parking. He has an issue with extended hours and Saturday parking. He would like to see resident employee options.

Jane Williams, 3 Arlyne Dr, Somerville, a frequent consumer in Downtown Somerville. She is concerned with the time of enforcement in the morning and also the Saturday enforcement.

Ellen Kirschbaum, 257 W. Maple St, Bound Brook, as a user of Lot 7 if the fees increase it will be cost prohibitive to park there. She appreciates the changes in the downtown and would ask for consideration for employee parking.

Melanie Seger, 194 West Main St, Somerville, as a small shop owner on West Main Street she feels that the shoppers on Main Street will have parking on their mind and will not tend to window shop on Main Street. She has three vehicles that will be impacted by these changes.

Joel Gray, 194 West Main Street, Somerville, agrees with the changes however there needs to be some additional consideration for employees and merchants.

Tino, Tino's House of Beauty, West Main Street, is opposed to the increase in rates. He has tenants who already have issues with paying for parking. He also has an issue with the hours of change of enforcement as well as Saturday morning.

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Tyrone Koncha, 18 Division Street, Somerville, has an issue with the Saturday morning enforcement hours.

Steve Peter, 73 E. Cliff Street, Somerville, asked for some consideration in adding a retailer and a non-official resident to the parking utility.

Mayor Gallagher closed the public comment and he thanked everyone for coming this evening and being civil with their comments and remarks.

Mayor Gallagher took a minute to allow the room to clear before resuming discussions on the parking ordinance.

Councilwoman Kobuta suggested an amendment to the hours of enforcement. She understands the needs of the employees and residents.

Councilwoman Kobuta made a motion to allow for free parking in Municipal Lot 7 weekdays from 6:00pm to 8:00pm and also on Saturday morning. Additionally to change enforcement time 8:00 to 9:00am overall. Councilman Mitchell seconded the motion to open discussion.

Councilman Sullivan asked for consideration to move the time back to 10:00am for enforcement.

Councilman Utter commented that he is in favor of the free parking in lot 7 but the starting time should go back to the committee for consideration. He commented that parking is never free in any situation. This is a user fee that takes the burden off the tax payer. The intent is the rotation of parking on Main Street. There is adequate parking on the perimeter of Downtown Somerville at cost effective rate for employees and store owners. The parking fees are still the lowest of surrounding towns.

Councilman Mitchell commented that he is concerned with the tripling of rates in lots 1 & 2.

Councilwoman Kobuta replied that she will take this back to the committee.

Councilman Mitchell suggested a possible coupon that could be issued by the DSA should someone get a parking ticket.

Councilman Wilson commented that it was wonderful to see so many people come out tonight to express their feelings about parking in Somerville. The changes in Somerville have been exponential. We have to maintain and improve what we have in town for people to keep coming into town.

Councilman Sullivan commented that there were gaps in the original ordinance and he is pleased to see that the downtown employees are being reviewed. He also asked for the removal of parking restrictions on South Auten removed.

Councilman Kraska commented that he feels that the task force did a great job and will support the amendments. At some time this Ordinance needs to be adopted so that changes can start to take place.

The motion for the amendment was approved by the following vote:

Ayes: Councilwoman Kobuta, Councilman Mitchell,  
Councilman Sullivan, Councilman Wilson

Nays: Councilman Kraska, Councilman Utter

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**Resolutions:**

The following consent resolutions were presented:

RESOLUTION 15-0908-298

APPROVING BLOCK PARTY ON FIELDSTONE DRIVE ON OCTOBER 18, 2015 FROM NOON TO 5:00 P.M. WITH ROAD CLOSURE FROM GRIMM DRIVE TO ROBIN ROAD

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes a block party on Fieldstone Drive on October 18, 2015 from Noon to 5:00 p.m. with road closure from Grimm Drive to Robin Road (barricades to be dropped off at 18 Fieldstone Drive)

RESOLUTION 15-0908-299

APPROVING THE ATTACHMENT OF A MUNICIPAL LIEN ON BLOCK 64 LOT 3 COMMONLY KNOWN AS 19 HAMILTON STREET FOR SITE CLOSURE

WHEREAS, the Department of Public Works was required to provide labor and materials for a board-up of 19 Hamilton Street; and

WHEREAS, the Fire Department and the Department of Public works responded to a fire call at 19 Hamilton Street on July 21, 2015 which resulted in closure of the structure: and

WHEREAS, the property owners failed to take actions to secure the structure;

WHEREAS, the Department of Public Works was required to provide labor and materials in the amount of \$1,232.66 (\$376.66 material, \$856.00 labor);

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes a lien in the amount of \$1,232.66 to be placed on 19 Hamilton Street, Somerville, New Jersey 08876

RESOLUTION 15-0908-300

AUTHORIZING DGM MANAGEMENT TO REPLACE A CASH BOND WITH A PERFORMANCE BOND ON 6 NORTH DOUGHTY AVENUE PROJECT

WHEREAS, DGM Management was required to place a performance or cash bond for the project located at 6 North Doughty Avenue in the amount of \$85,311.60; and

WHEREAS, DGM Management placed a cash bond: and

WHEREAS, DGM Management desires to replace a cash bond with a performance bond;

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the Borough Clerk to accept a performance bond to replace the cash bond previously posted for the project located at 6 North Doughty Avenue.

RESOLUTION 15-0908-301

APPROVING NEW TAXI DRIVER LICENSE FOR ROLANDO BECERRIL

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves new Taxi Driver License for Rolando Becerril

RESOLUTION 15-0908-302

APPROVING NEW TAXI DRIVER LICENSE FOR RAVI K. SINGH

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves new Taxi Driver License for Ravi K. Singh

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RESOLUTION 15-0908-303

APPROVING GIRLS ON THE RUN 5K RACE FOR NOVEMBER 22, 2015

WHEREAS, the fall 2015 Girls on the Run 5K Race at 11:00 a.m.; and

WHEREAS, the racing route is the approved and regular GOTR Race route

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the fall Girls on the Run race on November 22, 2015 at 11:00 a.m.

RESOLUTION 15-0908-305

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT –  
Somerset Developers LLC

WHEREAS, the Land Use and Development Ordinance of the Borough of Somerville requires a performance guarantee deposit be made for various projects, and

WHEREAS, work has been performed by professionals that have charges against Somerset Developers LLC, Developers Escrow Account, and

WHEREAS, it is determined that \$1,942.50 to be paid to Driver Associates, LLC (invoice 2015-8 dated September 1, 2015) 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 Developers LLC # 7762624992.

RESOLUTION 15-0908-306

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – VMD  
Associates LLC

WHEREAS, the Land Use and Development Ordinance of the Borough of Somerville requires a performance guarantee deposit be made for various projects, and

WHEREAS, professionals have performed services and it is determined that charges are to be made against VMD Associates LLC Developers Escrow Account, and

WHEREAS, it is confirmed that \$231.25 be paid to Driver Associates (Invoice 2015-8, September 1, 2015) 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 15-0908-307

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT –  
DESAPIO PROPERTIES

WHEREAS, the Land Use and Development Ordinance of the Borough of Somerville requires a performance guarantee deposit be made for various projects, and

WHEREAS, professionals have performed work and charges are authorized against DeSapio Properties Developers Escrow Account, and

WHEREAS, it is determined that \$1,341.25 be paid to Driver Associates (Invoice 2015-8, Date September 1, 2015) 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.

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RESOLUTION 15-0908-308

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – JSM LANDMARK

WHEREAS, the Land Use and Development Ordinance of the Borough of Somerville requires a performance guarantee deposit be made for various projects, and

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

WHEREAS, it has been confirmed that \$138.75 be paid to Driver Associates, LLC (Invoice 2015-8-September 1, 2015), 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 15-0908-309

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

WHEREAS, the Land Use and Development Ordinance of the Borough of Somerville requires a performance guarantee deposit be made for various 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 \$555.00 be paid to Driver Associates LLC (Invoice 2015-7- July 14, 2015) 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 15-0908-310

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – THE EXCHANGE AT SOMERVILLE

WHEREAS, the Land Use and Development Ordinance of the Borough of Somerville requires a performance guarantee deposit be made for various projects, and

WHEREAS, a deposit was received from The Exchange at Somerville and deposited into our Developers Escrow Account, and

WHEREAS, it has been confirmed that \$462.50 be paid to Driver Associates, LLC (Invoice 2015-8-September 1, 2015) or 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 The Exchange at Somerville #7763782793

RESOLUTION 15-0908-311

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – Somerset Developers LLC to DeCotiis FitzPatrick & Cole

WHEREAS, the Land Use and Development Ordinance of the Borough of Somerville requires a performance guarantee deposit be made for various projects, and

WHEREAS, Resolution 15-0817-282 authorized the charges of \$1,440.06 to be paid to DeCotiis, FitzPatrick & Cole, LLP (invoice 167573 Period Ending 7/31/15) for services rendered; and

WHEREAS, it was determined that amount to be authorized to be charged should have been \$1,479.66, a difference of \$39.60

Somerville, NJ September 8, 2015

WHEREAS, it is determined that as a result of the error in Resolution 15-0817-282 that \$39.60 to be paid to DeCotiis, FitzPatrick & Cole, LLP (invoice 167573 Period Ending 7/31/15) for services rendered. (\$1440.06 as per resolution 15-0817-282 and \$39.60 as per this Resolution for a total amount of \$1,479.66)

RESOLUTION 15-0908-311

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS  
FROM ESCROW ACCOUNT – Somerset Developers LLC to DeCotiis FitzPatrick & Cole

WHEREAS, the Land Use and Development Ordinance of the Borough of Somerville requires a performance guarantee deposit be made for various projects, and

WHEREAS, Resolution 15-0817-282 authorized the charges of \$1,440.06 to be paid to DeCotiis, FitzPatrick & Cole, LLP (invoice 167573 Period Ending 7/31/15) for services rendered; and

WHEREAS, it was determined that amount to be authorized to be charged should have been \$1,479.66, a difference of \$39.60

WHEREAS, it is determined that as a result of the error in Resolution 15-0817-282 that \$39.60 to be paid to DeCotiis, FitzPatrick & Cole, LLP (invoice 167573 Period Ending 7/31/15) for services rendered. (\$1440.06 as per resolution 15-0817-282 and \$39.60 as per this Resolution for a total amount of \$1,479.66)

RESOLUTION 14-0908-313

EXTENDING THE CONDITIONAL DESIGNATION OF SOMERSET DEVELOPMENT, LLC  
AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 123, LOTS 2.01, 3, 5 &  
12.01 AND TAX BLOCK 124, LOTS 18, 19 & 20 IN THE LANDFILL REDEVELOPMENT  
AREA FOR THE DEVELOPMENT OF A MIXED USE PROJECT

WHEREAS, on December 8, 1997, the Somerville Borough Council, by resolution, designated an area in need of redevelopment, now known as the Borough Landfill Redevelopment Area ("Redevelopment Area"); and

WHEREAS, on March 16, 1998, the Borough Council, by ordinance, adopted a redevelopment plan for the Redevelopment Area entitled the Borough Landfill Redevelopment Plan, which Redevelopment Plan was amended by the Borough on September 4, 2007, and the amended Redevelopment Plan is entitled "Redevelopment Plan for the Station Area and Landfill Redevelopment Area", which was prepared by Phillips Preiss Shapiro Associates, Inc., dated September, 2007 ("Redevelopment Plan"), which Redevelopment Plan has been amended from time to time; and

WHEREAS, Tax Block 123, Lots 2.01, 3, 5 & 12.01 and Tax Block 124, Lots 18, 19 & 20 (the "Property") are located in the Redevelopment Area; and

WHEREAS, the Property is owned by New Jersey Transit ("NJT"), used in part for parking and rail related operations and other parts are vacant land; and

WHEREAS, the Borough of Somerville (the "Borough") has been promoting the redevelopment of the Redevelopment Area and Property for redevelopment consistent with the Vision Plan for the Landfill and the Redevelopment Plan; and

WHEREAS, Somerset Development, LLC ("Somerset") was selected by NJT as the redeveloper for the Property as the result of a request for proposal by NJT;

WHEREAS, Somerset and NJT have entered into a Memorandum of Understanding, dated August 21, 2014, with regards to the redevelopment and sale of the Property; and

WHEREAS, Somerset and NJT are currently negotiating a Master Development Agreement for the Property; and

WHEREAS, Somerset made a presentation to the Borough Council on September 15, 2014 regarding its concept proposal to develop a mixed use project on the Property consisting of approximately 760 residential units, 20% of which will be affordable housing, up to 56,000 square feet of non-residential public/civic space, 7,000 square feet of commercial/retail space (expandable up to 31,000 square feet), including 910 parking spaces; and

WHEREAS, the proposal has been reviewed and found consistent with the Redevelopment Plan and the Borough's goals for redeveloping the Redevelopment Area; and

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WHEREAS, on September 15, 2014, the Borough Council adopted a resolution conditionally designating Somerset as redeveloper of the Property for a period of 120 days; and

WHEREAS, on September 29, 2014, Somerset and the Borough entered into an escrow agreement, one of the conditions of the original designation; and

WHEREAS, on January 12, 2015, the Borough Council adopted a resolution extending the conditional designation of Somerset as redeveloper of the Property for a period of 120 days, which expires on May 12, 2015; and

WHEREAS, on May 4, 2015, the Borough Council adopted a resolution extending the conditional designation of Somerset as redeveloper of the Property for a period of 120 days, which expired on September 1, 2015; and

WHEREAS, Somerset and NJT continue to negotiate the terms and conditions of a Master Development Agreement, Somerset continues to diligently conduct due diligence regarding the Property and the Borough and Somerset continue to discuss the redevelopment of the Property, additional time is required for the parties to complete these tasks and a further extension of the conditional redeveloper designation as been requested by Somerset and is necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Somerville that it hereby extends the conditional designation as redeveloper of Somerset Development, LLC, 911 E. County Line Road, Lakewood, NJ 08701 for the redevelopment of Tax Block 123, Lots 2.01, 3, 5 & 12.01 and Tax Block 124, Lots 18, 19 & 20, located in the Landfill Redevelopment Area, for a mixed use project as described herein, the detail of which is subject to further refinement.

BE IT FURTHER RESOLVED, that said extension of the conditional designation as redeveloper is subject to the following conditions:

1. That the conditional designation is limited to a period of one hundred and twenty (120) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted resolution of the Borough Council.
2. That Somerset Development, LLC or an affiliated urban renewal entity and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
3. That Somerset Development, LLC continue to negotiate in good faith with New Jersey Transit on the terms and conditions of a Master Development Agreement for the redevelopment of the Property.
4. That Somerset Development, LLC agrees to pay any and all costs incurred by the Borough from the date of the conditional designation to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth herein.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a redevelopment agreement, the Borough Council shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

#### RESOLUTION 15-0908-314

#### APPROVING A BLANKET SIDEWALK SALE FOR ALL RETAIL BUSINESSES ON OCTOBER 4, 2015

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves a blanket sidewalk sale for all retail businesses on October 4, 2015.

#### RESOLUTION 15-0908-315

#### APPROVING A GRANT APPLICATION TO BE SUBMITTED TO THE 2015 SOCIETY OF FIRE PROTECTION ENGINEERS NEW JERSEY CHAPTER FOR FIRE PREVENTION WEEK HOARDING AND FIRE SAFETY

Somerville, NJ September 8, 2015

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the Fire Official to submit an application for the 2015 Society of Fire Protection Engineers New Jersey Chapter Fire Prevention Week Hoarding & Fire Safety.

RESOLUTION 15-0908-318

EXTENDING THE CONDITIONAL DESIGNATION OF DESAPIO PROPERTIES, LLC AS REDEVELOPER FOR PROPERTY KNOWN AS TAX BLOCK 63, LOTS 1, 2, 3, 34, IN THE EASTERN CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A RESIDENTIAL PROJECT

WHEREAS, in January, 2008, the Somerville Borough Council, by resolution, designated an area in need of redevelopment, now known as the Eastern Central Business District Redevelopment Area (“Redevelopment Area”); and

WHEREAS, on December 3, 2012, the Borough Council, by ordinance, adopted an amended redevelopment plan for the Redevelopment Area entitled the East Central Business District Redevelopment Plan,; and

WHEREAS, Tax Block 63, Lots 1, 2, 3, 34 (the “Property”) are located in the Redevelopment Area; and

WHEREAS, the Property is owned by DeSapio Properties, LLC; and

WHEREAS, the Borough of Somerville (the “Borough”) has been promoting the redevelopment of the Redevelopment Area consistent with the Redevelopment Plan; and

WHEREAS, on May 4, 2015, the Borough Council adopted a resolution conditionally designating DeSapio Properties, LLC as redeveloper of the Property for a period of 120 days; and

WHEREAS, on June 15, 2015, DeSapio and the Borough entered into an escrow agreement, one of the conditions of the original designation; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Somerville that it hereby extends the conditional designation as redeveloper of DeSapio Properties, LLC 34 West Main Street Somerville 08876 for the redevelopment of Tax Block 63, LOTS 1, 2, 3, 34, located in the East Central Business District Redevelopment Area, for a mixed use project.

BE IT FURTHER RESOLVED, that said extension of the conditional designation as redeveloper is subject to the following conditions:

- 1. That the conditional designation is limited to a period of one hundred and twenty (120) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of any Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the conditional designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted resolution of the Borough Council.
- 2. That DeSapio Properties, LLC or an affiliated urban renewal entity and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
- 3. That DeSapio Properties, LLC agrees to pay any and all costs incurred by the Borough from the date of the conditional designation to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth herein.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a redevelopment agreement, the Borough Council shall be required to review and authorize execution of any and all related documents in order to effectuate the completion and implementation of this project.

RESOLUTION 15-0908-319

ACCEPTING THE RESIGNATION OF JAMES P. MILLER – SEASONAL LABORER EFFECTIVE AT THE END OF BUSINESS ON SEPTEMBER 11, 2015

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby accepts resignation of James P. Miller effective at the end of business on September 11, 2015.

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RESOLUTION 15-0908-320

APPROVING ALCOHOLIC BEVERAGE LICENSES TO BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGES FOR APPROVAL

WHEREAS, the License Clerk reported that the following applications for Plenary Retail Consumption, Plenary Retail Consumption with Broad Privileges, Plenary Retail Distribution and Club Licenses, for the year 2015-2016, including license numbers have been filed; and

WHEREAS, each of the applicants paid the required fee and has fully complied with the requirements of our ordinance and the rules and regulations as set forth by the Division of Alcoholic Beverages; and

WHEREAS, written reports were received from the various municipal code officials who conducted inspections of said premises; and

WHEREAS, it is the recommendation of the Police Department, Board of Health, Building Inspector and Fire Inspector that the applications be approved for their 2015-2016 Alcoholic Beverage Licenses;

PLENARY RETAIL CONSUMPTION: (33)

Wolf Somerville, LLC t/a Wolfgang's Steakhouse 1818-33-006-014	119 W. Main Street Peter Zwiener	541-0344
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Sarah Jane's LLC t/a Sarah Jane's 1818-33-012-002	33 Route 206 James Lamperti	575-8010
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PLENARY RETAIL DISTRIBUTION LICENSES: (44)

PYS Group, Inc. t/a Path Liquors 1818-44-014-007	79 W. Main Street Sudhakar Perkari	685-0858
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The above fees are \$1,500.00 plus \$3.00 filing fee; \$200.00 to Div. of ABC.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council, acting as the issuing authority, acting upon the recommendation of the License Clerk, Police Department, Board of Health, Building Inspector and Fire Inspector, hereby approves the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses, including license numbers for the year 2015-2016

AND BE IT FURTHER RESOLVED, that the License Clerk submit the a foregoing resolution in certified form, filing fees and applications, to the Division of Alcoholic Beverages for immediate approval.

RESOLUTION 15-0908-321

ACCEPTING THE RESIGNATION OF ST. CLAIR WATSON- SEASONAL LABORER EFFECTIVE AT THE END OF BUSINESS OF JULY 27, 2015

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby accepts resignation of St. Clair Watson effective at the end of business on July 27, 2015.

RESOLUTION 15-0908-322

AWARDING A CONTRACT TO BEYER FORD FOR A 2015 FORD EXPLORER UNDER NEW JERSEY STATE CONTRACT #A83013

WHEREAS, the Borough of Somerville is replacing a vehicle in its municipal fleet; and

WHEREAS, it is determined that Beyer Ford, 170 Ridgefield Avenue, Morristown, New Jersey possess such replacement vehicle under New Jersey State Contract #A83013; and

WHEREAS, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved contractor under New Jersey State Contract; and

WHEREAS, the base for said vehicle is \$24,708.00 and the options are \$3,455.00 for a total of \$28,163.00; and

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WHEREAS, said vehicle requires certain emergency response options for sirens and lights in the amount of \$2,575.00 for a total purchase of \$30,738.00  
BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the purchase of the base vehicle under New Jersey State Contract of \$24,708.00 with options of \$3,455.00 and \$2,575.00 for a total amount of \$30,738.00.

RESOLUTION 15-0908-323

AWARDING A CONTRACT TO FALCON ROAD MAINTENANCE & EQUIPMENT FOR A FOUR (4) TON FALCON RME ASPHALT HOT PATCHER TRAILER UNDER THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE

WHEREAS, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of an approved national cooperative, and Falcon Road Maintenance Equipment has been approved for a National Joint Powers Alliance (NJPA) Cooperative Contract # 113012-FRM, which cooperative the Borough of Somerville is a part of; and

WHEREAS, the Borough of Somerville requires equipment to repair potholes on streets and roads within the borough’s jurisdiction; and

WHEREAS, pursuant to the recommendation of the Public Works Department the Borough of Somerville desires to purchase a 4-Ton Falcon RME Asphalt Hot Patcher Trailer in the amount of \$38,625.00 under NJPA Cooperative contract # 113012-FRM; and

WHEREAS, it is determined that McGrath Municipal Equipment, LLC, PO Box 422 Springfield, New Jersey 07081-0422 is an authorized dealer of Falcon Road Maintenance Equipment in New Jersey; and

WHEREAS, the cost for the 4-Ton Falcon RME Asphalt Hot Patcher Trailer is \$38,625.00

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the purchase of the 4-Ton Falcon RME Asphalt Hot Patcher Trailer from McGrath Municipal Equipment, LLC, PO Box 422 Springfield, New Jersey 07081-0422 in the amount of \$38,625.00 under the NJPA Cooperative Contract # 113012-FRM.

Councilman Utter made a motion and was seconded by Councilwoman Kobuta to approve the aforementioned consent resolutions.

The motion was approved by the following vote:

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

RESOLUTION 15-0908-296

APPLICATION FOR DEMONSTARION PERMIT15-002- WILLIAM TEALE – SEPTEMBER 26, 2015 & OCTOBER 10, 2015

WHEREAS, William Teale has applied for a demonstration permit for use of public property; and

WHEREAS, the permit is provided for 25 West End Avenue on the grounds at the intersection of West End Avenue and Somerset Street on September 26, 2015 and October 10, 2015 from noon to 2:00 p.m.; and

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey Approves a demonstration permit for William Teale for September 26, 2015 and October 10, 2015 from Noon to 2:00 p.m.

Councilman Utter made a motion and was seconded by Councilman Mitchell to approve the aforementioned resolution.

Councilman Sullivan asked for details on the event.

Clerk-Administrator Sluka responded that this event might be cancelled. This is demonstration as a political candidate.

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The motion was approved by the following vote:

Carried unanimously  
RESOLUTION 15-0908-297

APPROVING BLOCK PARTY ON VANDERVEER AVENUE ON OCTOBER 31, 2015 FROM 1:00 P.M. TO 6:00 P.M. WITH ROAD CLOSURE OF VANDERVEER AVENUE FROM STEELE AVENUE TO FAIRMONT AVENUE

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes a block party on VanDerveer Avenue on October 31, 2013 from 1:00 p.m. to 6:00 p.m. with road closure of VanDerveer Avenue from Steele Avenue to Fairmont Avenue (barricades to be dropped off at corner of VanDerveer and Fairmont Avenue)

Councilman Utter made a motion and was seconded by Councilman Wilson to approve the aforementioned resolution.

The motion was approved by the following vote:

Carried unanimously  
Councilman Kraska-Abstained

RESOLUTION 15-0908-304

APPROVING A HANDICAP SPACE ON WEST HIGH STREET IN FRONT OF 132 WEST HIGH STREET ON SATURDAYS AND SUNDAYS ONLY

WHEREAS, on Saturday and Sunday there is a need for a handicap parking space on the roadway in front of 132 West High Street; and

WHEREAS, a handicap space shall be designated as follows:

Street	Side	location
West High Street	North	from a point 47 feet east of Mercer Street to a point 22 feet easterly therefrom.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves a handicap space as defined in the preamble for Saturday and Sundays only.

Councilman Utter made a motion and was seconded by Councilman Mitchell to approve the aforementioned resolution.

Clerk-Administrator Sluka commented that this has been requested by the church and is to be used on only Saturday and Sunday.

The motion was approved by the following vote:

Carried unanimously

RESOLUTION 15-0908-316

ESTABLISHING AND ADOPTING A "COMPLETE STREETS POLICY" FOR THE BOROUGH OF SOMERVILLE

WHEREAS, Mayor Gallagher created a Complete Street Committee on January 1, 2015 to begin the process of establishing a policy to be utilized for creating street corridors that safely accommodates all road users including pedestrians, bicyclists, transit vehicle users and motorists of all ages and abilities; and

WHEREAS, Councilwoman Jane Kobuta, Councilman Ken Utter and Administrator Kevin Sluka attended the State of New Jersey workshop to gather an understanding of the process and the operations of creating a "Complete Streets" Policy; and

WHEREAS, the Borough of Somerville desires to implement a "Complete Streets" Policy through planning, design, construction, operation of new and retrofitted transportation facilities within the public rights-of-way, enabling safe access and mobility of all users of all ages and abilities; and

WHEREAS, the benefits of a "Complete Streets" policy provides the municipal; agencies a guideline to both the public sector and private section development projects; and

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WHEREAS, additional benefits of a “Complete Streets” policy are many and varied, the full integration of all modes of travel in the design of streets will increase the capacity and efficiency of the road network, reduce traffic congestion by improving mobility options, including pedestrian, bicycling and transit vehicle travel as an alternative to automobile, reduce negative environmental impacts, provide connections to walking and bicycle routes, promote healthy living improve local retain and create more livable communities; and

WHEREAS, the Borough of Somerville in conjunction with the Planning Board shall review both new construction and reconstruction initiatives that are to be undertaken with “Complete Streets” Policy mindset and whenever feasible to so, safely accommodate travel by pedestrians, bicyclists and alternative forms of transportation, transit and motorized vehicles; and

WHEREAS, when possible bicycle, pedestrian and transit facilities shall be designed and conform with the best current available standards, practices and should complement the context of the surrounding community; and

WHEREAS, municipal departments and professionals should review and revise and recommend development regulations, laws, procedures and rules including updating the Somerville Master Plan to integrate, accommodate and balance the need of all users in all projects: and

WHEREAS, the Complete Streets Committee shall be fully formalized and began the process of steering the professionals, boards, professionals and elected officials to establish a comprehensive “Complete Streets” Policy:

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey hereby approves the establishment of a “Complete Street” Policy and adoption of the Policy.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey that the Complete Streets Committee initiate the process of educating and informing and formalizing the “Complete Streets” Policy

Councilman Utter made a motion and was seconded by Councilman Kraska to approve the aforementioned resolution.

Councilman Utter commented that he was very happy to see this resolution finally come to the table for action and he looks forward to making the Borough streets more bicycle and pedestrian friendly.

The motion was approved by the following vote:

Carried unanimously

RESOLUTION 15-0908-317

APPROVING OCTOBERFEST TO BE HELD ON SEPTEMBER 26 & SEPTEMBER 27, 2015 ON NORTH BRIDGE STREET BETWEEN MAIN STREET AND WEST HIGH STREET – ROAD WILL BE CLOSED

WHEREAS, Octoberfest is planned for September 26, 2015 and September 27, 2015 on North Bridge Street between Main Street and West High Street; and

WHEREAS, the event will take place on Saturday, September 26, 2015 from 3:00 p.m. to 9:00 p.m. with music extending to 10:00 p.m., and on Sunday, September 27, 2015 from Noon to 7:00 p.m. with music extending to 8:00 p.m.; and

WHEREAS, the event organizer is responsible for sanitation during and after the event, and shall be responsible for arranging security and safety during road closure; and

WHEREAS, the event organizer shall notify all residents and business within the affected road closure area and obtain all municipal and state permits:

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorize Octoberfest to be held on September 26 & September 27, 2015 on North Bridge Street between Main Street and West High Street.

Councilman Utter made a motion and was seconded by Councilman Mitchell to approve the aforementioned resolution.

Mayor Gallagher commented that this event has outgrown Division Street and has been moved to North Bridge.

Councilman Sullivan asked that any impact to parking during this event be communicated.

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The motion was approved by the following vote:

Carried unanimously

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

P.O. Id	Vendor Name	Item Description	Amount
15002166	COURIER NEWS	legal ads	77.44
15002221	COURIER NEWS	legal ads	69.08
15002149	PAUL ALLENA	minutes/tech support-August	663.00
15002160	29 SOMERSET PROPERTY, LLC	rental of basement-Sept	300.00
15002158	DELAGE LANDEN FINANCIAL SERVIC	AUGUST COPIER LEASE	195.84
15002129	KEVIN SLUKA	Education reimbursement	75.00
15002226	DENNIS SULLIVAN	reimbursement	48.00
15002170	US HEALTHWORKS	firefighter's physical	55.00
15001846	RR DONNELLEY	SAFETY PAPER	955.50
15002188	STAPLES CR PLAN	supplies for A/E	284.73
15002222	NJ DIVISION OF ABC	19 liquor lic appl	57.00
15002169	FEDEX	shipping charges	18.04
15002144	ADP	PAYROLL SERVICES	232.37
15002176	ADP	PAYROLL SERVICES	72.65
15002235	ADP	PAYROLL SERVICES	185.41
15002024	GFOA OF NJ	Convention	325.00
15002162	COMPUTER SYSTEMS & METHODS	Sept maint agrmt-police	1,810.00
15002227	VITAL COMMUNICATIONS INC	TAX COLLECTION SYSTEM	286.50
15002149	PAUL ALLENA		1,020.00
15002214	VERIZON COMMUNICATIONS	internet charges	149.99
15001901	DIRECT MAIL DEPOT	mailing of tax bills	250.00
15002233	VITAL COMMUNICATIONS INC	TAX SALE NOTICES	20.00
15002188	STAPLES CR PLAN	supplies for Tax Assessor	127.49
15002172	AMANO MCGANN INC	freight charges	54.72
15002223	VERIZON WIRELESS	wireless charges-pay stations	105.34
15002196	ICC CHICAGO REGIONAL OFFICE	CODE COMMENTARY	190.00
15002196	ICC CHICAGO REGIONAL OFFICE		86.50
15002196	ICC CHICAGO REGIONAL OFFICE		186.00
15002196	ICC CHICAGO REGIONAL OFFICE		84.00
15002196	ICC CHICAGO REGIONAL OFFICE		46.00
15002196	ICC CHICAGO REGIONAL OFFICE		23.70
15002199	TREASURER, STATE OF NJ	EDUCATION	300.00
15002148	METLIFE-GROUP BENEFITS	Sept. dental plan	4,682.00
15002157	DIANE HEIMBERG	SALARY	756.00
15002099	VESPIA'S/MR TIRE	VEHICLE REPAIRS	135.25
15002121	VESPIA'S/MR TIRE	VEHICLE REPAIRS - CAR #3	88.49
15002137	VESPIA'S/MR TIRE	VEHICLE REPAIRS - CAR #11	26.49
15002156	VESPIA'S/MR TIRE	VEHICLE REPAIRS - CAR #4	389.20
15002198	VESPIA'S/MR TIRE	VEHICLE REPAIRS - CAR #7	26.89
15002203	SOMERVILLE CYCLERY	BIKE REPAIRS	34.94
15002194	STAPLES CREDIT PLAN	OFFICE SUPPLIES	748.06
15001955	MPH INDUSTRIES INC	2 BEE III KA-BAND DUAL ANTENNA	3,838.00
15002101	DELAGE LANDEN FINANCIAL SERVIC	SHARP COPIER MAINTEN. CONTRACT	156.00
15002120	ESSEX CTY COLLEGE PUBLIC SAFET	ASSAULT RIFLE INSTRUCTOR CLASS	300.00
15002122	ATLANTIC TACTICAL	UNIFORMS - OFF. SPADEA	47.95
15002136	ATLANTIC TACTICAL	UNIFORMS	288.68
15002161	STEVE WEINMAN	OEM coordinator-Sept	1,458.33
15001445	FIRE & SAFETY SERVICES LTD	repair pump for Eng 3	14,824.80
15002130	AUTOMOTIVE ENERGY	batteries	523.33
15002229	FOLEY INCORPORATED	supplies	100.91
15002231	OCTAVIO ANGELOZZI	hours worked	555.00
15002232	THOMAS CALABRESE	hours worked	638.25
15002213	VERIZON WIRELESS	fire dept tablet charges	96.30
15002167	CENTRAL JERSEY NURSERIES	repair parts	439.80
15002184	K & L AUTO BODY	parts	100.00
15002228	LAWSON PRODUCTS INC	supplies	134.62
15002188	STAPLES CR PLAN	supplies for Fire Dept	1,032.08
15002147	CENTRAL HOOK AND LADDER	rent for September	1,300.00
15002173	HOME DEPOT CREDIT SERVICES	supplies for Fire Safety	77.93
15002188	STAPLES CR PLAN	supplies for Fire Safety	20.01

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15002191	AMERICAN WATER	Fire hydrant service	12,187.50
15002150	BOB SMITH & ASSOC.	prof services-Sept	1,000.00
15002011	STAVOLA ASPHALT COMPANY	asphalt	267.50
15002211	AZUGA, INC.	qtrly charges	659.70
15002211	AZUGA, INC.	shipping charges	7.99
15001787	DEMARCO BATTERIES PLUS	bills	242.70
15001999	NAPA-GENUINE PARTS CO.	bills	182.73
15002021	AARON & CO	parts	17.96
15002057	BUCKET SUPPLY & EQUIPMENT INC	parts for 928 Cat loader	621.67
15002119	FINGER'S RADIATOR HOSPITAL INC	emergency repair	178.50
15002173	HOME DEPOT CREDIT SERVICES	supplies for PW-Roads	304.95
15001706	L & S CONTRACTING	One day rental screener	1,500.00
15001888	CARTRIDGE DEPOT	ink cartridges	115.00
15001776	SIGNS AND SAFETY DEVICES L.L.C	signs	96.00
15002173	HOME DEPOT CREDIT SERVICES	supplies for PW-Shop	153.94
15001920	KENS TREE SERVICE	remove tree 10 Catalina Drive	300.00
15002165	CIPOLLINI CARTING & RECYCLING	garbage removal	19,427.17
15002215	CIPOLLINI CARTING & RECYCLING	garbage removal	21,159.68
15002117	AMPERE ELECTRICAL CONTRACTORS	add subpanel Borough Hall	1,293.50
15002173	HOME DEPOT CREDIT SERVICES	supplies for B&G	16.96
15002197	SERVICE EXPERTS NJ PLUMBING LL	repair to chiller	1,148.40
15002118	SOMERVILLE LUMBER CO	parts	8.99
15002173	HOME DEPOT CREDIT SERVICES	supplies for B&G	49.12
15002193	DEER PARK	water bills	100.68
15001948	NYSTROM, INC	surface mount access door	75.00
15001948	NYSTROM, INC	freight	20.00
15002124	SOMERSET COUNTY HEALTH DEPT	AUGUST 2015 INVOICE	8,792.47
15002168	ST HUBERTS	3rd qtr billing	8,875.00
15001785	STORR TRACTOR CO	bills	21.04
15002103	STORR TRACTOR CO	bills	663.38
15002151	E&B DISTRIBUTORS	parts	59.67
15002173	HOME DEPOT CREDIT SERVICES	supplies for PW-Parks	102.09
15002173	HOME DEPOT CREDIT SERVICES	supplies for PW-Parks	70.21
15001537	EFINGERS	field paint	399.60
15002003	SHERWIN-WILLIAMS	bills	463.60
15002173	HOME DEPOT CREDIT SERVICES	supplies for PW-parks	224.16
15002029	AMPERE ELECTRICAL CONTRACTORS	repair Park Ave BB lights	237.50
15002135	SOMERSET SOLAR 1 LLC	energy bill	72.10
15002123	VERIZON COMMUNICATIONS	FIOS - 7/28/15 - 8/27/15	144.99
15002143	VERIZON	phone charges	62.44
15002174	VERIZON	phone charges	134.32
15002175	VERIZON	phone charges	48.33
15002177	VERIZON	phone charges	99.34
15002178	VERIZON	phone charges	78.20
15002179	VERIZON	phone charges	120.84
15002180	VERIZON	phone charges	1,491.05
15002181	VERIZON	phone charges	84.76
15002187	VERIZON	phone charges	122.75
15002218	VERIZON	phone charges	34.49
15002219	VERIZON	phone charges	271.57
15002220	VERIZON COMMUNICATIONS	FIOS charges	114.99
15002223	VERIZON WIRELESS	cell/pager charges	1,307.87
15002234	SPYGLASS GROUP, LLC	phase I-phone audit	2,485.44
15002114	AMERICAN WATER	BILLS	300.08
15002191	AMERICAN WATER	water bills	735.77
15002216	TD WEALTH OPERATIONS	SCIA	1,000.00
15002208	ANN LANEVE	HOURS WORKED	300.00
15002209	AMERICAN WATER	WATER BILLS	510.12
15002209	AMERICAN WATER	WATER BILLS	507.80
15002210	VITAL COMMUNICATIONS INC	BLANK SEWER BILLS	1,033.58
15001754	DIRECT MAIL DEPOT	SEWER BILLS	250.00
15002233	VITAL COMMUNICATIONS INC	TAX SALE NOTICES	26.20
15002173	HOME DEPOT CREDIT SERVICES	supplies for DSA	55.84
15001783	AARON LEONOVICH	2015 Summer Stage Performance	350.00
15001627	DONNELLY ENERGY SOLUTIONS		14,918.66
15002126	BRIDGEWATER TOWNSHIP	Loeser Ave Repairs	9,436.50
15001627	DONNELLY ENERGY SOLUTIONS	Direct Install Boilers (Qty 2)	1,116.60

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15001627	DONNELLY ENERGY SOLUTIONS		14,878.70
15000756	COLE & ASSOCIATES LLC		1,340.00
15002164	DECOTIIS,FITZPATRICK,COLE & WI	Professional Services	3,685.14
15002230	DRIVER ASSOCIATES LLC	Monthly Charge	13,000.00
15002230	DRIVER ASSOCIATES LLC		0.00
15002171	GIBBONS, PC		475.00
15002141	GEOSYNTEC CONSULTANTS	60 Cornell Blvd - HSRDF	109,235.12
15002127	DRAGER SAFETY DIAGNOSTICS	BREATHALYZER CERT. SOLUTION	240.00
15002005	US SPORTS INSTITUTE, INC.	2015 Summer Sports Squirts	512.64
15001970	SOMERSET COUNTY PARK COMM	2015 TR participation fee	2,445.00
15001881	PREFERRED POOL MANAGEMENT, INC	Battery for Aquatic Lift	250.00
15001881	PREFERRED POOL MANAGEMENT, INC	Shipping	17.50
15002115	PREFERRED POOL MANAGEMENT, INC	Management Services	6,955.00
15002173	HOME DEPOT CREDIT SERVICES	supplies for Recreation	59.90
15002154	COURIER NEWS		50.84
15002155	COLE & ASSOCIATES LLC		120.00
15002207	COURIER NEWS	LEGAL NOTICE	52.60
15002142	GOTR 5K	GOTR- Spring 2015	1,875.00
15002239	GLENN THORNE	HOURS WORKED	300.00
15002117	AMPERE ELECTRICAL CONTRACTORS	add subpanel Borough Hall	500.00
15002163	GRANICUS INC	monthly maint agrmts	586.00
			<b>316,011.04</b>

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

Councilman Sullivan noted an abstention on voucher 15002226

The motion was approved by the following vote:

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

Nays: None

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

The motion was approved by the following vote:

Carried unanimously

The meeting was adjourned at 9:00pm.

Respectfully submitted,

Paul Allena  
Secretary