

BOROUGH OF SOMERVILLE
COUNCIL MEETING AGENDA

Monday, August 5, 2013

6:00 P.M.

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

1. Roll Call
2. Salute to the Flag
3. Approval of Minutes
 - a. July 15, 2013
4. Departmental Reports & Important Notices
 - a. 7-8-13 Letter from Sen. Kip Bateman advising \$4,246.71 was awarded to Somerville for the Route 206 Safe Corridor Grant
 - b. National Night Out, Tuesday, August 6, 2013 6:00 9:00 Exchange Field
 - c. 7-9-13 Service Request Report
 - d. 7-15-13 State of New Jersey EEO public agency review compliance letter
 - e. Rain Garden Workshop for residents of Somerville – Duke Farms 8/22 from 6:00 to 8:00, 8/24 from 10:00 – 12:00 visit www.raritanbasin.org
 - f. July 2013 Monthly Summons Report
 - g. Special Primary Election August 13, 2013 polls open 6:00 a.m. to 8:00 p.m.
 - h. July Somerville Monthly Housing Report
5. Recognitions & Proclamations
 - a. Former Borough of Somerville Councilman John Colligas (served 1961-1963) on his 100th Birthday
6. Mayoral Appointments: Jason Kraska
Board of Recreation Commissioners members of which shall be appointed by the Mayor or Chief Executive Officer, in accordance with the provisions of N.J.R.S. 40:12-1

Accepting the resignation of Jason Kraska from Alternate #1 and appointing Jason Kraska as Commissioner, to an unexpired term to end on 12/31/16
7. Discussion items
 - a. Acquisition- Loan- Disposal Policy of Borough of assets that may have potential historical significance to the borough.
 - b. Spray ground design
8. Committee Reports
9. Meeting Open to the Public
10. ORDINANCES FOR INTRODUCTION

2420-13-0805 BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$445,000 FOR VARIOUS IMPROVEMENTS AND PURPOSES FOR AND BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$233,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

2421-13-0805 BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$100,000 FOR PRELIMINARY EXPENDITURES IN CONNECTION WITH VARIOUS REDEVELOPMENT PROJECTS FOR AND BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

2422-13-0805 AMENDING CHAPTER 102, ARTICLE 1, SECTION 2 OF THE BOROUGH CODE IN THE LAND USE AND DEVELOPMENT SECTION ADDING SUBSECTIONS "O" AND "P" TO INCLUDE A SUSTAINABILITY STATEMENT

2423-13-0805 AMENDING THE BROUGH CODE OF THE BOROUGH OF SOMERVILLE TO ADD CHAPTER 134 ENTITLED RIPARIAN ZONE ORDINANCE

11. RESOLUTIONS

13-0805-205 AUTHORIZING PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE FROM MAPTX INVESTMENTS, LLC., TO JSM INVESTMENTS AT SOMERVILLE, LLC.

12. CONSENT RESOLUTIONS

(Resolutions 13-0805- 206 thru 13-0805-214)

13-0805-206 AUTHORIZING THE REDUCTION OF PERFORMANCE BOND FOR 32 WEST MAIN STREET, LLC BLOCK 113, LOT 22 &23

13-0807-207 AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE AGREEMENT WITH FORD MOTOR CREDIT COMPANY SCHEDULE 5697517 FOR THE LEASE OF TWO 2013 FORD INTERCEPTOR SEDANS WITH POLICE PACKAGE IN THE AMOUNT OF \$68,519.00

13-0807-208 APPROVING SOMERVILLE EDUCATION FOUNDATION FAMILY FUN DAY TO BE HELD ON DIVISION STREET BETWEEN MAIN STREET AND SOUTH STREET ON SATURDAY, OCTOBER 12, 2013 BEGINNING AT 8:00 A.M. TO 3:00 P.M.

13-0807-209 AUTHORIZING EXTENSION OF GRACE PERIOD ON PROPERTY TAX BILLS AND SPECIAL IMPROVEMENT DISTRICT BILLS FOR THE DOWNTOWN SOMERVILLE ALLIANCE

13-0807-210 APPROVING GOOD SHEPHERD LUTHERAN CHURCH TO CONDUCT A DAY COMMUNITY SERVICE ON SEPTEMBER 8, 2013 AT THE SENIOR CITIZEN BUILDING AND AUTHORIZING USE OF BOROUGH HALL PARKING LOT

13-0807-211 APPROVING GIRLS ON THE RUN 5K RACE TO BE HELD ON NOVEMBER 24, 2013 AT 11:00 A.M. ROUTE TO BE DETERMINED

13-0805-212 AUTHORIZING THE CANCELLING OF UNCOLLECTIBLE TAXES

13-0805-213 APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY New Jersey Department of Transportation Highway Safety Grant

13-0805-214 APPROVING THE USE OF BOROUGH HALL LAWN TO CONDUCT A TREE LIGHTING CEREMONY FOR THE COALITION FOR ANIMALS

13. BILLS AND VOUCHERS

a. Bier & Associates \$11,700 account 3-07-000-000-524. Purchase Order 13-00084 Invoice Date 6/19/13

14. ADJOURNMENT

The first regular Borough Council meeting for the month of August 2013 was convened on Monday, August 5, 2013 at 7:00 pm 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: Council President Jane Kobuta, presiding, Councilman Thompson Mitchell, Councilwoman Amanda O'Neill, Councilman Dennis Sullivan and Councilman Robert Wilson. Mayor Brian Gallagher and Councilman Philip Decker were excused from the meeting.

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

The Pledge of Allegiance was recited by those in attendance.

The minutes of the July 15, 2013 Borough Council meeting were presented in writing for approval.

Councilman Sullivan made a motion and was seconded by Councilwoman O'Neill to approve the aforementioned minutes.

Carried unanimously

Council President Kobuta noted the Mayoral Appointment of Jason Kraska Board of Recreation Commissioners members of which shall be appointed by the Mayor or Chief Executive Officer, in accordance with the provisions of N.J.R.S. 40:12-1

Discussion:

Acquisition- Loan- Disposal Policy:

Councilman Mitchell distributed a copy of the disposal policy which was presented in 2007. This policy was also reviewed by the current Historic Advisory Committee. They asked that the policy be expanded to include sale, loan or lease of Borough Property. Any item over 40 years old would need additional review.

Councilman Mitchell is requesting that the Borough Council approve this policy by resolution.

Clerk-Administrator Sluka reported that the employees in Borough Hall are now more aware of the disposal of Borough property. He commented on the current asset inventory list which is done in the Borough. He is recommending that a separate historic asset inventory be completed.

Councilman Mitchell commented that there is also a need for an acquisition policy for any assets which are donated and acquired by the Borough.

Marge Sullivan, Historic Advisory Committee commented that the purpose of this is to get a policy in place and approved by Council. She also feels that there is a need to complete an inventory of historic items throughout the Borough.

Cynthia Crothers and Rob Ambrose, co-chairs of the Historic Advisory Committee both commented that they are in agreement with the need have a policy in place so that everyone on the committee knows where this is going. The committee is willing to work with the Department Heads to gather a record of all the historical information and items in the Borough.

Council President Kobuta requested that a copy of this policy be circulated to the Mayor and Council and that a resolution be prepared to adopt this.

Recognitions & Proclamations:

Council President Kobuta presented former Borough of Somerville Councilman John Colligas (served 1961-1963) with a resolution to commemorate his 100th Birthday.

Mr. Colligas commented on his service to the Borough back in 1961. He has also recently served as a member of Holmdel Sewer Authority at the age of 93.

He thanked the Borough Council and also Clerk-Administrator Sluka for presenting him with this resolution this evening.

Spray Ground Design:

Councilwoman O'Neil presented an overview of the proposed recreational spray grounds. There is a total of \$90,000 in the 2013 capital budget for this project.

The design of the spray ground was done by Catherine Hughes who is a Borough Resident and a Landscape Engineer. There was a design for Wack Park and Lepp Park. The recommendation from the committee will be to proceed with the Lepp Park project in order for it to be ready for use by the 2014 summer season.

Clerk-Administrator Sluka provided an overview of the project and how it would be put out to public bid and managed. There was also a discussion on the removal and disposal of the water used in this water park. There is an option to also install a recycling system which would allow the water be treated and reused. The total square footage of the proposed spray ground is 42 ft. by 83 ft.

Councilman Mitchell expressed a concern with the draining of the water into the sanitary system which is going to be an additional cost for the Borough.

Clerk-Administrator Sluka replied that he is looking at all the numbers that are involved in treating the water through the use of a recycling system versus having it treated through the sanitary system. He has been speaking with other municipalities which have recently installed these spray grounds.

Councilman Sullivan asked for clarification on the size of the spray ground.

Clerk-Administrator Sluka replied that the total square footage of the proposed spray ground is 42ft. by 83 ft.

Committee Reports:

Councilman Mitchell reported on the upcoming Rain Garden orientation workshops on August 22 and 24, 2013. These will be conducted by Rutgers at the Duke Farms Orientation Center. There are grants available for up to \$450 for the construction of a rain garden.

Councilman Mitchell reported that the off ramps at North Bridge St. and Grove Street from Route 22 East into Somerville will be closed for construction for the next three months.

Councilman Mitchell reported on the Teen Cert Venturing program which will be having an open house on August 15, 2013.

Councilman Mitchell reported on the upcoming meeting of the Raritan Valley Rail Coalition on Monday, August 12, 2013 at 8:30am at the Somerset County Administration Building.

Councilman Mitchell reported that the Borough Hall tours will not take place during the 2013 Historic Weekend Tours due to the construction taking place.

Councilman Mitchell reported that the 3rd quarter tax deadline for payments has been extended until August 23, 2013.

Councilwoman Kobuta reminded everyone of National Night Out on Tuesday, August 6, 2013 from 6:00pm to 9:00pm at the Exchange Field.

Meeting Open to the Public:

At this time, Council President Kobuta opened the meeting to comments from the public.

There were no comments and the public session was closed.

Ordinances for Introduction:

ORDINANCE # 2420-13-0805

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$445,000 FOR VARIOUS IMPROVEMENTS AND PURPOSES FOR AND BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$233,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1.

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Somerville, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$445,000, such sum includes the sums of (a) \$200,000 expected to be received as a grant from the New Jersey Department of Transportation in connection with the improvement described in Section 3(a)(1) and (b) \$12,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2.

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$233,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$233,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3.

(a) The Improvements hereby authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
1. Improvements to various roads of the Borough, including but not limited to the improvements of Post Street, by the reconstruction therein of a roadway pavement having a useful life or durability of at least equal to that of a Class A roadway (as defined in section 40A:2-22 of the Local Bond Law) including as required, concrete curbing, concrete sidewalk replacement, milling of pavement, drainage structures, micro surfacing, traffic calming, and resurfacing of secondary and tertiary roadways and public plazas, including all structures and appurtenances, work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$305,000	\$100,000	20 Years
2. Improvements for Building and Grounds, as	40,000	38,000	15 Years

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
follows:			
(a) Renovation to Public Buildings including but not limited to Borough Hall and Fire Training Academy			
(b) Renovations to Public Pools including but not limited to Walcke Pool and Lepp Pools			
3. Security improvements for municipal offices, including but not limited to digital camera recording devices	10,000	9,500	15 Years
4. Construction of an aquatic play area within a public park including but not limited to the design, procurement of structures, installation of equipment, water supply sources, including as required, concrete curbing, concrete pavement, painting and coloring of pavement, sidewalk replacement, fencing calming, and including all structures and appurtenances, work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	90,000	85,500	15 Years
TOTAL ALL PURPOSES	\$445,000	233,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$233,000.

(c) The estimated cost of the Improvements is \$445,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor and grants expected to be received as stated above is the amount of the Down Payment.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal financial officer of the Borough (the "Municipal Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Municipal Financial Officer. The Municipal Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Municipal Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Municipal Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Municipal Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5.

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6.

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 17.14 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$233,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7.

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$233,000.

SECTION 10.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

At this time, Council President Kobuta opened the meeting to comments from the public on this Ordinance and there were no comments at this time.

Councilman Mitchell made a motion and was seconded by Councilman Sullivan to introduce Ordinance 2420-13-0805.

Councilman Mitchell provided a brief overview of the projects that will be funded by this ordinance.

The motion was approved by the following vote:

- Ayes: Councilwoman Kobuta, Councilman Mitchell, Councilwoman O'Neill, Councilman Sullivan, Councilman Wilson
- Nays: None

ORDINANCE #2421-13-0805**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$100,000 FOR PRELIMINARY EXPENDITURES IN CONNECTION WITH VARIOUS REDEVELOPMENT PROJECTS FOR AND BY THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOMERVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 11.

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Somerville, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$100,000, such sum includes the sum of \$5,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital purposes.

SECTION 12.

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$95,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$95,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 13.

(a) The Improvements authorized and the purposes for which obligations are to be issued is for preliminary expenditures in connection with various redevelopment projects, including West End Redevelopment Area, East End Redevelopment Area, Kirby Avenue Redevelopment Area and Landfill Project Area, all as shown on and in accordance with the plans and specifications on file in the office of the Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$95,000.

(c) The estimated cost of the Improvements is \$100,000 which amount represents the initial appropriation made by the Borough.

SECTION 14.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 15.

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 16.

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$95,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 17.

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 18.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 19.

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$95,000.

SECTION 20.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

At this time, Council President Kobuta opened the meeting to comments from the public on this Ordinance and there were no comments at this time.

Councilman Mitchell made a motion and was seconded by Councilman Sullivan to introduce Ordinance 2421-13-0805.

The motion was approved by the following vote:

Ayes: Councilwoman Kobuta, Councilman Mitchell, Councilwoman O'Neill, Councilman Sullivan, Councilman Wilson

Nays: None

ORDINANCE# 2422-13-0805**AMENDING CHAPTER 102, ARTICLE 1, SECTION 2 OF THE BOROUGH CODE IN THE LAND USE AND DEVELOPMENT SECTION ADDING SUBSECTIONS "O" AND "P" TO INCLUDE A SUSTAINABILITY STATEMENT**

WHEREAS, Chapter 102, Article I, entitled Title, Purpose and Scope, Section 2 entitled purpose shall be amended to add the following subsection:

Chapter 102 – 2.

- O. To encourage sustainable development which improves the quality of human life while living within the carrying capacity of the supporting eco-systems. The Borough will promote development that reduce auto-dependency, employs LEED green building design, uses alternative energy, reduces greenhouse gas emissions and conserves natural resources.”
- P. To promote green/sustainable business which is any organization that participates in environmentally friendly or green activities to ensure that all processes, products, and manufacturing activities adequately address current environmental concerns while maintaining a profit

This Ordinance shall take effect twenty (20) days after publication in accordance with applicable law.

At this time, Council President Kobuta opened the meeting to comments from the public on this Ordinance and there were no comments at this time.

Councilman Mitchell made a motion and was seconded by Councilman Sullivan to introduce Ordinance 2422-13-0805.

The motion was approved by the following vote:

Ayes:	Councilwoman Kobuta, Councilman Mitchell, Councilwoman O'Neill, Councilman Sullivan, Councilman Wilson
Nays:	None

ORDINANCE 2423-13-0805**AMENDING THE BOROUGH CODE OF THE BOROUGH OF SOMERVILLE TO ADD CHAPTER 134 ENTITLED RIPARIAN ZONE ORDINANCE**

CHAPTER 134
RIPARIAN ZONE ORDINANCE

- I. Purpose and Authority
- II. Definitions
- III. Establishment and Protection of Riparian Zones
- IV. Variances
- V. Exceptions
- VI. Appeals, Conflicts, and Severability
- VII. Enforcement
- VIII. Effective Date

I. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to designate riparian zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of Borough of Somerville and to comply with N.J.A.C. 7:15-5.25(g)3, which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones as described herein. Compliance with the riparian zone requirements of this Ordinance does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.

II. DEFINITIONS:

The definitions of the words and/or terms utilized in this Article shall be as defined or described in the Water Quality Management Planning rules, N.J.A.C. 7:15, the Stormwater Management Rules, N.J.A.C. 7:8, and/or Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, as they exist as of the effective date of this Ordinance and as they may be amended over time.

III. ESTABLISHMENT AND PROTECTION OF RIPARIAN ZONES

A. Except as provided in Sections IV. and V. below, riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:

1. The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed.
2. The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:
 - a. Any trout production water and all upstream waters (including tributaries);
 - b. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;
 - c. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and
 - d. Any segment of a water flowing through an area that contains acid producing soils.
3. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.

B. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:

1. Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's centerline;
2. Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
3. Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and
4. Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline.

C. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area of the riparian zone on any plan submitted to the Borough of Somerville in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative, and, where required by State regulation, the New Jersey Department of Environmental Protection.

IV. VARIANCES

To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), new disturbances for projects or activities in the riparian zone established by this Ordinance may be allowed through the Zoning Board of Adjustment or Planning Board review and approval of a variance, provided the disturbance is proposed to be located on a pre-existing lot (existing as of the effective date of this ordinance) when there is insufficient room outside the riparian zone for the proposed use otherwise permitted by the underlying zoning; there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements; and upon proof by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance is:

A. Necessary to protect public health, safety or welfare; B. To

provide an environmental benefit;

C. To prevent extraordinary hardship on the property owner peculiar to the property; or

- D. To prevent extraordinary hardship, provided the hardship was not created by the property owner, by not allowing a minimum economically viable use of the property based upon reasonable investment.

V. EXCEPTIONS

To the extent allowed under the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38) and subject to review and approval by the New Jersey Department of Environmental Protection to the extent required by those rules, the following disturbances for projects or activities in the riparian zone established by this Ordinance are allowed:

- A. Redevelopment within the limits of existing impervious surfaces;
- B. Linear development with no feasible alternative route;
- C. Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
- D. Disturbance necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E; or
- E. Disturbance with no feasible alternative required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or Federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq.

VI. APPEALS, CONFLICTS, AND SEVERABILITY

- A. Any party aggrieved by the location of the riparian zone boundary determination under this Ordinance may appeal to the Borough Planner/Planning Board Engineer under the provisions of this Ordinance. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.
- B. Any party aggrieved by any determination or decision of the Borough Planner/Planning Board Engineer under this Ordinance may appeal to the Somerville Borough Council. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.
- C. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.
- D. Severability:
 1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
 2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
 3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

VII. ENFORCEMENT

A prompt investigation shall be made by Somerville Department of Community Affairs, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of Borough of Somerville, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

At this time, Council President Kobuta opened the meeting to comments from the public on this Ordinance and there were no comments at this time.

Councilman Wilson made a motion and was seconded by Councilman Sullivan to introduce Ordinance 2423-13-0805.

The motion was approved by the following vote:

Ayes: Councilwoman Kobuta, Councilman Mitchell,
Councilwoman O'Neill, Councilman Sullivan,
Councilman Wilson

Nays: None

Resolutions:

RESOLUTION 13-0805-205

AUTHORIZING PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE FROM MAPTX INVESTMENTS, LLC., TO JSM INVESTMENTS AT SOMERVILLE, LLC.

WHEREAS, an application has been filed for a Person-to-Person Plenary Retail Consumption License 1818-33-006-013 issued to MAPTX, LLC to be transferred to JSM Investments at Somerville LLC, mailing address 1260 Stelton Road, Piscataway, New Jersey 08854 ; and

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

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 13 of the New Jersey statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby approve effective August 6, 2013 the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption License to JSM Investments at Somerville LLC, mailing address 1260 Stelton Road, Piscataway, New Jersey 08854 and hereby direct the Municipal Clerk to endorse the license certificate as follows: "This license subject to all of its terms and conditions is hereby transferred to JSM Investments at Somerville LLC effective August 6, 2013".

Adopted by Borough Council on August 5,, 2013

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

The motion was approved by the following vote:

Ayes: Councilwoman Kobuta, Councilman Mitchell,
Councilwoman O'Neill, Councilman Sullivan,
Councilman Wilson

Nays: None

Consent Resolutions:

RESOLUTION 13-0805-206

AUTHORIZING THE REDUCTION OF PERFORMANCE BOND FOR 32 WEST MAIN STREET, LLC
BLOCK 113, LOT 22 & 23

WHEREAS, the Planning Board approved a major site plan at the above referenced locations; and

WHEREAS, the Borough Engineer has recommended that the performance bond be reduced from \$55,026.27 to \$28,082.27:

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby authorize the Performance Bond for 32 West Main Street to be reduced from \$55,026.27 to \$28,082.27

Adopted by Borough Council on August 5, 2013

RESOLUTION 13-0805-207

AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE AGREEMENT WITH FORD MOTOR CREDIT COMPANY SCHEDULE 5697517 FOR THE LEASE OF TWO 2013 FORD INTERCEPTOR SEDANS WITH POLICE PACKAGE IN THE AMOUNT OF \$68,519.00

WHEREAS, the police Department for the Borough of Somerville has a need for two additional police cars; and

WHEREAS, the Police Department has identified that that the 2013 Ford Interceptor Sedan with Police Package fits their needs:

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby authorize the execution of a lease purchase agreement for the lease of two 2013 Ford Interceptor Sedans with police packages in the amount of \$68,519.00

Adopted by Borough Council on August 5, 2013

RESOLUTION 13-0805-208

APPROVING SOMERVILLE EDUCATION FOUNDATION FAMILY FUN DAY TO BE HELD ON DIVISION STREET BETWEEN MAIN STREET AND SOUTH STREET ON SATURDAY, OCTOBER 12, 2013 BEGINNING AT 8:00 A.M. TO 3:00 P.M.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby approve the Somerville Education Foundation Family Fun Day to be held on Division Street on Saturday, October 12, 2013 beginning at 8:00 a.m. to 3:00 p.m.

Adopted by Borough Council on August 5, 2013

RESOLUTION 13-0805-209

AUTHORIZING EXTENSION OF GRACE PERIOD ON PROPERTY TAX BILLS AND SPECIAL IMPROVEMENT DISTRICT BILLS FOR THE DOWNTOWN SOMERVILLE ALLIANCE

WHEREAS, due to a delay in receiving the certified State Aid figures from the Division of Local Government Services, the County Board of Taxation was not able to strike the 2013 rate for the Borough of Somerville until July 15, 2013. This resulted in the delayed of printing and mailing of the Borough of Somerville 2013--2014 Tax and DSA bills.

WHEREAS, the grace period for payment without interest on the 3rd quarter of 2013 tax payments due August 1st is usually 10 days, and

WHEREAS, the Borough of Somerville is required to provide a 25 day grace period from date of mailing.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby grant an additional grace period through and including August 23, 2013. Interest on late payments—made after August 23, 2013—will be calculated from the due date of August 1, 2013.

Adopted by Borough Council on August 5,, 2013

RESOLUTION 13-0805-210

APPROVING GOOD SHEPHERD LUTHERAN CHURCH TO CONDUCT A DAY COMMUNITY SERVICE ON SEPTEMBER 8, 2013 AT THE SENIOR CITIZEN BUILDING AND AUTHORIZING USE OF BOROUGH HALL PARKING LOT

WHEREAS, the Good Shepherd Lutheran Church on Union Avenue in Somerville desires to participate in a day of service that is defined as a day of community impact; and

WHEREAS, the Good Shepherd Lutheran Church is planning to conduct an event that will provide the Senior Citizen Building, located at 1 Mountain Avenue, food and entertainment on September 8, 2013; and

WHEREAS, the Good Shepherd Lutheran Church may require the use of the Borough Hall parking lot:

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby approve the day of service for Good Shepherd Lutheran Church to be performed at the Senior Citizen Building on September 8, 2013 and further authorize the use of the Borough Hall parking lot.

Adopted by Borough Council on August 5,, 2013

RESOLUTION 13-0805-211

APPROVING GIRLS ON THE RUN 5K RACE TO BE HELD ON NOVEMBER 24, 2013 AT 11:00 A.M. ROUTE TO BE DETERMINED

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey, hereby approve the Girls on the Run 5K Race to be held on November 24, 2013 at 11:00 a.m., contingent upon an acceptable race route.

Adopted by Borough Council on August 5, 2013

RESOLUTION 13-0805-212

AUTHORIZING THE CANCELLING OF UNCOLLECTIBLE TAXES

WHEREAS, the Tax Collector has advised that the following taxes are uncollectible for the reasons shown below, and

WHEREAS, the Collector has requested that the uncollectible taxes be cancelled of record.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Somerville, that the taxes shown below be cancelled of record and that the Collector be and is hereby authorized to adjust her records accordingly:

<u>Block/Lot</u>	<u>Year</u>	<u>Amount</u>	<u>Location</u>	<u>Homeowner</u>	<u>Reason</u>
106 12	2013	\$ 8,465.05	39 W Spring	C & G Wynn	100% Disabled Vet
	2014	\$ 4,232.53			
108 19.01	2014	\$ 1,263.99	41C W High	Molly Maid of Central Somerset	Now Tax Exempt

Adopted by Borough Council on August 5, 2013

RESOLUTION 13-0805-213

APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY
New Jersey Department of Transportation Highway Safety Grant

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

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

WHEREAS, the Borough of Somerville has been awarded \$4,246.71 from New Jersey Department of Transportation Highway Safety and wishes to amend its 2013 Budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Somerville hereby requests the Director of the Division of Local Government Services to approve the amendment of an additional item of revenue in the budget of the year 2013 in the sum of
.....\$4,246.71
to be received from grants as revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
 - Public and Private Revenues off-set with Appropriations:
 - New Jersey Department of Transportation Highway Safety Grant
..... \$ 4,246.71

BE IT FURTHER RESOLVED that a like sum of..... \$ 4,246.71
be and the same is hereby appropriated under the caption of:

- General Appropriations:
 - Operations-Excluded from "CAPS"
 - Public and Private Programs Offset by Revenues:
 - New Jersey Department of Transportation Highway Safety Grant

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

Adopted by Borough Council on August 5, 2013

Councilman Wilson made a motion and was seconded by Councilman Mitchell to approve the aforementioned consent resolutions.

The motion was approved by the following vote:

- Ayes: Councilwoman Kobuta, Councilman Mitchell, Councilwoman O'Neill, Councilman Sullivan, Councilman Wilson
- Nays: None

The following voucher was presented for approval:

Bier & Associates \$11,700 account 3-07-000-000-524.
Purchase Order 13-00084 Invoice Date 6/19/13

Councilman Mitchell made a motion and was seconded by Councilman Wilson to approve the aforementioned voucher.

The motion was approved by the following vote:

Ayes: Councilwoman Kobuta, Councilman Mitchell,
Councilwoman O'Neill, Councilman Sullivan,
Councilman Wilson,

Nays: None

There being no further business to come before the Borough Council, Councilman Sullivan made a motion and was seconded by Councilman Wilson to adjourn the meeting. The motion was approved by the following vote:

Carried unanimously

The meeting was adjourned at 8:10pm

Respectfully submitted,

Paul Allena
Secretary