

Somerville, NJ September 15, 2014

Monday, September 15, 2014

7:00 P.M.

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

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COUNCIL MEETING AGENDA

1. Roll Call
2. Salute to the Flag
3. Approval of Minutes
 - a. September 2, 2014
4. Departmental Reports & Important Notices
 - a. The polling location for District 3 has been relocated from the YMCA to Somerville High School for all elections.
 - b. EFFECTIVE APRIL 1, 2014 the Violations Office in Somerville is located to 100 Commons Way Bridgewater New Jersey. All summonses can be also paid on-line.
 - c. August 2014 Parking Summons Report
 - d. August 2014 Animal Control – St. Hubert’s Report
 - e. Service Request Monthly Activity Report
 - f. October 5, 2014 Fire Museum Grand Re-Opening @ 1:30
5. Discussion items
 - a. ENERGY AGGREGATION
 - b. SHOP SOMERVILLE
6. Proclamations:
 - a. Ovarian Cancer Awareness Month
7. Committee Reports
8. Meeting Open to the Public
9. ORDINANCES FOR INTRODUCTION

2452-14-0915 AMENDING CHAPTER 166-54 SCHEDULE XIIIIV A: BUS STOPS; HEREBY ELEMENATING THE BUS STOP ON WEST MAIN STREET AND SOUTH BRIDGE STREET ON THE SOUTH SIDE OF THE ROAD
10. RESOLUTIONS

14-0915-276 PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF NOT TO EXCEED \$1,700,000 GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH OF SOMERVILLE, NEW JERSEY AND PROVIDING FOR THEIR SALE.
11. CONSENT RESOLUTIONS

(Resolutions 14-0915-264 thru 14-0915-275)

14-0915-264 AUTHORIZING BID FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PROJECT ENTITLED “ALTERATIONS TO EXISTING RESTROOMS” FOR THE SOMERVILLE PUBLIC LIBRARY TO BE RECEIVED ON OCTOBER 7, 2014

14-0915-265 REAFFIRMING THE SUSTAINABLE LAND USE PLEDGE IN ACCORDANCE WITH NEW JERSEY SUSTAINABILITY PROGRAM

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- 14-0915-266 AUTHORIZING 66 VMD ASSOCIATES LLC TO CLOSE ONE LANE OF TRAFFIC ON VETERANS MEMORIAL DRIVE BETWEEN SOUTH BRIDGE STREET AND HAMILTON STREET UPON THE ISSUANCE OF PERMITS FOR REDEVELOPMENT OF THE PROPERTY
- 14-0915-267 ACCEPTING A HOLD HARMLESS LETTER FROM SOMERVILLE TOWNE CENTER URBAN RENEWAL AND SOMERVILLE URBAN RENEWAL PHASE I, LLC AND AUTHORIZING THE MAYOR TO EXECUTE ACCEPTANCE OF THE HOLD HARMLESS LETTER
- 14-0915-268 ACCEPTING THE RESIGNATION OF SEAN DECKER FROM THE SOMERVILLE RECREATION COMMISSION EFFECTIVE SEPTEMBER 9, 2015
- 14-0915-269 APPROVING THE HIRING OF ERIN MARTIN TO THE POSITION OF ASSISTANT TO THE FINANCE OFFICER / RECEPTIONIST EFFECTIVE SEPTEMBER 22, 2014
- 14-0915-270 OPPOSING S-1717 AS WRITTEN WHICH PROHIBITS AN EMPLOYER FROM TAKING ADVERSE EMPLOYMENT ACTION AGAINST AN EMPLOYEE WHO IS UNABLE TO ACTIVELY WORK OR PERFORM REGULAR DUTIES AND PROHIBITS AN EMPLOYER FROM CHARGING AN EMPLOYEE WITH A SICK, PERSONAL OR VACATION DAY FOR NOT PERFORMING THEIR DUTIES
- 14-0915-271 AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE SOMERVILLE- ADA CAROL PAGER PARK PLAYGROUND SUBGRANTEE AGREEMENT IN THE GRANT AMOUNT OF \$66,027.00
- 14-0915-272 AUTHORIZING SYNESYS, INC., TO ENTER THE SOMERVILLE RIGHT OF WAY TO INSTALL COMMUNICATION CABLES FOR A PROJECT IN COORDINATION WITH THE BRIDGEWATER SCHOOL DISTRICT
- 14-0915-273 SUPPORTING ASSEMBLY BILL A-366 AND SENATE BILL-1713 INTRODUCED BY ASSEMBLYMAN CAPUTO AND SENATOR ROBERT SMITH TO PROTECT TAXPAYERS AND PROVIDE CLEAR DIRECTION TO THE COURTS REGARDING THE LEGISLATURE'S INTENT ON LAWS REGARDING STATE TAXATION OF TELECOMMUNICATIONS
- 14-0915-274 CONDITIONALLY DESIGNING 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
- 14-0915-275 AMENDING RESOLUTION 14-0616-189 REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR GENERAL REVENUE REQUIRED BY DONATIONS

12. BILLS AND VOUCHERS

13. ADJOURNMENT

The second regular meeting of the Somerville Borough Council for the Month of September 2014 was convened on Monday, September 15, 2014 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 Thompson Mitchell, Councilwoman Jane Kobuta, Councilwoman Amanda O'Neill, Councilman Dennis Sullivan, Councilman Ken Utter and Councilman Robert Wilson.

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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 September 2, 2014 meeting were presented in writing for approval.

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

Carried unanimously

Councilman Wilson abstained on the approval

Discussion Items:

ENERGY AGGREGATION

The following presentation was made by the Jersey Energy Group. Stephen Thayer, Principal led the presentation.

- Energy deregulation enables you to choose the supplier on your electric bill.
- The Government Energy Act of 2003, N.J.S. 48:3-91.3 to -98 allows a municipality to establish a municipal energy aggregation program.
- Residents in aggregation programs can save up to 15% + on electricity supply charges, which allows savings to flow back into the local economy.
- Community Aggregation is a program that gives municipalities the opportunity to bulk purchase electricity from a third party supplier rather than the local utility.
- By aggregating residential customers, communities are able to obtain significant discounts on their energy costs, as well as consumer protections that would not be available to the individual resident.
- The **Delivery** charge pays for the maintenance of PSEG's power lines, distribution and transmission.
- The **Supply** charge pays for the actual electricity – the commodity. The supplier is only responsible for electricity generation.
- Program Benefits:
 - Up to 15% + lower electricity supply costs for residents;
 - **NO obligation** to enter into a contract with a provider unless attractive savings are available;
 - **NO obligation** to continue the program if savings are not available;
 - **NO hidden fees** or costs in the future for constituents who opt out of the program, or if the program is discontinued;

Savings Flow Back into Somerville

What Changes:

- PSE&G will still operate the service and distribution centers, and maintain the lines running to homes and businesses just like they always do. No one's job is impacted.
- PSE&G will still service and repair lines during outage.

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- Residents will continue to call PDE&G when they have problems with their service.
- Residents will still receive ONE bill every month, it will just be lower.

How does it all work:

- The governing body passes an ordinance authorizing JEG to simply explore an aggregation program.
- JEG starts working with local utility (LDC) to obtain estimate usage data.
- JEG works with BPU and Rate Counsel to develop third party supplier RFP and Supply Contract.
- JEG initiates education campaign comprised of town hall meetings, informative direct mail, advertisements and news releases to keep the public well informed.

What you need to know:

- JEG is not affiliated with any third party supplier and is only concerned with getting the best deal on behalf of the community.
- JEG is paid a sales commission from the winning supplier which is imbedded in the fixed rate that provides savings.
- By passing an ordinance you are simply having JEG explore the aggregation program.
- The municipality has NO OBLIGATION to enter into a supply contract whatsoever.
- The low rate is locked in and cannot change until the agreement expires and bidding begins anew.

What Jersey Energy Group Does:

- JEG acts as the consultant. We oversee and advise on the aggregation process from start to finish.
- We work with the town and with the third party suppliers by running a bidding process where these Suppliers bid on the town's energy load.
- Our extensive experience in residential aggregation has made us both effective and efficient.

Experience:

Jersey Energy Group (JEG) is an energy solutions company that specializes in Residential Aggregation. JEG has completed residential GEA programs with 41 communities in Illinois, resulting in savings of 15-24 % versus the current local utility rate.

In New Jersey, JEG has been selected by:

Allamuchy Township
Cliffside Park Borough
Gloucester County
Mine Hill Township
Springfield Township
Woodbury Heights Borough

Clayton Borough
Deptford Township
Mantua Township
Roselle Borough
Woolwich Township

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JEG is in full compliance with all regulatory and state laws for local unit procurement, including approval from the New Jersey Department of Community Affairs.

Community Program:

- Residents may OPT OUT of the program for any reason, without any penalty. There is a 30-day window to OPT OUT prior to the change. A letter will be mailed to you where you can make your decision. Remember that JEG allows you to OPT OUT whenever you want even after the 30-day window.
- Small Businesses may OPT IN to the program so that they too can see savings on their electric bills. There is a 30-day window to OPT IN prior to the change. JEG allows small businesses to OPT IN whenever they would like after the 30-day window.
- Residents who have negotiated their own electric savings by using a different supplier will not be included in the program, unless they want to join.

Consumer Protections:

- No termination fees for those who wish to exit the aggregation at any time during the duration of the negotiated contract with the third party supplier.
- Customers will be able to leave at any time to either go back to the utility or enter into their own personal contract with another provider.
- Residents will be able to join the aggregation for the same original negotiated price at any point during the duration of the contract at no additional cost.
 - JEG seeks a Price Match Guarantee in the supply contract. This clause states that if, for whatever reason, the local utility rate falls below the aggregation rate at any time during the contract, the supplier has the obligation to either match the utility's price, or seamlessly switch all accounts back to the local utility by their next meter read date.
- The Price Match Guarantee ensures there is never a situation where a resident is paying more for their energy through the aggregation than he or she would with their local utility.
- In the event a Price Match cannot be negotiated at favorable price, then JEG would recommend a 12 month term contract that is aligned with when the LDC sets its price for the year.

Risk Management:

- JEG's knowledge of the energy market and exhaustive due diligence ensures that residents enjoy savings from a reliable third party supplier.
- JEG grades each and every bidding third party supplier on the following criteria: credit rating, financial stability, market cap, customer service and back office capabilities and track record, and overall capabilities of facilitating the process for residents.

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Public Education:

- JEG implements a proven communications plan to thoroughly educate residents and small business owners.
- In Illinois, aggregations had to be voted on to take effect. JEG successfully passed the referendum in 44 out of 47 elections (92% success rate). In the state, typical opt-out rates were around 10% or higher. Our aggregations achieved a 5.6% opt-out rate.
- JEG achieves this complete education through participating in town hall meetings, attending local group meetings, and publicizing aggregation and its benefits through local newspapers and direct mail. We want to make sure you completely understand!

Mr. Thayer proceeded to answer a number of general questions regarding the energy aggregation program.

SHOP SOMERVILLE

Kevin Sluka, Clerk-Administrator made the following presentation:

SHOP SOMERVILLE

Sponsored by Fulton Bank

SHOP SOMERVILLE COMMITTEE

COUNCILWOMAN JANE KOBUTA
 COUNCILWOMAN AMANDA O'NEILL
 BETH ANN MACDONALD
 MICHAEL HALPERIN
 FRANK VUOSO
 DENA FLYNN
 JANET KELK
 KEVIN SLUKA

WHAT IS IT?

It is an economic development initiative that provides property tax dollars as an incentive for residents to shop in the Borough of Somerville at participating shops and restaurants

HOW DOES IT WORK?

- The cost of a dinner for four at a restaurant participating in the program with a 20% property tax reward is \$200. When paying for the check (either cash or credit), you will also present your property tax reward card. The reward card is then swiped and a \$40 property tax credit (less processing and management fees) is generated. Rewards will be credited to your property tax bill before your next tax bill is issued.

BUT WHAT IF I RENT AND DO NOT RECEIVE A LOCAL TAX BILL

- You're still eligible to participate in the Shop Somerville Rewards Program sponsored by Fulton Bank.
- When you register your card, check the Renters box and provide your information. Yearly, a check for the total rebates you have accrued will be mailed to you. A \$10 check handling fee will be deducted from your accumulated rebates.

HOW DO I RECEIVE MY SHOP SOMERVILLE CARD?

- The Committee is currently working on a distribution strategy to ensure that those receiving the cards will ensure optimal use.
- Fulton Bank and Borough Hall are designated distribution points.
- Distribution will occur before the Holiday Shopping Season

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I AM A MERCHANT HOW CAN I BECOME A PARTICIPATING BUSINESS?

- MERCHANT MEETING SCHEDULED
FOR SEPTEMBER 30, 2014
- AT 8:30 A.M. - HERE

BENEFITS OF THE MEETING

- Learning how the program works.
- The first 20 Merchants that signup within the Special Improvement District will get a 50% discount on the \$160 reader

WHEN DOES THIS PROGRAM BEGIN?

- The Committee is in the process of signing up the businesses. Following the signup of the first 15 businesses, the cards will be manufactured and distributed.
- We expect to have the program in place for the Holiday Shopping Season!!!

Clerk-Administrator Sluka answered a number of questions as to the current status of the program and the time line and goals for implementation.

Clerk-Administrator Sluka reported that Hillsborough set-up 43 merchants in their first implementation.

Clerk-Administrator Sluka reported that they are also for a second sponsor to help with additional participation .

Mayor Gallagher commented that this is an excellent program and thanked Councilwoman Kobuta and Councilwoman O'Neill for their efforts in this program.

Councilman Mitchell commented that this could be used by professional businesses as well as retail businesses.

Committee Reports:

Councilman Utter reported that the Jazz Festival in Downtown Somerville yesterday was a huge success.

Councilman Utter commented on the Great Places in New Jersey Program. Downtown Somerville was nominated as one of the best downtowns in Central Jersey. The voting is on-line and open until September 26, 2014 at midnight.

Councilman Utter reported that there were 161EMS Calls for the month of August 2014.

Councilman Utter reported that the Somerville Rescue Squad has collected a total of \$24,140 to date. This is a substantial reduction in annual contributions.

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Councilman Utter reported total calls for the Somerville Fire Department 25 calls with a total of 288 fire calls to date.

Councilman Utter commented on the progress of the Somerville Fire Department Museum. The ribbon cutting will take a place on Sunday, October 5, 2014 at 2:00pm.

Councilman Utter reported on an emergency preparedness presentation to the Senior Citizens on September 10 with Sgt. Stitley from Emergency Management.

Councilwoman O'Neill commented on the recent CDBG block grant projects underway at the Somerville Public Library rest rooms and also the Carol Pager fields.

Councilwoman O'Neill reported that she recently attended a Freeholders Meeting with Rose Baptista to receive the annual municipal youth services commission check.

Councilwoman O'Neill reported that the Fall Recreation Programs are underway. Fall soccer started on Saturday, September 13, 2014.

Councilwoman O'Neill reported that the Board of Health will be meeting on Wednesday, September 17, 2014 and will be reviewing the summer health department reports.

Councilwoman O'Neill reminded everyone of Ovarian Cancer awareness month.

Councilman Sullivan reported on the upcoming road resurfacing projects on Brown Street.

Councilman Sullivan also noted grant applications for South Cadillac Drive and North Richards Ave.

Councilman Sullivan commented on the safety issues at Veterans Memorial Drive and Hamilton Street. This is the 4th most dangerous intersection in Somerset County.

Councilwoman Kobuta on the excellent upcoming programs at the Somerville Library.

Councilman Mitchell commented on the Library rest room renovation work.

Councilman Mitchell commented on the Borough Hall heater in the Finance Officer, a dehumidifier in the Recreation Office. They are also replacing the leaders on the outside of the building. The second floor ceiling project is coming to a close.

Councilman Mitchell commented that the fire houses are being prepared for Inspection Day.

Councilman Mitchell commented that the Girl Scouts will be planting trees on Arbor Day.

Councilman Mitchell commented on the Raritan Valley Rail Coalition meeting that they plan the single seat ride in the evening to begin in November.

Mayor Gallagher appointed the following members to the Recreation Task Force: John Fabiano, Luc Surgile, Claire Piatzza, Granville Brady, Gina Stravic, Doug Dwanzek, and Tim Hayes. Councilwoman O'Neill will serve as Council Liason to the task force.

Open Public Session:

Mayor Gallagher opened the meeting from comments from the public.

At this time there were no other comments from the public and the open session was closed.

Ordinances for Introduction:

ORDINANCE NUMBER 2452-14-0915

AMENDING CHAPTER 166-54 SCHEDULE XIIIIV A: BUS STOPS; HEREBY ELIMINATED THE BUS STOP ON WEST MAIN STREET AND SOUTH BRIDGE STREET ON THE SOUTH SIDE OF THE ROAD

BE IT ORDAINED that the following shall be eliminated from Chapter 166, Section 54, Schedule XIIIIV

DELETE

Name of Street	Side	Location	Type
East Main St.	South	From S. Bridge to 83 feet easterly thereof	FS

This ordinance shall take upon final passage and (20) days after publication.

Mayor Gallagher opened the meeting for public comment on Ordinance 2452-14-0915.

There were no comments from the public on this Ordinance.

Councilman Mitchell made a motion and was seconded by Councilwoman Kobuta to introduce Ordinance 2452-14-0915.

The motion was approved by the following vote:

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

ORDINANCE 2453-14-0915

AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF SOMERVILLE AMENDING THE REDEVELOPMENT PLAN FOR THE WEST MAIN STREET REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

BE IT ORDAINED by the Borough Council of the Borough of Somerville, in the County of Somerset and State of New Jersey, as follows:

SECTION I Pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et seq.), by an ordinance approved on February 17, 2004, the Somerville Borough Council (“Borough Council”), adopted a Redevelopment Plan for the West Main Street Redevelopment Area (“Redevelopment Plan”), which Redevelopment Plan has been amended from time to time.

SECTION II In furtherance of redeveloping the West Main Street Redevelopment Area, the Borough Planning Board considered the following amendment to the Redevelopment Plan at its meeting on September 10, 2014 and is recommending such amendment for consideration by the Borough Council:

West Main Street Redevelopment Plan Zone District Requirements:
C. Other Requirements. Add following as Section 16.

Basement space may be used by any tenant in a building for a use that is ancillary and accessory to the principal permitted uses in the building, including uses such as food preparation, storage, service support, freezers, refrigerators and offices provided that basement space meets current building code.

SECTION III The Borough Council may consider adoption of the amendment without any referral to the Borough Planning Board pursuant to the Local Redevelopment and Housing Law since the Planning Board has already considered such amendment and is recommending same.

SECTION IV Upon adoption of this Ordinance, the Redevelopment Plan shall be revised to include the amendment contained herein and the Redevelopment Plan shall identify the date of adoption of this Ordinance amending the Redevelopment Plan.

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

Colin Driver, Director of Redevelopment explained that this amendment was needed in order to allow an incoming business to use the basement of the building on West Main Street as an area for dry meat storage for sale in their new steakhouse.

The current redevelopment plan does not allow for activity to take place in the basement. There is a legacy ordinance which prohibits the use of the basement for these types of activity.

Mayor Gallagher opened the meeting for public comment on Ordinance 2453-14-0915.

There were no comments from the public on this Ordinance.

Councilwoman Kobuta made a motion and was seconded by Councilman Sullivan to introduce Ordinance 2453-14-0915.

The motion was approved by the following vote:

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

Resolutions:

The following resolution was presented:

RESOLUTION 14-0915-276

PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF NOT TO EXCEED \$1,700,000 GENERAL IMPROVEMENT REFUNDING BONDS OF THE BOROUGH OF SOMERVILLE, NEW JERSEY AND PROVIDING FOR THEIR SALE.

WHEREAS, the Borough Council of the Borough of Somerville, in the County of Somerset, New Jersey (the "Borough"), has heretofore issued its: General Improvement Bonds, Series 2006, issued in the original aggregate principal amount of \$3,780,000, dated August 14, 2006, which bonds are subject to redemption (on or after August 1, 2016) prior to their stated dates of maturity, and which mature on August 1, in each of the years 2017 to 2021 in an aggregate amount of \$1,455,000, inclusive (the "Refunded Bonds"); and

WHEREAS, the Borough desires to redeem the Refunded Bonds on any date at a redemption price of 100% of the principal amount of the Refunded Bonds and has adopted a bond ordinance entitled "Refunding Bond Ordinance Providing for the Refunding of Certain General Improvement Bonds of the Borough of Somerville, New Jersey, Appropriating \$1,700,000 Therefor and Authorizing the Issuance of \$1,700,000 Bonds or Notes of the Borough for Financing the Cost Thereof," which authorized refunding bonds to be issued to refund the Refunded Bonds; and

BE IT RESOLVED BY 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) that:

Section 1. There shall be issued bonds of the Borough in an amount not to exceed \$1,700,000 bonds, being a portion of the bonds authorized by an ordinance entitled:

"REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF SOMERVILLE, NEW JERSEY, APPROPRIATING \$1,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,700,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF."

Section 2. The bonds referred to in Section 1 hereof are sometimes hereinafter collectively referred to as the "Bonds." The Bonds of said issue (i) shall be dated the date of delivery of the Bonds, (ii) shall mature in the years 2015 through 2021, or such other years as may be determined by the Chief Financial Officer, (iii) shall bear interest at the interest rates per annum as determined by the Chief Financial Officer, (iv) shall be sold at such price or prices as determined by the Chief Financial Officer, and (v) may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer, as shall be set forth in the proposal for the purchase of the Bonds acceptance of which is authorized pursuant to Section 5 hereof. The Bonds shall be numbered one consecutively upward, and will be issued in fully registered form.

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Section 3. The Bonds shall be payable as to interest at the corporate trust office of the trustee bank (the "Trustee") appointed by the Authority (as hereinafter defined), payable on the January 15 and July 15 prior to each February 1 and August 1, commencing January 15, 2015, in an amount equal to the interest accruing to each such February 1 and August 1, or as otherwise set forth in the Bond Purchase Agreement (as hereinafter defined), and payable as to principal at the corporate trust office of the Trustee, payable on the fifteenth day of the month immediately preceding the due date therefor, or as otherwise set forth in the Bond Purchase Agreement. Interest on the Bonds shall be calculated on the basis of a 360-day year or twelve 30-day calendar months.

The Bonds shall be subject to the parameters set forth as follows and otherwise consistent with the terms included in the application submitted by the Authority (as hereinafter defined) on behalf of the Borough to the Local Finance Board in the Department of Community Affairs, State of New Jersey (the "Local Finance Board") on June 18, 2014 (the "Application"): (i) the aggregate principal amount of the Bonds does not exceed \$1,700,000, (ii) the maturity structure or weighted average maturity for the Bonds is substantially similar to the structure submitted to the Local Finance Board in the Application, and (iii) all conditions described in the Application as submitted to the Local Finance Board for the sale of the Bonds are satisfied.

Section 4. The Bonds shall be signed by the Mayor or Deputy Mayor and the Borough Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Borough.

Section 5. The Bonds are hereby sold and awarded to the Somerset County Improvement Authority (the "Authority") by an Authorized Officer at a price determined by the Authorized Officer pursuant to the terms of a Bond Purchase Agreement between the Borough and the Authority (the "Bond Purchase Agreement"). The Mayor and Deputy Mayor are hereby authorized on behalf of the Borough to execute the Bond Purchase Agreement by and between the Borough and the Somerset County Improvement Authority and the Continuing Disclosure Agreement by and between the Borough and the Trustee.

Section 6. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF SOMERSET

BOROUGH OF SOMERVILLE
GENERAL IMPROVEMENT REFUNDING BOND, SERIES 2014

DATE OF
ORIGINAL
ISSUE: October __, 2014

BOROUGH OF SOMERVILLE in the County of Somerset, New Jersey, hereby acknowledges itself indebted and for value received promises to pay to

THE SOMERSET COUNTY IMPROVEMENT
AUTHORITY (the "Authority")
c/o _____
(the "Trustee")

the principal sums on the dates and in the amounts set forth on Schedule A attached hereto and made a part hereof and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this bond until payment in full at the interest rates per annum and in the amounts shown on Schedule A attached hereto and made a part hereof. Interest is payable to the Authority at the corporate trust office of the Trustee on the January 15 and July 15 prior to each February 1 and August 1, commencing January 15, 2014, in an amount equal to the interest accruing to each such February 1 and August 1. This bond as to principal will be payable on the fifteenth day of the month immediately preceding the due date therefor at the corporate trust office of the Trustee. Amounts not paid when due hereunder shall bear interest at the Late Payment Rate until paid. This bond shall be prepayable as set forth in Section 1303 of the bond resolution adopted by the Authority on _____, 2014 (as the same may be supplemented and amended, the "Bond Resolution").

Both principal of and interest on this bond is payable in lawful money of the United States of America and in immediately available funds.

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As used herein, "Business Day" shall mean any day that is not a Saturday, a Sunday or a legal holiday in the State of New Jersey or the State of New York or a day on which the Trustee is legally authorized to close. "Late Payment Rate" shall mean a rate per annum equal to the lower of (i) the greater of (a) three percent above the interest rate that JPMorgan Chase publicly announces from time to time as its prime lending rate, such interest rate to change on the effective date of each announced change in such rate and (b) the rate then payable on this bond, and (ii) the maximum interest rate allowed by law.

The Bonds are subject to redemption prior to their stated maturities.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of New Jersey, and is one of the Bonds referred to in a resolution of the Borough of Somerville adopted on September 15, 2014 and entitled "Resolution Providing For The Form, Maturities And Other Details Of Not To Exceed \$1,700,000 General Improvement Refunding Bonds Of The Borough Of Somerville, New Jersey And Providing For Their Sale," and the bond ordinance referred to therein, in all respects duly approved and published as required by law.

The full faith and credit of the Borough of Somerville are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough of Somerville, is within every debt and other limit prescribed by such Constitution or statutes.

The Borough of Somerville agrees to pay (i) all costs and expenses (including legal fees) in connection with the administration and enforcement of this bond and (ii) its share of the amounts payable pursuant to Section 9(vi)(B) of the Bond Purchase Agreement between the Borough of Somerville and the Authority.

IN WITNESS WHEREOF, the BOROUGH OF SOMERVILLE, in the County of Somerset, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor or Deputy Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk, and this bond to be dated the DATE OF ORIGINAL ISSUE as specified above.

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

The motion was approved by the following vote:

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

The following consent resolutions were presented:

RESOLUTION 14-0915-264

AUTHORIZING BID FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PROJECT ENTITLED "ALTERATIONS TO EXISTING RESTROOMS" FOR THE SOMERVILLE PUBLIC LIBRARY BE RECEIVED ON OCTOBER 7, 2014

WHEREAS, Sealed bids will be received by the Receptionist of the Somerville Borough Hall, 25 West End Avenue, Somerville, New Jersey to be opened in the Conference Room on the second floor of the Borough Hall on Tuesday, October 7, 2014 at 10:00 am for "Alterations to Existing Restrooms" at the Somerville Public Library". ; and

WHEREAS, Copies of said documents may be obtained by prospective bidders at the same address, effective September 11, 2014. A document fee of \$100 NON-REFUNDABLE in the form of a check payable to the Borough of Somerville will be required for each set of documents taken out by prospective bidders. The set includes one hard copy and one CD of the construction documents. There will be a pre-bid meeting at the Somerville Public Library at 10 am, Monday, September 22, 2014; and

Somerville, NJ September 15, 2014

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the bidding of a Community Development Block Grant funded project entitled Alterations to Existing Restrooms at the Somerville Public Library..

Adopted by Borough Council on September 15, 2014

RESOLUTION 14-0915-265

REAFFIRMING THE SUSTAINABLE LAND USE PLEDGE IN ACCORDANCE WITH NEW JERSEY SUSTAINABILITY PROGRAM

WHEREAS, the Borough Council on May 17, 2010 via Resolution 10-0517-136 approved the sustainability pledge in accordance with the New Jersey Sustainability Program: and

WHEREAS, the Borough Administrator has redistributed the pledge on September 10, 2014 in a memorandum to all department heads for distribution; and

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

NOW THEREFORE, the Borough Council of the Borough of Somerville with the assistance of the Borough Planning Board hereby resolve to take the following steps with regard to our municipal land-use decisions with the intent of making the Borough of Somerville a truly sustainable community. It is our intent to encourage our Planning Board to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

Regional Cooperation - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when land-use decisions.

Transportation Choices - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles through, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

Housing Choices – We pledge, through the use of zoning and revenue generating powers to foster diverse mix of housing types and locations, including single and multi-family for sale and rental options to meet the needs of people at a range of income levels.

Green Design – We pledge to incorporate the principals of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal facilities Siting – We pledge to the extent feasible to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land – use types and open space when locating new or relocated municipal facilities

Adopted by Borough Council on September 15, 2014

Somerville, NJ September 15, 2014

RESOLUTION 14-0915-266

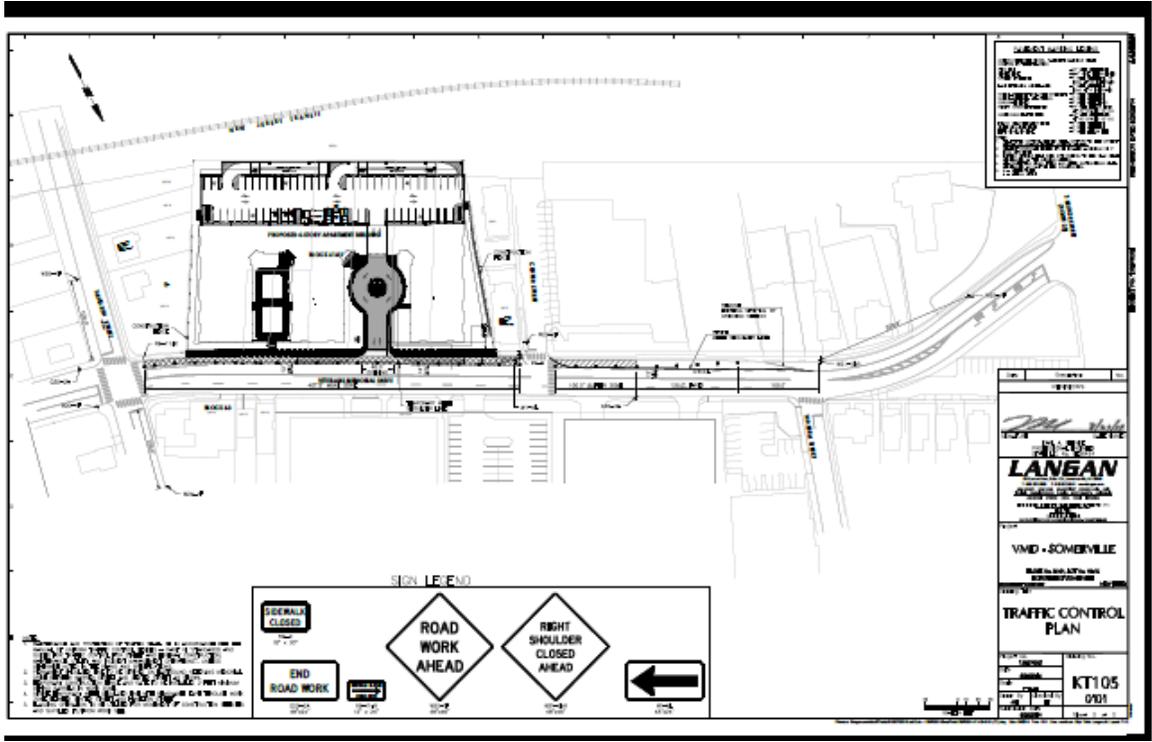
AUTHORIZING 66 VMD ASSOCIATES LLC TO CLOSE ONE LANE OF TRAFFIC ON VETERANS MEMORIAL DRIVE BETWEEN SOUTH BRIDGE STREET AND HAMILTON STREET UPON THE ISSUANCE OF PERMITS FOR REDEVELOPMENT OF THE PROPERTY

WHEREAS, 66 VMD ASSOCIATES, LLC, with offices at 41 Bayard Street New Brunswick, New Jersey 08901 is the designated Tax Block 61.01, Lots 10, 11, 12, 13, 14, 15 and 16 (the "Properties") as part of the East Central Business District Redevelopment Area and

WHEREAS, it is necessary to close the portion of Veterans Memorial Drive to accommodate safe construction of the site; and

WHEREAS, upon the issuance of permits the borough authorizes closure to take place of one lane of traffic during construction as per plan; and

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes 66 VMD Associates to close one lane of traffic on Veterans Memorial Drive between South Bridge Street and Hamilton Street upon the issuance of permits



RESOLUTION 14-0915-267

ACCEPTING A HOLD HARMLESS LETTER FROM SOMERVILLE TOWNE CENTER URBAN RENEWAL AND SOMERVILLE URBAN RENEWAL PHASE I, LLC AND AUTHORIZING THE MAYOR TO EXECUTE ACCEPTANCE OF THE HOLD HARMLESS LETTER

WHEREAS, The Borough of Somerville (the "Borough") and the Redeveloper are parties to an amended and restated redevelopment agreement, dated November 15, 2010 (the "Redevelopment Agreement") and Memorandum of Understanding ("MOU"), dated August 5, 2014, providing for, among other things, the Redeveloper's construction of a mixed use, transit oriented development (the "Project"), partially on property currently designated as Block 117, Lot 1.03 ("Phase I"); and

WHEREAS, The Redeveloper has completed construction of the building on Phase I, although the Redeveloper is still in the process of leasing commercial space on the ground floor and residential units on the upper floors; and

WHEREAS, The Redeveloper has leased a portion of the ground floor commercial space to a restaurant, which proposes to use a portion of the basement in Phase I for purposes accessory and ancillary to the principal restaurant use, such as storage and similar support functions (the "Restaurant"); and

WHEREAS, The Project is located in the West Main Street Redevelopment Area and subject to the requirements of the West Main Street Area Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, The Restaurant proposes to use the basement in Phase I to support its operations, including storage for liquor & wine, dry goods, freezer, refrigeration for beer and produce, meat aging, food

Somerville, NJ September 15, 2014

preparation area, office, lockers, changing area and bathrooms for employees, consistent with the floor plan attached hereto.

WHEREAS, In order for the Restaurant to use the basement in Phase I as it proposes, amendments to the Redevelopment Plan are required and the Redeveloper hereby requests that the Borough Planning Board and Borough Council commence the process to consider such amendments; and

WHEREAS, In order to facilitate the opening of the Restaurant by December 2014, the Redeveloper is requesting the immediate issuance of the required construction permits by the Borough Construction official provided the Redeveloper has submitted all required plans, permit applications and other documentation in conformance with the Uniform Construction Code for the construction of improvements for the proposed accessory and ancillary uses to the Restaurant for the basement in Phase I; and

WHEREAS, The issuance of any construction permits by the Borough Construction Official is being requested solely for the purposes of facilitating the construction of the improvements to meet the opening of the Restaurant and shall not be construed as obligating or requiring the issuance of a certificate of occupancy by the Borough Construction Official upon completion of the construction work unless the amendments to the Redevelopment Plan have been adopted and the Redeveloper has obtained site plan approval for such uses; and

WHEREAS, Any construction work by the Redeveloper in the basement of Phase I shall be at its own risk that the proposed uses shall be made conforming through the adoption of amendments to the Redevelopment Plan by the Borough and should the Borough not adopt such amendments to the Redevelopment Plan, the Redeveloper shall only be permitted to use the basement for uses set forth in the Borough's Zoning Ordinance; and

WHEREAS, The Redeveloper shall defend, indemnify and hold harmless the Borough and its Construction Official from and against any and all risk, costs, liability, damages and attorney's fees for any and all work performed by the Redeveloper for the construction of improvements for the proposed accessory and ancillary uses to the Restaurant for the basement in Phase I, whether a certificate of occupancy for the basement in Phase I is issued or not; and

WHEREAS, Should the Borough not adopt amendments to the Redevelopment Plan to permit the use of the basement in Phase I as proposed by the Restaurant, the Redeveloper shall take no action, legal or otherwise, to compel the Borough or its Construction Official to issuance a certificate of occupancy or any other permit for occupancy and use of the basement in Phase I other than for any uses currently permitted under the Redevelopment Plan or Borough Zoning Ordinance.; and

WHEREAS, If the Borough agrees and accepts the terms and conditions of this letter as it relates to the actions requested above, it should sign below, retain a copy of its records and return a copy to the Redeveloper; and

NOW THEREFORE BE IT RESOLVED THAT, the Borough Council of the Borough of Somerville hereby accepts the Hold Harmless Letter and further authorizes the Mayor to accept the Hold Harmless Letter from Somerville Towne Center Urban Renewal, LLC (F/K/A JSM At Somerville, LLC) And Somerville Urban Renewal Phase I, LLC,

Adopted by Borough Council on September 15, 2014

RESOLUTION 14-0915-268

ACCEPTING THE RESIGNATION OF SEAN DECKER FROM THE SOMERVILLE RECREATION COMMISSION EFFECTIVE SEPTEMBER 9, 2015

BE IT RESOLVED, the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the resignation of Sean Decker from the Somerville Recreation Commission effective September 9, 2015

Adopted by Borough Council on September 15, 2014

RESOLUTION 14-0915-269

APPROVING THE HIRING OF ERIN MARTIN TO THE POSITION OF ASSISTANT TO THE FINANCE OFFICER / RECEPTIONIST EFFECTIVE SEPTEMBER 22, 2014

Somerville, NJ September 15, 2014

WHEREAS, the Borough has complied with all the requirements of its Personnel and Procedure Policies and all collective bargaining agreements for posting and notices; and

WHEREAS, the Borough has conducted interviews and presented an Offer of Employment to Erin Martin at an annual salary of \$48,500 prorated for the year of 2014; and

WHEREAS, Erin Martin has accepted these of Employment and is hereby hired effective September 22, 2014

BE IT RESOLVED, the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve the hiring of Erin Martin in the position of Assistant to the Finance Officer at an annual salary of \$48,500 effective September22, 2014

RESOLUTION 14-0915-270

OPPOSING S-1717 AS WRITTEN WHICH PROHIBITS AN EMPLOYER FROM TAKING ADVERSE EMPLOYMENT ACTION AGAINST AN EMPLOYEE WHO IS UNABLE TO ACTIVELY WORK OR PERFORM REGULAR DUTIES AND PROHIBITS AN EMPLOYER FROM CHARGING AN EMPLOYEE WITH A SICK, PERSONAL OR VACATION DAY FOR NOT PERFORMING THEIR DUTIES

WHEREAS, the Borough of Somerville recognizes that during a State of Emergency the safety of its employees are the utmost important; and

WHEREAS, the State of New Jersey issued several State of Emergencies in 2013 & 2014 that had little or no impact in the Borough of Somerville; and

WHEREAS, the employees of the Borough of Somerville are dedicated to assisting others in times of emergencies and several of the employees volunteer to switch duties during said times to service the needs of the public; and

WHEREAS, Senate Bill 1717 does not take into consideration negotiated terms of collective bargaining agreements and the willingness and dedication of employees that voluntarily change their regular duties in the State of Emergency to assist others:

BE IT RESOLVED, the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby oppose Senate Bill 1717 and directs the Municipal Clerk to forward a copy of this Resolution to our local legislators.

Adopted by Borough Council on September 15, 2014

RESOLUTION 14-0915-271

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE SOMERVILLE- ADA CAROL PAGER PARK PLAYGROUND SUBGRANTEE AGREEMENT IN THE GRANT AMOUNT OF \$66,027.00

WHEREAS, the Borough of Somerville applied and received a grant in the amount of \$66,027.00 from the Somerset County Community Development Block Grant Program: and

BE IT RESOLVED, the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorize the Mayor and Municipal Clerk subgrantee agreement .entitled Somerville – ADA Carol pager Park Playground Grant

Adopted by Borough Council on September 15, 2014

RESOLUTION 14-0915-272

AUTHORIZING SYNESYS, INC., TO ENTER THE SOMERVILLE RIGHT OF WAY TO INSTALL COMMUNICATION CABLES FOR A PROJECT IN COORDINATION WITH THE BRIDGEWATER SCHOOL DISTRICT

WHEREAS, Synesys, a corporation having its offices at PO Box 1776, Horsham, Pennsylvania, 10944 has been contracted to perform work for the Bridgewater School District in Rights-of-Way in Bridgewater and Somerville Borough : and

Somerville, NJ September 15, 2014

WHEREAS, Synesys has submitted a plan to the Borough of Somerville along with license agreements with PSEG & Verizon; and

BE IT RESOLVED, the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorize Synesys to perform work within the Somerville Right-of-Way contingent on coordination with government agencies and the Somerville Police Department.

Adopted by Borough Council on September 15, 2014

RESOLUTION 14-0915-273

SUPPORTING ASSEMBLY BILL A-366 AND SENATE BILL-1713 INTRODUCED BY ASSEMBLYMAN CAPUTO AND SENATOR ROBERT SMITH TO PROTECT TAXPAYERS AND PROVIDE CLEAR DIRECTION TO THE COURTS REGARDING THE LEGISLATURE'S INTENT REGARDING LAWS REGARDING STATE TAXATION OF TELECOMMUNICATIONS

WHEREAS, New Jersey municipalities need to stand together and support A-366/S-1713, companion bills that have been introduced by Assemblyman Ralph Caputo and Senator Bob Smith to protect taxpayers, and to provide clear direction to the courts regarding the legislature's intent when the laws regarding State taxation of telecommunications providers were reformed in 1997; and

WHEREAS, beginning in 2008, Verizon claimed itself exempt from the payment of Business Personal Property Taxes in 5 municipalities, based on its own interpretation of the 1997 law, when it unilaterally determined that it no longer provided dial tone access to at least 51% of the local telephone exchanges. Hopewell Borough (one of the 5) challenged Verizon's claim to the Mercer County Board of Taxation and prevailed. Verizon appealed that decision to the Tax Court. While the Tax Court deliberated, 104 additional municipalities were denied Verizon BPPT; and

WHEREAS, in 2012, the Tax Court issued a preliminary decision, supporting Verizon's interpretation of the law. Hopewell Borough, joined by the League as Amicus Curiae, asked the Appellate Division to review the Tax Court's ruling. Hopewell and the League oppose the interpretation that Verizon can unilaterally determine whether it is subject to the tax in a given locality. We maintain that the statute specifically provides that those telecommunications carriers formerly subject to the New Jersey Franchise and Gross Receipts Tax Act would continue to be taxed, and that the law contains no provision for an annual "test" to determine whether the tax continues to apply. The highly respected non-partisan Office of Legislative Services agrees with us on that.

WHEREAS, Both the Appellate Division and the State Supreme Court denied our request to consider this issue, opting instead to await the Tax Court's final decision on the level of Verizon's current service in Hopewell. As the Tax Court proceedings drag on, with no end in sight, the taxpayers in over 100 municipalities have been, effectively, denied the opportunity for relief

BE IT RESOLVED, the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby support A-366 and its companion bill S-1713 and require that the Municipal Clerk forward a copy of this Resolution to our local legislators.

Adopted by Borough Council on September 15, 2014

RESOLUTION 14-0915-274

CONDITIONALLY DESIGNATING 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

Somerville, NJ September 15, 2014

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.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Somerville that Somerset Development, LLC, 911 E. County Line Road, Lakewood, NJ 08701, is hereby conditionally designated as redeveloper 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 conditional designation 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.
5. Within fourteen (14) days of the adoption of this resolution Somerset Development, LLC and the Borough enter into an escrow agreement, the form of which is attached hereto and made part of this resolution, and the Mayor and Borough Clerk are hereby authorized to execute same on behalf of Borough.

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.

Adopted by Borough Council on September 15, 2014

Somerville, NJ September 15, 2014

RESOLUTION 14-0915-275

AMENDING RESOLUTION 14-0616-189 REQUESTING PERMISSION FOR THE DEDICATION BY RIDER
FOR GENERAL REVENUE
REQUIRED BY DONATIONS

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and'

WHEREAS, donations provides for receipt of general revenue by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Fire Department Museum Fund are hereby anticipated as revenue and are hereby appropriated for the purpose of care, maintenance and restoration of museum displays and artifacts, electronic documentation of department and company history to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the general revenue for donations.
2. The Clerk of the Borough of Somerville, County of Somerset is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted by Borough Council on September 15, 2014

RESOLUTION 14-0915-277

APPROVING BLOCK PARTY FOR OCTOBER 5, 2014 FROM NOON TO 5:00 P.M. AND CLOSURE OF
FIELDSTONE DRIVE FROM GRIMM DRIVE AND ROBIN ROAD

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves a block party for October 6, 2014 from noon to 5:00 p.m. and closure of Fieldstone Drive from Grimm Drive to Robin Road (barricades to be dropped off at 18 Fieldstone Drive)

Adopted by Borough Council on September 15, 2014

Councilman Mitchell made a motion and was seconded by Councilman Sullivan 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 Utter, Councilman Wilson

Nays: None

Somerville, NJ September 15, 2014

Councilwoman O'Neill, Finance Chair presented the following vouchers for approval:

Formatted Account	Vendor Name	Item Description	Amount
3-01-20-100-000-529	TAPE REPORTERS, INC.	STATE V LAURENCE HALPER	298.00
4-01-20-100-000-502	COURIER NEWS		297.00
4-01-20-100-000-505	AMBASSADOR MEDICAL SERVICES	drug testing	90.00
4-01-20-100-000-511	ANN QUINN	hours worked	1,130.00
4-01-20-100-000-529	TREASURER, STATE OF NJ	BFCE registration fee	148.00
4-01-20-100-000-529	COURIER NEWS	legal ads	126.32
4-01-20-100-000-530	DELAGE LANDEN FINANCIAL SERVIC	lease agrmt	335.00
4-01-20-100-000-533	DELAGE LANDEN FINANCIAL SERVIC	AUGUST COPIER LEASE	195.84
4-01-20-100-000-545	NEW JERSEY LEAGUE OF MUNICIPAL	Legislative bulleting	7.00
4-01-20-100-000-555	INSTITUTE FOR PROFFESIONAL DE	Educational Seminar	99.00
4-01-20-100-000-556	ROBERT MIKITA	reimbursement	100.00
4-01-20-100-000-613	KEVIN SLUKA	Event - Reimbursements	164.31
4-01-20-100-000-614	CLEARY GIACOBBE ALFIERI & JACO		750.00
4-01-20-100-000-614	KATHLEEN KIRVAN	anti harrassment training-FD	500.00
4-01-20-100-000-628	W.B. MASON CO., INC	supplies for A/E & Health Dept	38.85
4-01-20-100-000-635	USPS-NEOPOST	replenish postage machine	1,000.00
4-01-20-130-000-628	W.B. MASON CO., INC	supplies for Finance	6.45
4-01-20-130-000-654	ADP	PAYROLL SERVICE	189.36
4-01-20-135-000-503	SUPLEE, CLOONEY & CO	2013 AUDIT SECTION 8	6,325.00
4-01-20-140-000-528	EPLUS	printer-tax office	97.00
4-01-20-140-000-534	VITAL COMMUNICATIONS INC	TAX COLLECTION SYSTEM	331.50
4-01-20-140-000-598	VERIZON COMMUNICATIONS	FIOS service	144.99
4-01-20-140-000-598	VITAL COMMUNICATIONS INC	INTERNET CONNECTION	400.00
4-01-20-150-000-694	FRANK BETTS	reimbursement	165.20
4-01-20-155-000-657	JAMES LOEWEN, ESQ	prof services-Sept	375.00
4-01-20-165-000-565	POST ACE HARDWARE	supplies for Eng	4.74
4-01-20-165-000-643	VERIZON COMMUNICATIONS	internet charges	119.99
4-01-21-180-000-659	COLE & ASSOCIATES LLC	PROFESSIONAL SERVICES	7,033.75
4-01-22-195-000-511	AUDREY SUTTON	PROFESSIONAL SERVICES	2,180.00
4-01-22-195-000-530	DELAGE LANDEN FINANCIAL SERVIC	COPY SERVICE	204.12
4-01-25-240-000-511	DIANE HEIMBERG	SALARY	960.00
4-01-25-240-000-560	SOMERSET COUNTY VEHICLE MAINTENANCE	VEHICLE REPAIRS	455.90

Somerville, NJ September 15, 2014

4-01-25-240-000-560	L3 COMMUNICATIONS	DIGITAL VIDEO SYSTEM	6,597.64
4-01-25-240-000-560	FULLERTON FORD INC	VEHICLE REPAIRS - CAR #11	157.45
4-01-25-240-000-560	VESPIA'S/MR TIRE	VEHICLE REPAIRS - CAR #4	125.66
4-01-25-240-000-575	ATLANTIC TACTICAL	WINCHESTER .357 125 AMMUNITION	2,362.10
4-01-25-240-000-628	STAPLES CREDIT PLAN	OFFICE SUPPLIES	169.74
4-01-25-240-000-660	MOTOROLA SOLUTIONS INC IL-02	REPLACEMENT BATTERIES - RADIOE	456.84
4-01-25-240-000-670	SHARP ELECTRONICE CORP	SHARP COPIER MAINTENANCE	154.50
4-01-25-240-000-720	MOTOROLA SOLUTIONS INC IL-02	TRANSFER RADIO EQUIP. TO NEW	3,134.75
4-01-25-240-000-720	DIANE HEIMBERG	3 NEW VEHICLE REGISTRATIONS	255.00
4-01-25-265-000-507	POST ACE HARDWARE	supplies for Fire Dept	11.85
4-01-25-265-000-557	POST ACE HARDWARE	supplies for Fire Dept	33.22
4-01-25-265-000-560	POST ACE HARDWARE	supplies for Fire Dept	62.19
4-01-25-265-000-560	FIRE & SAFETY SERVICES LTD	repairs Eng 2	1,153.65
4-01-25-265-000-572	POST ACE HARDWARE	supplies for Fire Police	26.58
4-01-25-265-000-661	LINCOLN HOSE CO # 4	September rent	1,300.00
4-01-26-290-000-560	POST ACE HARDWARE	supplies for PW-Roads	88.16
4-01-26-290-000-560	NAPA-GENUINE PARTS CO.	August 2014 billing	106.00
4-01-26-290-000-630	SAFETY KLEEN	solvent	610.02
4-01-26-290-000-645	SHERWIN-WILLIAMS	traffic paint	117.45
4-01-26-290-000-699	ZEDOWSKI'S TREE SERVICE INC	remove pin oak	500.00
4-01-26-305-000-523	CIPOLLINI CARTING & RECYCLING	dumpsters	528.89
4-01-26-305-000-523	CIPOLLINI CARTING & RECYCLING	dumpsters	285.44
4-01-26-305-000-523	CIPOLLINI CARTING & RECYCLING	monthly contract labor	19,427.17
4-01-26-305-000-523	CIPOLLINI CARTING & RECYCLING	dumpsters	10,166.97
4-01-26-305-000-523	CIPOLLINI CARTING & RECYCLING	dumpsters	10,884.51
4-01-26-305-000-523	CIPOLLINI CARTING & RECYCLING		0.00
4-01-26-310-000-506	AUTOMATIC COMMUNICATIONS ALARM	service call	140.00
4-01-26-310-000-506	AUTOMATIC COMMUNICATIONS ALARM	alarm trouble	140.00
4-01-26-310-000-517	DEER PARK	water	113.63
4-01-26-310-000-517	POST ACE HARDWARE	supplies for August	139.55
4-01-26-310-000-517	DEER PARK	water	80.74
4-01-26-310-000-517	W.B. MASON CO., INC	supplies for B&G	366.35
4-01-26-310-000-722	POST ACE HARDWARE	supplies for B&G	66.49
4-01-28-375-000-560	POST ACE HARDWARE	supplies for PW-Parks	58.85
4-01-28-375-000-560	CAMMPS HARDWARE & LAWN PRODUCT	spark plugs filters	87.60
4-01-31-440-000-704	VERIZON WIRELESS	TELEPHONE MAINTENANCE	893.69

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4-01-31-440-000-704	VERIZON COMMUNICATIONS	FIOS - 8/28/14 - 9/27/14	144.99
4-01-31-440-000-705	VERIZON	phone charges-908-722-1131	58.18
4-01-31-440-000-705	VERIZON	phone charges-908-252-0521	349.58
4-01-31-440-000-705	VERIZON	phone charges	658.29
4-01-31-440-000-705	VERIZON	phone charges-police line	97.34
4-01-31-440-000-705	VERIZON COMMUNICATIONS	FIOS charges	114.99
4-01-31-440-000-705	VERIZON	phone charges-908-231-1702	119.69
4-01-31-440-000-705	VERIZON COMMUNICATIONS	FIOS charges	134.99
4-01-31-440-000-705	VERIZON WIRELESS	cell/pager charges	909.23
4-01-31-440-000-705	VERIZON BUSINESS	Sept email charges	67.50
4-01-45-945-000-552	TD EQUIPMENT FINANCE INC	2010 SCIA LEASE PAYMENT	7,777.78
4-01-45-945-000-552	TD EQUIPMENT FINANCE INC	2011 SCIA LEASE PAYMENT	68,334.03
4-01-45-945-001-552	TD EQUIPMENT FINANCE INC	2010 SCIA LEASE PAYMENT	437.12
4-01-45-945-001-552	TD EQUIPMENT FINANCE INC	2011 SCIA LEASE PAYMENT	4,828.95
4-05-55-502-000-503	SUPLEE, CLOONEY & CO	SEWER UTILITY AUDIT 2013	12,950.00
4-05-55-502-000-534	VITAL COMMUNICATIONS INC	SEWER UTILITY BILLING	255.00
4-05-55-502-000-560	POST ACE HARDWARE	supplies for PW-Sewer	18.96
4-05-55-502-000-696	VITAL COMMUNICATIONS INC	TAX SALE NOTICES	30.00
4-07-00-000-000-533	SPITBALL, LLC	Monthly Retainer, July	983.33
4-07-00-000-000-577	HORIZON BLUE CROSS BLUE SHIELD	Policy Premium Payment	459.35
4-07-00-000-000-693	VERIZON	Monthly Phone Charges	53.16
4-07-00-000-000-767	NATIONAL MAIN STREET CENTER	2015 GAMS A Award App Fee	150.00
4-07-00-000-000-773	YANNETTA'S SERVICE LLC	Summer Cinema Clean-Up	160.00
4-07-00-000-000-904	LOUMARC SIGNS	Take Down Summer Events Banner	150.00
4-07-00-000-000-909	YANNETTA'S SERVICE LLC	Strong Man Event Maintenance	50.00
4-07-00-000-000-915	YANNETTA'S SERVICE LLC	Side Walk Cleanings	3,375.00
4-07-00-000-000-921	YO ANTHONY LLC	2014 Balance Due	1,200.00
4-07-00-000-000-958	STAPLES BUSINESS ADVANTAGE	Office Supplies	96.29
4-07-00-000-000-960	SPITBALL, LLC	NJ350 Pop-Up Store Poster	135.00
4-07-00-000-000-963	YANNETTA'S SERVICE LLC	Cruisers Set-Up/Break-Down	250.00
4-07-00-000-000-965	YANNETTA'S SERVICE LLC	Farmers Mkt Set-Up/Break-Down	160.00
4-07-00-000-000-967	SCULPTED ICE WORKS	Ice Sculpture Demo, 12/6 (Dep)	250.00
4-07-00-000-000-967	SCULPTED ICE WORKS	Ice Sculpture Demo 12/13 (Dep)	250.00
4-07-00-000-000-967	SCULPTED ICE WORKS	Ice Sculpture Demo 12/20 (Dep)	250.00
4-07-00-000-000-968	JOHNNY ON THE SPOT INC	Portable Restrooms	475.00
4-07-00-000-000-968	PIANOS PLUS LLC	Jazz Fest Piano/Tuning	1,200.00

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4-07-00-000-000-968	LENNY GRASSO	Jazz Fest Sound System	2,100.00
4-07-00-000-000-968	DIVISION STREET MUSIC	PA Rental/Sound Eng/Drum Set	250.00
4-07-00-000-000-972	DIVISION STREET MUSIC	Sound Engineer On Street	250.50
4-07-00-000-000-972	DIVISION STREET MUSIC	Summer Stage PA System Rental	250.50
4-07-00-000-000-973	Y MARKETING & ITO DESIGN	Website Hosting Through 10/31	110.00
4-07-00-000-000-973	SPITBALL, LLC	Website Redesign-Payment 2/2	5,750.00
4-07-00-000-000-988	ROD HIRSCH	Press Release/Distribution	250.00
4-07-00-000-000-988	MINUTEMAN PRESS	Posters & Postcards	1,033.00
4-07-00-000-000-992	SPITBALL, LLC	Summer Stage A-Frames	67.50
4-07-00-000-000-992	SPITBALL, LLC	Summer Stage Posters	205.00
4-07-00-000-000-993	SPITBALL, LLC	Starlit Cinema A-Frames	67.50
4-07-00-000-000-993	SPITBALL, LLC	Starlit Cinema Posters	205.00
C-04-00-002-306-907	BARRETT BUILDING & RENOVATION	roof leader repairs	1,350.00
C-04-00-002-355-608	GIBBONS, PC	PROFESSIONAL SERVICE ORD#2355	475.00
C-04-00-002-355-608	COURIER NEWS		124.12
C-04-00-002-440-659	DECOTIIS,FITZPATRICK,COLE & WI	PROFESSIONAL SERVICE MAIN ST	71.00
C-04-00-002-440-659	DECOTIIS,FITZPATRICK,COLE & WI	PROFESSIONAL SERVICE EAST END	166.25
C-04-00-002-440-659	DECOTIIS,FITZPATRICK,COLE & WI	PROFESSIONAL SERVICE LANDFILL	1,301.75
C-04-00-002-441-611	VITAL COMMUNICATIONS INC	COMPUTERS TAX OFFICE (2)	900.00
C-04-SC-002-012-617	TD WEALTH MANAGEMENT	ANNUAL FEE 2012 SCIA LEASE	1,000.00
G-02-40-001-000-734	SOMERSET COUNTY ENGINEERING DE	Signal install at Bridge/Cliff	4,536.61
T-13-00-000-000-211	COLE & ASSOCIATES LLC		6,005.00
T-13-00-000-000-219	MEGAN BOUZIOTIS	HOURS PAID	8.25
T-13-00-000-000-219	GLENN THORNE	HOURS WORKED	200.00
T-13-00-000-000-542	CABLEVISION OF RARITAN VALLEY	pro rated fee for cable box	2.74
			218,688.47

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

The motion was approved by the following vote:

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

Nays: None

At this time, the Borough Council 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 8:40pm.

Respectfully submitted,

Paul Allena
Secretary