

Somerville, New Jersey February 13, 2012

**Monday, February 13, 2012 Agenda and Meeting Minutes**

The following Agenda was made available to the public. The Meeting minutes follow the Agenda:

**BOROUGH OF SOMERVILLE  
SPECIAL COUNCIL MEETING  
AGENDA**

**Monday February 13, 2012 – There is no executive session the meeting will start at 6:00 P.M.**

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

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**COUNCIL MEETING AGENDA**

1. **Open Public Meeting Law Statement**
2. **Roll Call**
3. **Salute to the Flag**
4. **Discussion**
  - a. **Green Acres Application**
5. **Meeting Open to the Public on the Green Acres application only**
6. **RESOLUTION 12-0213-057**  
AUTHORIZING THE AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES FOR FUNDING TO ACQUIRE LANDS FOR RECREATION AND CONSERVATION PURPOSES WITH THE LANDFILL REDEVELOPMENT AREA
7. **RESOLUTION 12-0213-059**  
AFFIRMING AND CERTIFYING THAT THE RECREATION AND OPEN SPACE INVENTORY IS COMPLETE AND ACCURATE AS OF THE DATE OF THIS ADOPTED RESOLUTION
8. **Discussion**
  - a. **Board of Education Election Change**
9. **Meeting Open to the Public on any matter**
10. **RESOLUTION 12-0213-058**  
SUPPORTING THE SOMERVILLE BOARD OF EDUCATION RESOLUTION TO ELIMINATE THE VOTE ON THE ANNUAL BUDGET THAT IS WITHIN THE STATUTORY CAP AND TO MOVE THE ELECTION OF SCHOOL BOARD MEMBERS TO THE GENERAL ELECTION IN NOVEMBER
11. **ADJOURNMENT**

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KEVIN SLUKA read the following: *This meeting is called to order in accordance with the Open Public Meetings Law. This meeting of February 13, 2012 was PUBLISHED IN the Courier News and, posted on the bulletin board at Borough Hall. In addition, a copy of said notice is available to the public in the office of the Municipal Clerk. A copy of this statement will be included in the minutes of the meeting.*

KEVIN SLUKA conducted roll call. BRIAN GALLAGHER, AMANDA O'NEILL, TOM MITCHELL, NICK STIRES, DENNIS SULLIVAN, ROB WILSON were present JANE KOBUTA was excused.

BRIAN GALLAGHER asked all to stand for to join in the Pledge of Allegiance

BRIAN GALLAGHER stated that today special council meeting is predominately to handle the Green acres application that is being submitted. The application is funding part of the open space that is part of the Landfill Redevelopment Area. Parts will be passive space. As a council we wanted to apply for Green Acres to assists in funding acquisition.

BRIAN GALLAGHER turned the discussion over to COLIN DRIVER

COLIN DRIVER asked the public to reference a map of the Landfill Redevelopment Area which was posted for public viewing. COLIN DRIVER pointed to the area that would be open space areas with the Landfill redevelopment Area.

COLIN DRIVER stated that 116 acres comprise the Landfill redevelopment Area of which about 41 acres is the green seam areas. The 41 acres have a variety of ownership. In particular one is 5.05 acres of which the Borough is making application for. And also some of the green seam is owned by the Borough

COLIN DRIVER spoke very briefly about the runoff of stormwater on the entire site, explaining what certain areas are identified as wetland areas within the Landfill redevelopment Area.

COLIN DRIVER explained that this application being made to Green Acres is a large document with extensive data that has been acquired. It also includes a Recreation Open Space Inventory (ROSI), which required review and updating. Some of the current information was not completely accurate o he is making the appropriate changes as well as updating the information. We need to ensure that the ROSI is accurate as of this date.

COLIN DRIVER informed the public that the application being submitted is for \$2,450,000. He stated that in the past a communication was received that was called an at risk letter. Basically allowing the Borough to move forward with conducting research and contracting for appraisal work with no guarantees. The Borough took such action and contracted an appraisal firm to perform work. Following that action, green Acres contacted us to tell us due to the market value of the property a second appraisal would

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be required as well as some additional environmental engineering work specific to the parcel that we would be seeking acquisition.

COLIN DRIVER stated that in the recent past the Borough received communication through the Clerk's office that funding is available and applications would be accepted. Hence, we are here today conducting a public meeting and asking the Borough Council to approve submittal of the application.

BRIAN GALLAGHER opened the meeting to comments by the governing body.

DENNIS SULLIVAN asked if we receive the grant what conditions will be imposed on the Borough.

COLIN DRIVER responded stating that it must be used for open passive or recreation space. Back in the visioning process, the public and council agreed to have areas within the landfill redevelopment Plan made available for public use.

NICK STIRES asked about the ROSI. Does the application bring the entire ROSI in the process?

COLIN DRIVER stated the purpose of the ROSI here is to provide an accurate listing of the ROSI as a condition of the application

TOM MITCHELL asked if this application will increase our trails.

COLIN DRIVER stated that the redevelopment plan itself adds trails. The trails within the plan are expected to have educational tools explaining the process of remediation and other things.

ROB WILSON asked to see the final ROSI and asked questioned the two resolutions STIRES.

COLIN DRIVER one resolution is to confirm the ROSI up to date and the other is to authorize the application

BRIAN GALLAGHER suggested that the ROSI be posted on the Borough website when available.

DENNIS SULLIVAN asked if there were any properties that were school board owned facilities.

COLIN DRIVER stated no the School Board property is not listed.

KEVIN SLUKA stated that the DEP maintains a listing of the ROSI on their website. He stated once this one is approved and sent to DEP, they would likely update their site as well.

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KEVIN SLUKA stated that the Borough owns other vacant property that is not part of the ROSI and should not be since it does not have recreation value.

TOM MITCHELL pointed out vacant land behind the senior building and stated that this is an example of property that would not be part of the ROSI.

BRIAN GALLAGHER opened the meeting up to the public specifically on the Green Acres application and questions concerning the Resolutions related to the application as well as the ROSI.

#### PUBLIC SESSION FOR COMMENTS:

JIM LAMPARELLI owner of Sara Jane's Restaurant 33 Route 206, Somerville asked if his property in which the restaurant stands is part of this application.

COLIN DRIVER stated that it is not.

JIM LAMPERELLI stated that he has a stream behind his property and the Borough was able to get the State to clean it out. But allegedly an employee was injured and now he was notified of a law suit.

BRIAN GALLAGHER stated that he would be interested in learning of the details at a different time.

LOREN FISHER Catherine Street, Somerville asked what is the value of purchasing the property at the tip?

COLIN DRIVER stated it would give the Borough municipal control of the property.

LOREN FISHER asked what would we do about the power company?

COLIN DRIVER stated that he was looking at the wrong property; the power company is further down.

LOREN FISHER said he stands corrected, no further questions.

HERB HALL asked what does ROSI stand for?

COLIN DRIVER responded Recreation open Space Inventory.

MR. LAMPERELLI (father) of JIM LAMPERELLI prior speaker: Asked the Borough Council if the application is approved. How will the Borough contend with all the loss of rateables.

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BRIAN GALLAGHER stated that this application is only for one privately owned property being the Mastrianni property.

MR. LAMPERELLI (father) of JIM LAMPERELLI prior speaker: Asked will other properties be considered in the future

CVD stated that 41 acres within the redevelopment plan are not controlled by the Borough and those will be considered as we go.

MR. LAMPERELLI (father) of JIM LAMPERELLI prior speaker: Asked to again confirm that this application did not include the Sara Jane's property.

COLIN DRIVER confirmed that funds being applied for are for the Mastrianni property.

BRIAN GALLAGHER asked if there were nay more questions or comments. (After pause) If there are no other comments, I need a motion for the Resolution 12-0213-057

DENNIS SULLIVAN made a motion which was seconded by TOM MITCHELL. All present voted in favor. Resolution listed below:

**RESOLUTION 12-0213-057**

**AUTHORIZING THE AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES PROVIDE FOR FUNDING TO ACQUIRE LANDS FOR RECREATION AND CONSERVATION PURPOSES WITH THE LANDFILL REDEVELOPMENT AREA**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program ("State") provides loans and/or grants to municipal and county governments to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Somerville desires to further the public interest by obtaining funding in the amount of \$2,450,000 from the State to fund the Somerville Landfill "Green Seam" Rehabilitation Project Phase I; and

**NOW, THEREFORE**, the governing body resolves that Mayor Brian G. Gallagher or the successor of the Office of Mayor is hereby authorized to:

- (a) Make application for a loan and/or such grant.
- (b) Provide additional application information and furnish such documents as may be required, and
- (c) Act as the authorized correspondent of the above named applicant; and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

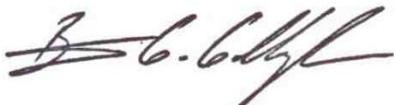
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**WHEREAS**, the applicant is willing to use the State funds in accordance with such rules, regulations and applicable statutes and is willing to enter into an agreement with the State for the above named project Somerville Landfill "Green Seam" Rehabilitation Project Phase I

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

1. That the Mayor of the Borough of Somerville is hereby authorized to execute an agreement and any amendment thereto with the State of New Jersey for Somerville Landfill "Green Seam" Rehabilitation Project Phase I
2. The applicant has matching share of the project if such match is required.
3. That in the event the State's funds are less than the total project cost specified above, the applicant has the balance of the funds necessary to complete the project.
4. The Borough of Somerville agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.
5. This resolution shall take effect immediately.

Adopted by Borough Council on February 13, 2012



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Mayor



\_\_\_\_\_  
Borough Clerk

I, Kevin Sluka, Borough Clerk of the Borough of Somerville, County of Somerset, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Borough Council on February 13, 2012.



\_\_\_\_\_  
Kevin Sluka, Clerk/Administrator

BRIAN GALLAGHER asked for a motion on Resolution 12-0213-059. DENNIS SULLIVAN made a motion and ROB WILSON seconded the motion. All present voted in favor. Resolution listed below:

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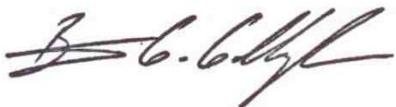
**RESOLUTION 12-0213-059**

**AFFIRMING AND CERTIFYING THAT THE RECREATION AND OPEN SPACE INVENTORY IS COMPLETE AND ACCURATE AS OF THE DATE OF THIS ADOPTED RESOLUTION**

**WHEREAS**, the Recreation and Open Space Inventory (ROSI) contains a certified listing of all lands held by the Borough of Somerville for recreation and conservation purposes:

**BE IT RESOLVED**, by the Borough of Somerville, County of Somerset, State of New Jersey hereby certified the Recreation and Open Space Inventory for the Borough of Somerville is complete and accurate as of February 13, 2012.

Adopted by Borough Council on February 13, 2012



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Borough Clerk

I, Kevin Sluka, Borough Clerk of the Borough of Somerville, County of Somerset, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Borough Council on February 13, 2012.



\_\_\_\_\_  
Kevin Sluka, Clerk/Administrator

**BOARD OF ELECTION CHANGE**

BRIAN GALLAGHER stated that recent legislation allows for the school board election to move to the November general election. Either the Governing Body or the School Board could have voted for the change. BRIAN GALLAGHER stated that the School Board has voted to change their election and we would basically be affirming their decision. Bond ordinances can be voted separately. BRIAN GALLAGHER stated that the Board took a real leadership role and made the change.

BRIAN GALLAGHER asked for a motion for the Resolution. ROB WILSON made a motion and TOM MITCHELL seconded the motion. BRIAN GALLAGHER opened up for discussion.

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DENNIS SULLIVAN stated that the election process must stay in place for four (4) years. They believe the turnout will be better. And those schools that keep their election cycle will likely face higher costs.

TOM MITCHELL stated that he thinks this is a wise decision. He would not be comfortable imposing his position as a councilmember into the issue, but is certainly glad they took their action.

BRIAN GALLAGHER stated folks were concerned about politics. But the Council has never been involved in their elections and does not expect that to occur in the future.

No other comments were made from the Council. BRIAN GALLAGHER asked if there were any comments from the public. None were heard.

KEVIN SLUKA took roll call for the resolution. All present voted favorably. Resolution below:

**RESOLUTION 12-0213-058**

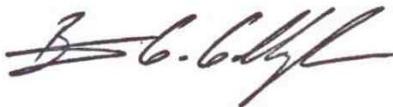
**SUPPORTING THE SOMERVILLE BOARD OF EDUCATION RESOLUTION TO ELIMINATE THE VOTE ON THE ANNUAL BUDGET THAT IS WITHIN THE STATUTORY CAP AND TO MOVE THE ELECTION OF SCHOOL BOARD MEMBERS TO THE GENERAL ELECTION IN NOVEMBER**

**WHEREAS**, Public Law S3148, Laws of 2012 provides that a local school district or a local governing body may adopt a resolution to eliminate the vote on the annual school budget that is within statutory cap and hold their annual school board election in the November election; and

**WHEREAS**, on February 8, 2012 the School Board voted favorably (8-1-1); and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby support and endorse the decision made by the Somerville Board of Education to adopt a resolution to eliminate the vote on the annual school budget that is within statutory cap and hold their annual school board election during the November election.

Adopted by Borough Council on February 13, 2012



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Mayor



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Borough Clerk

I, Kevin Sluka, Borough Clerk of the Borough of Somerville, County of Somerset, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Borough Council on February 13, 2012.

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BRIAN GALLAGHER asked if there was anything else. BRIAN GALLAGHER asked for a motion to adjourn. TOM MITCHELL made a motion and DENNIS SULLIVAN made a second. All voted favorable to adjourn.

Meeting adjourned at 6:28 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K Sluka', with a long horizontal flourish extending to the right.

Kevin Sluka, RMC