

Monday, August 1, 2011

7:00 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 18, 2011
4. Departmental Reports & Important Notices
 - a. Monthly Animal Shelter Report June 2011
 - b. Monthly Housing Inspection report – July 2011
5. Committee Reports
6. Discussion
 - a. Cluster Zoning
7. Meeting Open to the Public (At this time the public can ask questions or make comments on any matter including matters not on the agenda)
8. ORDINANCES FOR INTRODUCTION
 - #2366 ADOPTING AN AMENDMENT TO THE WEST MAIN STREET REDEVELOPMENT PLAN FOR THE WEST MAIN REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.
 - #2367 AMENDING CHAPTER 102 SECTION 99 OF THE BOROUGH'S LAND USE CODE TO ALLOW RESIDENTIAL CLUSTERING AND AMENDING THE DEFINITION OF RESIDENTIAL CLUSTERING, PLANNED UNIT RESIDENTIAL DEVELOPMENT AND MAKING AMENDMENTS AND ADDITIONS TO CHAPTER 102 SECTION 99 IDENTIFYING OTHER REGULATIONS WITHIN THE R-1 SINGLE FAMILY RESIDENCE DISTRICT
9. ORDINANCES FOR PUBLIC HEARING AND ADOPTION:
 - #2363 AMENDING CHAPTER AMENDING CHAPTER 45 ALCOHOLIC BEVERAGES TO INCLUDE ARTICLE III CHAPTER 45 SECTION 26-29 UNDER AGE POSSESSION AND CONSUMPTION BY MINORS ON PRIVATE PROPERTY
 - #2364 AMENDING ARTICLE IV CHAPTER 166-48 SCHEDULE VII ONE-WAY STREETS TO INCLUDE UNION STREET IN A SOUTH DIRECTION
 - #2365 AMENDING ORDINANCE #2099 BY AMENDING SECTION 148-10 ENTITLED THE CALCULATION OF ASSESSMENT WITHIN THE SPECIAL IMPROVEMENT DISTRICT TO INCLUDE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.

10. CONSENT RESOLUTIONS

(Resolutions 11-0801-173 thru 11-0801-179)

- 11-0801-173 AUTHORIZING EXECUTION OF AN AGREEMENT TO PARTICIPATE IN THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM
- 11-0801-174 AUTHORIZING THE SOMERVILLE LIBRARY BRANCH TO CONDUCT THE 3RD ANNUAL HISPANIC HERITAGE FESTIVAL ON SEPTEMBER 17, 2011 AND DIWALI CELEBRATION ON OCTOBER 8, 2011 ON BOROUGH HALL PROPERTY
- 11-0801-175 AWARDING A CONTRACT TO MALL CHEVROLET FOR THE PURCHASE OF A 2012 CHEVROLET TAHOE UNDER CRANFORD COOPERATIVE PRICING FOR THE FIRE DEPARTMENT
- 11-0801-176 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM INSPECTION ESCROW ACCOUNT OF JSM LANDMARK
- 11-0801-177 AUTHORIZING THE EXTENSION OF GRACE PERIOD FOR PAYMENT OF TAX BILLS ENABLING REGULAR PAYMENTS TO BE MADE UP TO AND INCLUDING AUGUST 31, 2011 AND APPLYING LATE FEES TO ALL PAYMENTS RECEIVED ON OR AFTER SEPTEMBER 1, 2011 RETROACTIVELY TO AUGUST 1, 2011
- 11-0801-178 AWARDING A CONTRACT TO M & W COMMUNICATION, INC., FOR MOTOROLA COMMUNICATIONS EQUIPMENT INCLUDING MINITER V PAGERS UNDER STATE CONTRACT
- 11-0801-179 APPROVING USE OF FIRE HOUSE FIELD ON SEPTEMBER 10, 2011 FOR THE SOMERVILLE FIRE DEPARTMENT PICNIC

11. ADJOURNMENT

The first regular Borough Council meeting for the month of August 2011 was convened on, Monday, August 1, 2011 at 7:15pm prevailing time in Borough Council Chambers 24 South Bridge Street, Somerville, New Jersey.

Upon call of the roll, the following Borough Council Members were present: Mayor Brian Gallagher, presiding, Council President Kenneth Utter, Councilwoman Jane Kobuta, Councilman Thompson Mitchell, Councilman Dennis Sullivan, Councilwoman Margaret Weinberger and Councilman Robert Wilson.

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

The pledge of allegiance was recited by those in attendance.

The minutes of the regular Borough Council meeting of the July 18, 2011 were presented in writing for approval.

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

Carried unanimously, (Councilman Wilson abstained)

Committee Reports:

Councilman Sullivan commented that the 3rd quarter tax bills will be mailed later this week. .

There will be a grace period until August 31, 2011. There will no interest charged as long as the interest is paid by August 31, 2011.

Councilman Sullivan commented that the average increase this year is \$120.803 and is the smallest tax increase since the year 2000.

Mayor Gallagher commented that the Board of Education has come in with a budget reduction as well as program increases which should be commented.

Councilman Mitchell commented that next parking and traffic committee meeting will be held on Tuesday, August 9, 2011.

Councilman Mitchell commented on a new Somerville news website www.somervilletoday.com.

Councilwoman Weinberger thanked Ville TV for coming out to the Famers Market last week.

Councilwoman Kobuta reported on Rain Barrel program on August 23, 2001 at Walk Park. There is also a rain barrow rebate program sponsored by Regional Center Partnership.

Councilman Utter congratulated the Somerville Fire Department for being voted the "Best Fire Department" in Somerset County by the Courier-News.

Meeting Open to the Public:

At this time, Mayor Gallaher opened the meeting to comments to the public.

Jim Loewen, 16 E. Brown Street, Somerville, expressed his concern with the ordinance being considered for underage drinking on private property. He feels that this is an issue that is on private property and should not be regulated by the Borough.

Clerk-Administrator Sluka commented that he has communicated with the Somerset County Prosecutor and at this time his office is not serving as an advocate for the passage of this Ordinance however he is bringing this to the attention of municipalities.

Councilman Utter has asked that this ordinance be tabled at this time.

Clerk-Administrator Sluka responded that there needs to be an official public hearing before this can be tabled.

At this time there were no further comments and the public session was closed.

Ordinances:

The following ordinance were presented in writing for introduction

ORDINANCE# 2366**ADOPTING AN AMENDMENT TO THE WEST MAIN STREET REDEVELOPMENT PLAN FOR THE WEST MAIN REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

WHEREAS, on June 7, 2010, the Borough Council of the Borough of Somerville passed Resolution 10-0607-163 containing the amendments to the West Main Street Redevelopment Plan for the West Main Street Redevelopment Area; and

WHEREAS, it is necessary to formalize the Resolution in an ordinance:

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

- A. Pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), by an ordinance approved on June 4, 2010, the Somerville Borough Council ("Borough Council"), adopted a Redevelopment Plan for the Main Street Redevelopment Plan for the West Main Street Redevelopment Area.
- B. Amendments to Page 5/6: Relationship to Local Objectives. To facilitate a quick and timely response to day-to-day construction, site and finish issues; any proposed change (field change) to the site plan as approved by the borough Planning Board may be reviewed by a committee established by the Planning Board for this purpose

Amendments to Page 12: Other Requirements

1. Residential use requirements.

- a. Location. Apartments and uses accessory to the same may be located on the upper floors or ground floors, but not on any basement floor nor on the ground floor of any building in the following locations, with the exception of a rental office and resident clubhouse allowed facing Main Street:
 - Within any facade facing Main Street.
 - Within any facade facing Davenport Street within 60 feet of the Main Street right-of-way.
 - Within any facade facing Doughty Avenue within 60 feet of the Main Street right-of-way.
 - Within any facade facing Union Street.

Notwithstanding the foregoing, internal elevator shafts and stairwells serving apartments may be located on ground floors and on basement floors and further provided that basement areas may be used for dead storage or mechanical space for utilities for residential apartments.

Amendments to page 13: Architectural design.

All façade plans shall be determined and approved by the Planning Board based on recommendation from the ARB

Amendments to page 14:

3. Street and streetscape design. In addition to any improvements determined necessary by traffic studies for any redevelopment proposal, the following shall be required:
 - (2) Sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) shall be provided and/or maintained consistent with existing sidewalk improvements in the Special Improvement District. Stamped concrete may be allowed in certain areas as determined by the Planning Board.

Amendments to page 14/15

b. Davenport Street

- (3) Parallel parking shall be provided on both sides of the street, where practical.

- (4) Minimum cart way width, including parking: 44 feet, and 24 feet where no parking is possible; with the final width to be determined by the Board based upon traffic studies.

Amendments to page 15/16

c. Veterans Memorial Drive

- (6) Sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) may be located in the right of way and shall be provided consistent with the existing sidewalk improvements in the Special Improvement District; except that street trees shall be planted below ground and be covered with metal grates that are flush with the sidewalk elevation, and the sidewalk can be comprised of stamped concrete.

The Borough Council has prepared amendments to the Redevelopment Plan, which shall be referred to the Planning Board for its consideration.

Prior to the adoption of the amendment to the Redevelopment Plan, the Planning Board shall within 45 days after referral, transmit to the Borough Council, a report containing its recommendation concerning the amendment to the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

Upon receipt of the Planning Board's recommendation or if the Planning Board fails to transmit a recommendation within 45 days after referral, the Borough Council shall act upon this Ordinance adopting the amendment to the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

The Borough Council hereby amends the amendment to the Redevelopment Plan.

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

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

Mayor Gallaher opened the meeting for comments and there were none at this time.

Councilman Mitchell made a motion and was seconded by Councilman Sullivan to approve the aforementioned ordinance for introduction.

The motion was approved by the following vote:

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

Nays: None

ORDINANCE # 2367

AMENDING CHAPTER 102 SECTION 99 OF THE BOROUGH'S LAND USE CODE TO ALLOW RESIDENTIAL CLUSTERING AND AMENDING THE DEFINITION OF RESIDENTIAL CLUSTERING, PLANNED UNIT RESIDENTIAL DEVELOPMENT AND MAKING AMENDMENTS AND ADDITIONS TO CHAPTER 102 SECTION 99 IDENTIFYING OTHER REGULATIONS WITHIN THE R-1 SINGLE FAMILY RESIDENCE DISTRICT

I. Definitions

"Residential cluster" means a contiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance. Definition is already contained within the Borough's ordinance amend definition to eliminate the noncontiguous.

"Planned unit residential development" means an area with a specified minimum contiguous acreage of five acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial, or public or quasi-public uses, all primarily for the benefit of the residential development. This definition replaces the Borough's ordinance which defines it as a "residential cluster development"

"Patio Home" means a single-family dwelling on a separate lot with yard setbacks on three (3) sides and one (1) wall abutting a side lot line. Current Borough Ordinance Definition.

“Single Family Attached Zero Lot Line dwelling” – A single-family dwelling unit contained within a building containing two or three dwelling units on two or three lots (one dwelling unit on each lot), each of which is separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both dwelling units. New definition to added to the Borough’s ordinance.

II. Zoning Ordinance Amendments

§ 102-99. R-1 Single Family Residence District.

A. Permitted uses and structures. See "Schedule A, Permitted Uses and Structures".

B. Bulk and lot regulations. See "Schedule B, Lot, Bulk and Intensity of Development Standards".

C. Other Regulations

A planned unit residential development, as defined herein, is permitted development option in the R-1 zone district, subject, however to the following regulations:

(1) The permitted uses and dwelling types shall be as follows:

Patio Home
 Single-Family Detached Dwelling/Residence
 Single Family Zero Lot Line Dwelling/Residence
 Reuse of Existing Dwelling as multifamily or common space
 Common Open Space

(2) There shall be a minimum tract frontage of 300 feet

(3) There shall be provided at least four (4) architectural styles of dwelling units within the development.

(4) The minimum lot size shall be a minimum of 4,000 square feet for patio homes and single family attached zero lot line dwelling except that the middle lot in a three dwelling building shall be a min. of 2,100 square feet.

(5) The overall density shall not exceed the density which would be permitted under a conventional subdivision, with the remaining land area being held in common by the lot owners as open space for recreational or conservation purposes. The overall density shall not exceed one (1) dwelling unit per 10,000 square feet except, as provided by a density bonus, as described in item #13 (below).

(6) No less than 45% of the total tract area shall be designated as common space. For purposes of administering this provision, the area to be considered within this common open space area shall not include any dwellings, private yard areas, parking area, internal streets, above ground detention facilities, or privately owned land containing open space easements.

(7) The lot, bulk and intensity of development standards for each proposed lot, except for the middle lot in a three dwelling building, are as follows:

Min. Lot Area (S.F.)	Min. Lot Frontage (FT.)	Min. Lot Width (FT.)	Min. Lot Depth (FT.)	Min. Front Yard (FT.)	Min. Side Yard One/both (FT.)	Min. Rear Yard (FT.)	Max. FAR (%)	Max. Improvement Coverage (%)	Max. Building Height (St./FT.)
4,000	40	40	100	25 (see item 11)	0/17	30	45	45	2.5/35

- (8) The lot, bulk and intensity of development standards for the middle lot in a three dwelling building, are as follows:

Min. Lot Area (S.F.)	Min. Lot Frontage (FT.)	Min. Lot Width (FT.)	Min. Lot Depth (FT.)	Min. Front Yard (FT.)	Min. Side one/both Yard (FT.)	Min Rear Yard (FT.)	Max. FAR (%)	Max. Improvement Coverage (%)	Max. Building Height (St./FT.)
2,100	21	21	100	25	0/0	30	82	78	2.5/35

- (9) The maximum width of the building containing three dwelling units shall be 65 feet, as measured from exterior to exterior wall at the front yard setback.
- (10) An ingress/egress easement to provide access to the rear yard of the middle lot (in a building containing three dwelling units) from the street right-of-way shall be established. The min. width of said easement shall be 10'.
- (11) On a corner lot the front yard setback shall be 20 feet from the street that does not have the curb cut.
- (12) The common open space is for recreational or conservation. If the common open space is not dedicated to the Borough, the Developer shall provide for an organization for the ownership and maintenance of any open space for the benefit of owners or residents of the Development. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its open space without first offering to dedicate the same to the Borough.

In the event that such organization shall fail to maintain the open space in reasonable order and condition, the Zoning Officer may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organizational has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 35 days thereof, and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice.

At such hearing, the Zoning Officer may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time not to exceed 65 days within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall be cured within said 35 days or any permitted extension thereof, the Borough, in order to preserve the open space and maintain the same for a period of 1 year may enter upon and maintain such land. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the Zoning Officer, shall upon its initiative or upon request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon 15 days written notice of such organization and to the owners of the development, to be held by such Zoning Officer, at which hearing such organization and the owners of the development shall show cause why such maintenance by the Borough shall not, at the election of the Borough, continue for a succeeding year.

If the Zoning Officer shall determine such organization is not ready and able to maintain said open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said open space during the next succeeding year, subject to a similar hearing and determination, in each year thereafter. The decision of the Borough or Zoning Officer in any such case shall constitute a final administrative decision subject to judicial review.

The cost of such maintenance by the Borough shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in accordance with assessed value at the time of imposition of the lien, and shall become a lien and tax on said properties and be added to and be part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

- (13) The adaptive reuse of an existing dwelling shall maintain the existing façade. The footprint of the dwelling shall not be enlarged or altered, except for minor appurtenances such as sewer vent pipes, HVAC equipment, etc. All building mounted HVAC equipment shall be screened. An existing dwelling shall be used as common recreational space, multi-family dwelling or a combination thereof. If used as a multi-family dwelling, no more than three (3) dwellings are permitted.
- (14) Patio home shall require an access/maintenance easement on the adjoining property to repair/clean or maintain the façade of the dwelling which is on the property (unless the abutting property is common

open space). The maintenance easement shall be a min. of 10 feet in width and extend around façade that is on the property line.

- (15) Each dwelling unit shall contain one (1), two (2) or three (3) bedrooms. The Developer is encouraged to provide a wide mix of housing so that the development is appealing to a broad spectrum of the public. The number of bedrooms, including distribution of the one (1), two (2) and three (3) bedroom units shall be proposed by the Developer and approved by the Planning Board or Board of Adjustment. To that end the Developer shall provide data in support of the bedroom mix and address all questions/concerns to the satisfaction of the Planning Board/Board of Adjustment
- (16) The horizontal and vertical differentiation of large façade areas shall be broken down so as to appear as a series of different buildings, each building façade should be of scale of buildings found in Somerville. The architecture style of the buildings shall be varied so that a repetitive pattern is not used throughout the development. Upon review of the site plans and architectural elevations of the buildings, the Planning Board (or Board of Adjustment) shall determine whether the proposed architectural style of the buildings is repetitive. If the architecture style of the buildings is found to be repetitive, the architectural elevations shall be modified (as necessary) to the satisfaction of the Planning Board/Board of Adjustment.
- (17) Density Bonus: If the development is a LEED certified Neighborhood Development, the developer is entitled to a density bonus of 2 units. If the development is LEED certified Neighborhood Development ~~gold~~ silver standard the developer is entitled to a density bonus of 4 units and if gold certification is achieved the density bonus is 6 units. Per the US Green Building Council (USGBC) “the LEED for Neighborhood Development Rating System integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development. LEED for Neighborhood Development is an collaboration among USGBC, Congress for the New Urbanism, and the Natural Resources Defense Council”. In order to qualify for the density bonuses, the developer shall meet the current requirements of the USGBC.

This Ordinance shall be forwarded to the Planning Board for review.

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

Bernie Navatto, Planning Board Chairman commented that this ordinance will allow for additional flexibility in the R-1 zone and will allow for the preservation of open space. It gives the Zoning and Planning Boards significant discretion in plan approvals.

Mayor Gallaher opened the meeting for comments and there were none at this time.

Councilman Mitchell made a motion and was seconded by Councilman Utter to approve the aforementioned ordinance for introduction.

The motion was approved by the following vote:

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

Nays: None

The following Ordinances were presented for hearing and adoption:

ORDINANCE NUMBER 2363

AMENDING CHAPTER 45 ALCOHOLIC BEVERAGES TO INCLUDE ARTICLE III CHAPTER 45 SECTION 26-29 UNDER AGE POSSESSION AND CONSUMPTION BY MINORS ON PRIVATE PROPERTY

Mayor Gallagher opened the meeting for comments and there were none at this time.

Councilman Utter made a motion and was seconded by Councilwoman Kobuta to table the ordinance at this time.

Councilman Wilson commented that he would like to see the Prosecutors Office send a representative to a workshop to discuss questions of this ordinance.

Clerk-Administrator Sluka commented that it may also be a good idea to have the Police Chief present at the meeting.

The motion to table the ordinance was approved by the following vote:

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

Nays: None

ORDINANCE NUMBER 2364

AMENDING ARTICLE IV CHAPTER 166-48 SCHEDULE VII ONE-WAY STREETS TO INCLUDE UNION STREET IN A SOUTH DIRECTION

Mayor Gallagher opened the meeting for comments and there were none at this time.

Councilman Mitchell made a motion and was seconded by Councilwoman Kobuta to adopt the aforementioned ordinance.

Councilman Sullivan asked that appropriate notice be given to all drivers in order to ensure that they are aware of the changes.

The motion was approved by the following vote:

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

Nays: None

ORDINANCE NUMBER 2365

AMENDING ORDINANCE #2099 BY AMENDING SECTION 148-10 ENTITLED THE CALCULATION OF ASSESSMENT WITHIN THE SPECIAL IMPROVEMENT DISTRICT TO INCLUDE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.

Mayor Gallagher opened the meeting for comments and there were none at this time.

Councilman Utter made a motion and was seconded by Councilwoman Kobuta to adopt the aforementioned ordinance.

The motion was approved by the following vote:

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

Nays: None

Consent Resolutions:

The following consent resolutions were presented for consideration:

RESOLUTION 11-0801-173

AUTHORIZING EXECUTION OF AN AGREEMENT TO PARTICIPATE IN THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Cranford Police Cooperative Pricing System (ID # 47-CPCPS), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on August 1, 2011 the governing body of the Borough of Somerville, County of Somerset, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

- A. This RESOLUTION shall be known and may be cited as the Cooperative Pricing
- B. Pursuant to the provisions of N. J.S.A. 40A:11-11(5), the Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
- C. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
- D. This resolution shall take effect immediately upon passage.

RESOLUTION 11-0801-174

AUTHORIZING THE SOMERVILLE LIBRARY BRANCH TO CONDUCT THE 3RD ANNUAL HISPANIC HERITAGE FESTIVAL ON SEPTEMBER 17TH AND DIWALI CELEBRATION ON OCTOBER 8 ON BOROUGH HALL PROPERTY

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes the Somerville Branch Library to conduct the 3rd Annual Hispanic Heritage Festival on September 17th and Diwali Celebration on October 8th, 2011 on Borough Hall property,

RESOLUTION 11-0801-175

AWARDING A CONTRACT TO MALL CHEVROLET FOR THE PURCHASE OF A 2012 CHEVROLET TAHOE UNDER CRANFORD COOPERATIVE PRICING FOR THE FIRE DEPARTMENT

WHEREAS, that the Borough of Somerville approved Resolution 11-0705-166 on July 5th, 2011 for the purchase of a Chevrolet Tahoe for the Fire Department through Mall Chevrolet, 75 Haddonfield Road, Cherry Hill 08002 in the amount of \$31,074.00 through New Jersey State Contract; and

WHEREAS, the same vehicle is under the Cranford Cooperative Pricing System in the amount of \$30,850; and

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby award a contract to Mall Chevrolet, 75 Haddonfield Road, Cherry Hill New Jersey 08002 in the amount of \$30,850.00 under Cranford Cooperative Pricing System

RESOLUTION 11-0801-176

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

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

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

WHEREAS, Colin Driver has confirmed that \$ 498.75 be paid to Driver Associates (JULY/2011) and \$1,330.02 be paid to DeCotiis, FitzPatrick & Cole LLP (Main St Redev—JUNE/2011) for services rendered.

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

RESOLUTION 11-0801-177

AUTHORIZING THE EXTENSION OF GRACE PERIOD FOR PAYMENT OF TAX BILLS ENABLING REGULAR PAYMENTS TO BE MADE UP TO AND INCLUDING AUGUST 31, 2011 AND APPLYING LATE FEES TO ALL PAYMENTS RECEIVED ON OR AFTER SEPTEMBER 1, 2011 RETROACTIVELY TO AUGUST 1, 2011

WHEREAS, the State Aid figures from the Division of Local Government Services was not certified until July 21, 2011 and so the County Board of Taxation was not able to strike the 2011 rate for the Borough of Somerville until July 25, 2011.

WHEREAS, Delays in striking the 2011 within customary time periods, this resulted in the delayed of printing and mailing of the Borough of Somerville 2011-2012 tax bills.

WHEREAS, the grace period for payment without interest on the 3rd quarter of 2011 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 Mayor and Council of the Borough of Somerville hereby grant an additional grace period through and including August 31, 2011.

BE IT FURTHER RESOLVED that interest on late payments—made after August 31, 2011—will be calculated from the due date of August 1, 2011.

RESOLUTION 11-0801-178

AWARDING A CONTRACT TO M & W COMMUNICATION, INC., FOR MOTOROLA COMMUNICATIONS EQUIPMENT INCLUDING MINITER V PAGERS UNDER STATE CONTRACT

WHEREAS, the Borough requires Motorola Communications Equipment which is available under New Jersey State Contract A53804, and

WHEREAS, the equipment includes 160 Motorola Minitor V Pagers including accessories in the amount not to exceed \$66,080.00; and

WHEREAS, the equipment was quoted on July 27, 2011 and is made available through M & W Communications, Inc., 361 Quakertown Road, Flemington, New Jersey 08822 through New Jersey State Contract A53804

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorizes 160 Motorola Minitor V Pagers including accessories under New Jersey State Contract A53804 through M & W Communications, Inc., 361 Quakertown Road, Flemington, New Jersey 08822.

RESOLUTION 11-0801-179

APPROVING USE OF FIRE HOUSE FIELD ON SEPTEMBER 10, 2011 FOR THE SOMERVILLE FIRE DEPARTMENT PICNIC

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorizes the use of Fire House Field on September 10, 2011 for the Somerville Fire Department Picnic

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

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

Ayes: Councilwoman Kobuta, Councilman Mitchell,
Councilman Sullivan, Councilman Utter,
Councilwoman Weinberger, 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 Mitchell to adjourn the meeting. The motion was approved by the following vote:

Carried unanimously

The meeting was adjourned at 7:45pm

Respectfully submitted,

Paul Allena
Secretary