

Tuesday, July 5, 2011

7:00 P.M.

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

COUNCIL MEETING AGENDA

1. Roll Call
2. Salute to the Flag
3. Approval of Minutes
 - a. June 20, 2011
4. Departmental Reports & Important Notices
 - a. Somerset Valley YMCA Strategic Plan 2011-2013
 - b. RCP notice of Stewardship Group being formed for Multipurpose Athletic Facility at Vo-Tech High School
 - c. Monthly Shelter Report for April & May 2011
 - d. PSE&G requesting amendment Landfill Redevelopment Plan
5. Committee Reports
6. Discussion
 - a. PSEG requesting an amendment to the Landfill Redevelopment Plan to be referred to Planning Board.
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 PUBLIC HEARING AND ADOPTION:

#2362 AMENDING CHAPTER 166, SECTION 76, SCHEDULE XXII: PARKING METER RATES AND SECTION 77 IDENTIFYING LOCATION AND RATES TO INCLUDE HOURLY RATES IN PARKING LOTS 1 & 2 TO \$.25 PER HOUR AND REMOVING TIME LIMITS FOR USAGE

This will take place after the pay on foot stations are installed into the lots.
9. CONSENT RESOLUTIONS

(Resolutions 11-0720-159 to 11-0702-168)

11-0705-159 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR SPECIAL COUNSEL TO DIFRANCESCO, BATEMAN, COLEY, YOSPIN, KUNZMAN DAVIS, & LEHERER, P.C.

11-0705-160 APPROVING NEW TAXI DRIVER LICENSE FOR NATHAN PHILEPHS

11-0705-161 APPROVING RENEWAL OF SIX MONTH SOLICITOR LICENSE FOR GRZEGOR GRUDNIK OF RH CATERING

11-0705-162 APPROVING TAXI DRIVER LICENSE FOR DEAN MOBERA CONTINGENT ON ALL OTHER ADMINISTRATIVE APPROVALS

11-0705-163 AUTHORIZING JAZZ FESTIVAL ON SEPTEMBER 11, 2011 AND ROAD CLOSURES ON GROVE STREET, N. BRIDGE STREET & E. MAIN STREET

11-0705-164 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT OF JSM LANDMARK

11-0705-165 APPROVING A TAXI DRIVERS LICENSE FOR LEONA CARRUBE FOR 2011-2012 CONTINGENT ALL ADMININSTRATIVE APPROVALS

- 11-0705-166 AWARDING A CONTRACT TO MALL CHEVROLET FOR THE PURCHASE OF A 2012 CHEVROLET TAHOE UNDER NEW JERSEY STATE CONTRACT FOR THE FIRE DEPARTMENT
- 110705-167 AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A JURIDITIONAL AGREEMENT BETWEEN THE BOROUGH OF SOMERVILLE AND THE NEW JERSEY STATE DEPARTMENT OF TRANSPORTATION
- 110705-168 AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A RIGHT OF ENTRY AGREEMENT BETWEEN PSE&G AND THE BOROUGH OF SOMERVILLE FOR PROPERTY KNOW AS LEPP PARK

10. ADJOURNMENT

The first regular Borough Council meeting for the month of July 2011 was convened on, Tuesday, July 5, 2011 at 6:45pm 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, and Councilwoman Margaret Weinberger. Councilman Robert Wilson was excused from the meeting.

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 June 20, 2011 were presented in writing for approval.

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

Carried unanimously

Mayor Gallagher commented on the following important notices:

- a. Somerset Valley YMCA Strategic Plan 2011-2013
- b. RCP notice of Stewardship Group being formed for Multipurpose Athletic Facility at Vo-Tech High School
- c. Monthly Shelter Report for April & May 2011
- d. PSE&G requesting amendment Landfill Redevelopment Plan

Committee Reports:

Councilman Sullivan commented that at the present time the Borough does not have its final tax rate from the County Board of Taxation. The 3rd quarter tax bills may be delayed in going out.

He indicated that the bills may be going out the 3rd week of July and there will be the usual 25 days from the date of the mailing before interest is charged. There will not be estimated bills sent out this year.

Councilwoman Weinberger thanked the Mayor for his communications through the Borough E-Connect.

Councilwoman Weinberger also commented that she is meeting with the Cable Television Committee on Thursday evening.

Councilwoman Kobuta reminded everyone of the ongoing parking lot construction in Municipal Parking Lots 1 and 2.

Councilman Utter reminded everyone that the Somerville Rescue Squad is in the middle of their annual fund drive and to please support them as much as possible.

Discussion: PSE&G requesting amendment Landfill Redevelopment Plan

Mayor Gallagher commented on the current program with PSE&G replacing existing transmission poles with new monopoles. There are some poles located within the Landfill redevelopment plan. PSE&G is asking for permission from the Borough to construct these poles within the landfill redevelopment area.

Councilman Utter made a motion and was seconded by Councilman Mitchell to refer the PSE&G request for amendments to the Landfill Redevelopment Plan to the Planning Board for review. The motion was approved by the following vote:

Carried unanimously

Meeting Open to the Public:

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

There were no comments

Ordinances:

The following Ordinance was presented for hearing and adoption:

ORDINANCE NUMBER 2362

AMENDING CHAPTER 166, SECTION 76, SCHEDULE XXII: PARKING METER RATES AND SECTION 77 IDENTIFYING LOCATION AND RATES TO INCLUDE HOURLY RATES IN PARKING LOTS 1 & 2 TO \$.25 PER HOUR AND REMOVING TIME LIMITS FOR USAGE

Mayor Gallagher 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 adoption.

Councilman Mitchell commented that the rate is going up for long term parking. This is now going up to hour for hour. Also the pay on foot stations will not charge for parking during the time which parking is free.

The motion was approved by the following vote:

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

Nays: None

Consent Resolutions:

The following consent resolutions were presented for consideration:

RESOLUTION 11-0705-159

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR SPECIAL COUNSEL TO DIFRANCESCO, BATEMAN, COLEY, YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C.

WHEREAS, the Borough of Somerville requires professional legal services to serve as special legal counsel to defend the Borough of Somerville on certain Tax Appeals; and

WHEREAS, the Borough Administrator has determined and certified in writing by copy of this Resolution that the value of the contract MAY exceed \$17,500; and

WHEREAS, the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C. has a familiarity with the Borough of Somerville, experience with municipalities within the County, public clients of similar size, and an hourly rate acceptable to the Borough; and

WHEREAS, the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., has submitted a proposal along with Political Contribution Disclosure and Business Entity Disclosure fulfilling the requirements to enable the firm of DeCotiis, Fitzpatrick & Cole, LLP to provide such services; and

WHEREAS, the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., shall serve as Special Legal Counsel in accordance with their rates dated June 27, 2011 for a period one year

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

1. A professional services contract with is hereby authorized
2. The Mayor and Clerk are authorized to sign a contract with DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., 15 Mountain Boulevard, Warren, New Jersey 07059 in accordance with the following terms and conditions:

- A. Term: A period of not to exceed 12 months or for length of project
 - B. Rate: \$195 hourly for Martin Allen, Esq., and \$175 for tax appeal associates as per proposal dated June 27, 2011
 - C. Services: The firm shall provide professional special legal services
3. The Borough Clerk in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in the Official Newspaper stating the nature, duration, service and amount of this contract.
 4. The Borough Clerk shall make copies of this resolution available for public inspection at the Municipal Building, 25 West End Avenue, Somerville, NJ during regular business hours.

**RESOLUTION 11-0705-160
APPROVING NEW OF TAXI DRIVER LICENSE FOR NATHAN PHILEPHS**

BE IT RESOLVED , that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve Nathan Philephs of 82 Fairview Avenue, Somerville, NJ for a Taxi Driver License for year 2011-2012

**RESOLUTION 11-0705-161
APPROVING RENEWAL OF SIX MONTH SOLICITOR LICENSE FOR GRZEGOR GRUDNIK – RH CATERING**

BE IT RESOLVED , that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve a six month solicitor license for Grzegor Grudnik of RH Catering, 22 Rochelle Drive, Kendall Park, NJ 08824

**RESOLUTION 11-0705-162
APPROVING TAXI DRIVER LICENSE FOR DEAN MOBERA CONTINGENT ON ALL ADMINISTRATIVE APPROVALS**

BE IT RESOLVED , that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve a Taxi Driver License for Dean Mobera contingent on all other administrative approvals

**RESOLUTION 11-0705-163
AUTHORIZING JAZZ FESTIVAL ON SEPTEMBER 11, 2011 AND ROAD CLOSURES ON GROVE STREET, N. BRIDGE STREET & E. MAIN STREET**

WHEREAS, the Borough of Somerville authorizes a Jazz Festival to be held on September 11, 2011; and

WHEREAS, the Borough authorizes the closures of N. Bridge Street between High and Main Streets, E. Main Street between Bridge and Grove Streets, grove Street between High and E. Main Street; and

WHEREAS, it may be necessary to obtain approvals from other jurisdictions; and

WHEREAS, the closures shall be authorized from 8:00 a.m. to 7:00 p.m.

NOW THEREFORE BE IT RESOLVED that the Borough of Somerville hereby authorize a Jazz Festival on September 11, 2010 and further authorizes road closures on various roads from 8:00 a.m. to 7:00 p.m.

**RESOLUTION 11-0705-164
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 \$ 831.25 be paid to Driver Associates (JUNE/2011), and \$ 1,789.84 paid to DeCotiis (MAY/2011—Main St Redev) 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 11-0705-165
APPROVING TAXI LICENSE FOR LEONA CARRUBE FOR 2011 - 2012**

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby approve a taxi license for Leona Carrube for 2011-2012 contingent on all other administrative approvals.

**RESOLUTION 11-0705-166
AWARDING A CONTRACT TO MALL CHEVROLET FOR THE PURCHASE OF A 2012 CHEVROLET
TAHOE UNDER NEW JERSEY STATE CONTRACT FOR THE FIRE DEPARTMENT**

WHEREAS, that the Borough of Somerville Fire Department has identified a need for a replacement Chief's vehicle; and

WHEREAS, the requested vehicle is available on New Jersey State Contract A73848 through Mall Chevrolet, 75 Haddonfield Road, Cherry Hill 08002; and

WHEREAS, the amount of the vehicle is \$31,074.00

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 \$31,074.00 under New Jersey State Contract A73848.

**RESOLUTION 11-0705-167
AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A JURISDICTIONAL
AGREEMENT BETWEEN THE BOROUGH OF SOMERVILLE AND THE NEW JERSEY STATE
DEPARTMENT OF TRANSPORTATION**

WHEREAS, the New Jersey Department of Transportation has requested that Borough of Somerville enter into an Agreement which would allocate the jurisdictional responsibilities for highway maintenance and control within the Borough of Somerville ; and

WHEREAS, maps outlining the jurisdictional limits of each have been reviewed and approved by the Borough of Somerville; and

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorizes the Mayor and Municipal Clerk to execute the Agreement

**RESOLUTION 11-0705-168
AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A RIGHT OF
ENTRY AGREEMENT BETWEEN PSE&G AND THE BOROUGH OF SOMERVILLE
FOR PROPERTY KNOW AS LEPP PARK**

WHEREAS, Public Service Electric and Gas has requested that the Borough of Somerville enter into an Agreement which would allow entry and investigation onto Lot 22, Block 58, property know as Lepp Park

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorizes the Mayor and Municipal Clerk to execute the Agreement

Mayor Gallagher explained the purpose of PSE&G and the installation of monitoring wells from a contaminated property. The Borough attorney needs to review this agreement.

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,

Nays: None

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

Carried unanimously

The meeting was adjourned at 7:00pm

Respectfully submitted,

Paul Allena
Secretary