

BOROUGH OF SOMERVILLE
WORKSHOP SESSION / COUNCIL MEETING
AGENDA

Monday, August 16, 2010

6:00 P.M.

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

1. Open Public Meeting Law Statement
2. Roll Call
3. Approval of Executive Session and Workshop Minutes of:
 - a. August 2, 2010
4. Resolution 10-0816-216 to enter into Executive Session

EXECUTIVE SESSION AGENDA

1. Personnel (Chief Manning to attend)
2. Personnel (Construction)
3. Personnel – Fire

COUNCIL MEETING AGENDA

1. Roll Call
2. Salute to the Flag
3. Moment of Silence – Steve Runyon
4. Discussion (Workshop)
 - a. Library (Brian Auger to attend)
5. Approving Minutes:
 - a. August 2, 2010
6. Committee Reports
7. Departmental Reports
 - a. SRVSA – 2nd quarter Analysis of Sewerage Flows
8. 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)
9. CONSENT AGENDA
(Resolutions 10-0816-217 through 10-0816- 228)
 - 10-0816-217 APPROVING SIDEWALK SALE PERMIT FOR THE DESERT PLATE ON SEPTEMBER 12, 2010
 - 10-0816-218 CANCELING OPEN CAPITAL BALANCES
 - 10-0816-219 AUTHORIZING A CROSS ACCESS EASEMENT BETWEEN THE BOROUGH OF SOMERVILLE AND COUNTY OF SOMERSET IN RELATION TO PROPERTIES LOCATED AT BLOCK 123.01 LOT 1, BLOCK 52 LOT 39, BLOCK 52 LOT 13.01
 - 10-0816-220 APPROVING CHANGE ORDER TO THE CONTRACT WITH UNIVERSAL ART STUDIOS FOR STAIN GLASS RESTORATION IN THE AMOUNT OF \$1,000
 - 10-0816-221 APPROVING THE CLOSURE OF WARREN STREET ON SEPTEMBER 4, 2010 FOR THE LINCOLN HOSE ANNUAL PICNIC

- 10-0816-222 APPROVING NEW TAXI DRIVER LICENSE FOR JOANNA DITARANTO
- 10-0816-223 APPROVING RENEWAL OF EXTENSION OF LICENSED PREMISES FOR VERVE DURING THE JAZZ FESTIVAL ON SEPTEMBER 12, 2010
- 10-0816-224 APPROVING CASINO NIGHT RAFFLE LICENSE FOR SOMERVILLE ENGINE COMPANY #1 FOR SEPTEMBER 25, 2010
- 10-0816-225 APPROVING THE HIRING OF ADAM CESARIO TO FILL A PART TIME OFFICE POSITION IN THE OFFICE OF THE FIRE OFFICIAL
- 10-0816-226 AUTHORIZING JAZZ FESTIVAL ON SEPTEMBER 12, 2010 AND ROAD CLOSURES ON GROVE STREET, N. BRIDGE STREET & E. MAIN STREET
- 10-0816-227 WAIVING MUNICIPAL FEES FOR LOCAL VENDORS TO CONDUCT SALES DURING JAZZ FESTIVAL TO BE HELD ON SEPTEMBER 12, 2010
- 10-0816-228 ESTABLISHING A FEE FOR CERTIFIED MAILINGS OF TAX SALE NOTICES IN THE AMOUNT OF \$25.00 PER MAILING

10. ADJOURNMENT

The second regular Borough Council Meeting for the month of August 2010 of the Somerville Borough Council was convened on, Monday, August 16, 2010 at 7:00pm 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 Jane Kobuta, Councilman Thompson Mitchell, Councilman Dennis Sullivan, Councilman Kenneth Utter, and Councilwoman Patricia Webster. Councilman Robert Wilson was excused from the meeting.

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

The pledge of allegiance was recited by those in attendance.

Mayor Gallagher asked for a moment of silence to mark the recent passing of Steve Runyon. Steve is a Somerville resident and volunteer fireman who recently lost his battle with cancer. He leaves behind a wife and four young children.

Library Presentation:

Mayor Gallagher provided an overview of the current status of the Library transfer to Somerset County. After a thorough review by the taskforce it was recommended and approved by the Borough Council to move forward with the transfer to the Somerset County Library system. The Council needs to determine further if this will be done by resolution or referendum.

Mayor Gallagher introduced Brian Auger, Director of Somerset County Library and Chris Corcini, a member of Somerset Library Commission. Chris explained that the Library is ready and willing to work with Somerville to make this transition as smooth as possible.

Brian Auger, introduced himself and is new to the Somerset County Library System having only been here four months. The Somerset Library system is comprised of 8 different library facilities and 13 communities which pay the county library tax. The library uses an integrated library system to manage all of their books and distribution. They also provide training of staff and also budget preparation.

Mr. Auger reviewed seven questions that were presented to him by the Mayor and Borough Council.

There was a question presented regarding the current physical plan and parking concerning They examined the current physical plant and they all are acceptable. The parking issues can be also be managed by continuing to have a high walk-in traffic.

Another question was in reference to budgets. The budgets are developed in conjunction with the branch management. These are also tied into an overall strategic plan. The budgets are tied into the limits of the allowable tax rate as decided by the Freeholders.

There next question pertained to programming and the need to provide adequate space for Somerville residents. The Somerville branch can set aside a certain number of spaces for residents. The Somerville residents can also attend programs in all of the system wide libraries.

The next question was can the Borough utilize existing meeting room space. The Borough will have full use of the existing space for other meetings and activities.

The next question pertained to personnel management and who would have the oversight. There would be input from the local town advisory board. There would be also input specific to the local branch director. The local advisory board would be encouraged to participate in this annual review.

Does the Branch Director have control over local decision? Yes the local director would have control over local issues. The library commission is responsible for overall operating policies and procedures which include overdue fines, internet access rules, electronic policies and behavior in the library policies.

The final question asked what the lead time for this conversion. There is an issue with the taxation and the date which this can be completed. They are looking into the actual date as to when this could take place. If there was a referendum they could not complete the conversion until after January 1, 2011.

Councilwoman Kobuta commented that one of the issues that she heard was that Somerville was going to lose their library. This is a community center for many residents.

Mr. Auger replied that it is not the intention to close the Somerville Library.

Mr. Auger commented that it is the intent of the library to continue to connect patrons with content using digital media. There is a lot of business taking place with downloadable e-books.

Councilman Utter commented on the ability of the County to offer programs to all ages of residents. The other plus was the ability to extend the library hours here in Somerville.

Councilman Sullivan asked for an explanation of the unattended children policy.

Mr. Auger replied that any child under the age of 11 must be accompanied by an adult or older child.

Councilman Sullivan asked how the budget is created using the established tax rate.

Mr. Auger replied that the annual budget has been built over the past number of years with no pay increases and no change in the tax rate which is 0.87. The budget has to be built around this controlled tax rate.

Councilman Sullivan commented on the revaluation that is taking place and how this will affect the tax rate.

The representatives were not able to accurately answer this at this time.

Councilman Mitchell commented that the Library uses the same equalization schedule that the County uses for tax rate.

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

Ellen Parker, 12 Putnam Street, Somerville, would like to thank the Mayor and Council for considering this move to the county library system. She currently pays \$185 each year to use the library. She believes that this is really a good thing for the residents of Somerville.

Linda Barth, 214 N. Bridge Street, would like to see the Council make a decision made as soon as possible.

Mayor Gallagher asked for a consensus of the Council on moving to the County library system.

Mayor Gallagher commented that he is totally in favor of moving to the County system.

Councilwoman Webster commented she is still vacillating on the issue.

Councilman Utter commented that he is in full agreement to move to the County.

Councilwoman Kobuta commented that she is in full agreement to move to the County.

Councilman Mitchell commented that he is also in agreement to move to the County.

Councilman Sullivan commented that he would feel more comfortable if this request had come from the public or from the Library Board of Trustees.

Mayor Gallagher commented that the task force did a fantastic job. They tackled the issue to determine if the Library could continue to provide a better library service to its residents by going to a County library system. It was the unanimous decision of the task force to recommend joining the County Library system.

Mayor Gallagher outlined some significant facts related to Somerville Public Library vs. Somerset County Library System. There are problems and we have a way to resolve these problems. In 2010 the Library used surplus funds utilized \$109,000 of their \$168,000 in surplus to keep the library operating at minimal level. In 2011 under current situation, the Library will use the remaining of it surplus. This will still create of deficit of \$74,000. By 2012 there will be an estimated deficit of \$218,000. There is an opportunity to fix this problem right now and obtain better services and technology.

Councilman Utter commented that all meetings were opened to the public as well as a separate public forum. This was important to the overall decision process. He is still in favor of the public referendum to make the final decision.

Councilwoman Kobuta commented that she agrees with Councilman Utter and is in favor of the referendum.

Councilman Mitchell commented that he has respect for the open meeting process. He also feels that people have the right to have their voice heard through elections. There are two interpretations as to what direction needs to be pursued for a decision.

Councilman Sullivan commented that we have heard from the task force, county library and he would now like to hear from the people and would like to hold a referendum in November.

Councilwoman Kobuta made a motion to move to referendum as soon as possible to the upcoming November election. The motion was seconded by Councilman Utter.

Borough Attorney Solomon commented that he has been working with the Borough Clerk-Administrator to draft a resolution, referendum and interpretative statement.

Borough Clerk-Administrator Sluka reported that there would need to be a resolution passed and forwarded to the County election officials by August 20, 2010. This would require a special meeting before that date.

Mayor Gallagher would like to have some additional time to review the referendum statement and would like to have a special meeting.

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

Linda Barth, 214 N. Bridge St, Somerville, asked for the Borough Council to move forward on the issue now and make a decision for the benefit the people of Somerville.

Granville Brady, 9 Lee Way Somerville, commented if the Council makes a decision as important as this it will affect all tax payers in town. He commented that next year every tax payer in Somerville will see another line item for a County Library tax in their tax bill. He feels that it is important to have the tax payers weigh in on the decision.

Mayor Gallagher commented that he has a concern that this library is in trouble and there is a way to make it better at the same cost.

John Kurilla, 77 Eastern Ave, Somerville, he asked if there was going to be any savings in going with the County Library.

Mayor Gallagher commented that the library has been subsidized by the Borough and in order to get the library back to the service level where it would cost the Borough \$170,000.

Bob Barth, 214 N. Bridge St, Somerville asked if the surplus would be used to keep the library going. Also he asked what could happen in five years. He commented that he feels that this needs to be moved forward now in order to prevent having to use any more funds from surplus in 2011 to keep the library going.

Councilwoman Kobuta commented the earliest that this transfer could take place would be April 1, 2011. She also confirmed that there is funding until April 1, 2011 at which time the transfer to the County would take place.

Ellen Parker, 12 Putnam Street, Somerville commented that she would like to have the motion withdrawn at this time. There has been adequate time and opportunity for people to weigh in on this issue. She referenced the recent school board referendums and the success of this.

Roberta Karpinecz, 66 Fairview Ave, Somerville, thanked the task force for their efforts. She commented that this is a highly emotional issue. There will be people with questions who are not as informed. She agrees that there is a need to have a referendum on this issue.

Mary Dumont, 257 Grove St, Somerville, she hopes that this does not become a political issue. If you choose to go with a referendum you need to go out and support this as well if you support the idea. She uses the services of the library as well.

Herb Hall, 22 Fairmont Ave, Somerville, commented that the Borough Council was elected to make decisions. His concern with the referendum is that we are running the library on the backs of the employees. In order to stretch the trust fund the employees have been asked to take a 20% cut in pay to keep the library going. The Borough will need to come up with \$212,000 in 2012 to keep the library going. He asked to make a decision tonight and think of the employees who are impacted by this situation.

Jane Williams, Arlyne Dr, Somerville, commended Herb Hall for his comments. She was on the task force and asked that the Council move forward with this decision now. She feels that we would be missing a great opportunity to move forward with this issue.

Mayor Gallagher asked for a motion to remove the motion on the table.

Councilwoman Kobuta commented that she realizes the issues at hand. In her heart she feels that this is the best place to go. She knows that the public needs to have input and that they have been given the chance. She knows that financially the library will not be able to function in two years.

Councilwoman Kobuta made a motion and was seconded by Councilwoman Webster to remove the motion on the table.

Council Sullivan commented that he trusts the public of Somerville to make a decision on this issue and make an informed decision. He continues to support the referendum.

Councilwoman Webster commented that she feels that Council is the right way to go however at this time she is concerned for the families of the Library employees.

Councilman Mitchell asked for clarification on the savings of going with the County Library on January 1, 2011. He also has a question regarding the contract with the LMAC which indicated that the changes could not be made after January 1, 2011. He also had questions in reference to any stipulations as to when this change could be made.

County Library representatives confirmed that with the change could be done by January 1, 2011 with a decision made soon. If the Council was to wait until November with a final decision than this could transfer could not be done until April 1, 2011.

Herb Hall clarified that the Council would need to notify LMAC by October 1, 2010 if they intend to renew in 2011.

Borough Attorney Solomon commented that this could be done by resolution and not needed to be done by Ordinance.

The motion on the table was called for a vote to move the motion off the table and was approved by the following vote:

Councilmember	Aye	Nay	Abstain	Absent
Kobuta	X			
Mitchell	X			
Sullivan		X		
Utter		X		
Webster	X			
Wilson				X

Councilman Kobuta made a motion and was seconded by Councilwoman Webster to approve the following resolution:

RESOLUTION 09-0816-232

AUTHORIZING THE BOROUGH OF SOMERVILLE TO JOIN THE SOMERSET COUNTY LIBRARY SYSTEM TO OPERATE THE SOMERVILLE PUBLIC LIBRARY AS A BRANCH OF THE SOMERSET COUNTY LIBRARY SYSTEM

BE IT RESOLVED that the Borough Council of the Borough of Somerset, County of Somerset, State of New Jersey hereby authorize the Borough of Somerville to join the Somerville Library System and have the Somerville Public Library become a branch of the Somerset County Library System.

Mayor Gallagher thanked the members of Borough Council who were able to have the ability to say that they might change their mind.

Councilman Sullivan commented that the Borough Council is only five people and he feels that the other 11,000 people in Somerville need to weigh in on this issue.

Councilman Mitchell also trusts the voters in Somerville and is concerned with the costs of the library operations and the potential additional costs as a result of the referendum.

At this time the motion was called for a vote:

Councilmember	Aye	Nay	Abstain	Absent
Kobuta	X			
Mitchell	X			
Sullivan		X		
Utter	X			
Webster	X			
Wilson				X

At this time Mayor Gallagher called for a five minute recess.

The minutes of the August 2, 2010 Borough Council meetings were presented in writing. Councilman Utter made a motion and was seconded by Councilwoman Webster to approve the minutes as presented.

Carried unanimously

Committee Reports:

Councilman Mitchell reported that the new Somerville history book, "Pillars of the Community" selling for \$20.00 at Borough Hall and local merchants.

Councilman Utter commented on the resolution approving the new fire department cadets this evening.

Councilwoman Kobuta commented on the parking and traffic committee recommendations to ask citizens to report any sign issues around the Borough.

Councilwoman Kobuta reminded everyone of the upcoming September 12, 2010 2nd Annual Jazz Festival.

Open to the Public:

Mayor Gallagher opened the meeting to comments from the public.

Greg Jobin, 201 N. Bridge St, Somerville, questioned the new PSEG power poles being installed.

Mayor Gallagher replied that he attended a meeting on this installation and the reason for the installation of these poles.

Herb Hall, 22 Fairmont Ave, Somerville, asked for clarification on the annual clean-up weeks.

Councilman Sullivan reported that the metal goods week would be held pending manpower availability.

John Kurilla, 77 Eastern Ave, Somerville, commented why the poles are higher than the other poles.

Mayor Gallagher replied that these poles are larger because that will be carrying additional lines.

Mayor Gallagher asked for any other questions and hearing none he declared the public portion of the meeting to be closed.

The following consent resolutions were presented:

RESOLUTION 10-0816-217

APPROVING SIDEWALK SALE PERMIT FOR THE DESSERT PLATE ON SEPTEMBER 12, 2010

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves a sidewalk sale permit for the Dessert Plate on September 12, 2010

RESOLUTION 10-0816-218

CANCELLING OPEN CAPITAL BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed, and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Somerville that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

ORD #	Date Authorized	Project Funded	Amount Canceled	
			Unfunded	
#2079	July 1999	General Capital	\$ 5,026.95	\$ 250.00

2140 April 2003 SCIA Capital \$ 4,264.71

2141 April 2003 General Capital \$11,883.77

RESOLUTION 10-0816-219

AUTHORIZING A CROSS ACCESS EASEMENT BETWEEN THE BOROUGH OF SOMERVILLE AND COUNTY OF SOMERSET IN RELATION TO PROPERTIES LOCATED AT BLOCK 123.01 LOT 1 AND, BLOCK 52 LOT 39 AND BLOCK 52 LOT 13.01,

WHEREAS, the Borough of Somerville is the owner of the Block 123.01 Lot 1, Block 52 Lot 39, Block 52 Lot 13.01; and

WHEREAS, the County in conjunction with the Borough of Somerville desires constructing and maintaining a pedestrian and bike trail over such properties; and

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes a cross access easement between the Borough of Somerville and the County of Somerset for Block 123.01 Lot 1, Block 52 Lot 39, Block 52 Lot 13.01 and authorizes the mayor and Municipal Clerk to execute the necessary documents.

RESOLUTION 10-0816-220

APPROVING CHANGE ORDER TO THE CONTRACT WITH UNIVERSAL ART STUDIOS FOR STAIN GLASS RESTORATION PROJECT

WHEREAS, on May 17, 2010 the Borough Council awarded a contract to Universal Art Studios for \$110,000 after a public bid held on April 5, 2010; and

WHEREAS, as the project progressed the Borough and the Contractor have identified several unforeseen changes to the contract; and

WHEREAS, on July 19, 2010, the Borough approved five (5) change orders (1 thru 5) bringing the contract amount to \$121,200; and

WHEREAS, it is necessary to perform the following change order:

Change Order Number	Change	Amount	New Contract Amount
#6	Dutchman repair of exterior 50 hinge mortices on all windows	\$1,000	\$121,200

BE IT RESOLVED, that the Borough Council of the Borough of Somerville hereby approve Change Order 1 through 5 with Universal Art Studios for the stain glass restoration project, increasing the contract to \$121,200

RESOLUTION 10-0816-221

APPROVING THE CLOSURE OF WARREN STREET ON SEPTEMBER 4, 2010 FOR THE LINCOLN HOSE ANNUAL FAMILY PICNIC

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the closure of Warren Street on September 4, 2010 for the Lincoln Hose Annual Family Picnic

RESOLUTION 10-0816-222

APPROVING NEW TAXI DRIVER LICENSE FOR JOANNA DITARANTO

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves a new Taxi License driver for Joanna Ditaranto, Bridgewater, NJ

RESOLUTION 10-0816-223**APPROVING RENEWAL OF EXTENSION OF LICENSED PREMISES FOR VERVE DURING THE JAZZ FESTIVAL
SEPTEMBER 12, 2010**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves renewal of extension of licensed premise for Verve during the Jazz Festival on September 12, 2010

RESOLUTION 10-0816-224**APPROVING CASINO NIGHT RAFFLE LICENSE FOR SOMERVILLE ENGINE COMPANY #1 FOR SEPTEMBER
25, 2010**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves casino Night Raffle License for Somerville Engine Company #1 for September 25, 2010

RESOLUTION 10-0816-225**APPROVING THE HIRING OF ADAM CESARIO TO FILL A PART TIME OFFICE POSITION IN THE OFFICE OF
THE FIRE OFFICIAL**

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves the Hiring of Adam Cesario to fill a part time office position at \$12.00 per hour for a maximum average of 12 hours per week.

RESOLUTION 09-0816-226**AUTHORIZING JAZZ FESTIVAL ON SEPTEMBER 12, 2010 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 12, 2010; 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 12, 2010 and further authorizes road closures on various roads from 8:00 a.m. to 7:00 p.m.

RESOLUTION 09-0816-227**AUTHORIZING THE WAIVING OF MUNICIPAL FEES FOR LOCAL VENDORS FOR THE JAZZ FESTIVAL ON
SEPTEMBER 12, 2010**

BE IT RESOLVED that the Borough Council of the Borough of Somerville hereby authorize waiving municipal fees for local vendors for the Jazz Festival to be held on September 12, 2010

RESOLUTION 09-0816-228**ESTABLISHING A FEE FOR CERTIFIED MAILINGS OF TAX SALE NOTICES IN THE AMOUNT OF \$25.00 PER
MAILING**

WHEREAS, the Borough of Somerville is required to notify applicable property owners; and

WHEREAS, the State of New Jersey allows a municipality to assess a charge of \$25 per certified mailing for said notice; and

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Somerset, County of Somerset, State of New Jersey hereby authorize the Tax Collector to assess a \$25 charge per certified mailing to provide applicable property owners the Tax Sale Notice.

RESOLUTION 10-0816-229

AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH THE SOMERSET COUNTY IMPROVEMENT AUTHORITY'S SOMERSET MUNICIPAL BANC PROGRAM

WHEREAS, under the Somerset Municipal Banc Program (as defined herein), various municipalities, an educational services commission and school districts within the County of Somerset (the "County") and the County (each a "Participant") submit a request (the "Application") to the Somerset County Improvement Authority (the "Authority") to borrow funds from the Authority (the "Somerset Municipal Banc Program") to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Somerset Municipal Banc Program may be referred to herein as the "Project");

WHEREAS, under the Somerset Municipal Banc Program, the Authority intends to enter into the hereinafter defined Authority Lease with TD Equipment Finance, Inc. (the "Lessor");

WHEREAS, under the Somerset Municipal Banc Program, the Lessor intends to provide funds to acquire the Equipment over time, and immediately lease the Equipment to the Authority, all pursuant to the terms of that certain "Master Lease Purchase Agreement" to be entered into by and between the Lessor, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease");

WHEREAS, under the Authority Lease, the Authority shall make rental payments solely from amounts received by the Authority from the Participant under the hereinafter defined Participant Lease;

WHEREAS, simultaneously with the Authority Lease, the Authority will sublease the Equipment to the Participant pursuant to the terms of that certain "Sublease Purchase Agreement" to be entered into by and between the Authority, as sublessor, and the Participant, as sublessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Participant Lease"), under which Participant Lease the Participant will make rental payments that are subject to annual appropriation of said Participant in an amount sufficient to pay the corresponding rental payments applicable to the Equipment, and as appropriated by the Authority under the Authority Lease, plus all administrative expenses of the Somerset Municipal Banc Program;

WHEREAS, pursuant to the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, specifically Section 37 thereof (N.J.S.A. 40:37A-79), the County may for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction or operation of a public facility, guaranty the punctual payment of moneys for the purposes of the Authority (the "County Guaranty"); and

WHEREAS, in order to implement the County Guaranty, and in accordance with the terms of that certain agreement entitled Guaranty Agreement between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient;

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Somerville, New Jersey (the "Borough") as follows:

SECTION 1. That the Participant Lease, in the form presented to this meeting, be and the same is hereby approved, and the Mayor, Chief Financial Officer or Business Administrator of the Borough (each, an "Authorized Participant Representative") is hereby authorized to, and one of such officers shall execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on such Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the lease obligations, and all related transactions contemplated by this resolution.

SECTION 3. This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Equipment prior to the date that the Borough incurs obligations under the Participant Lease. The Borough reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Borough under the Participant Lease. The maximum principal amount of obligations expected to be issued for payment of the costs of the Equipment is \$ 76,000.

SECTION 4. This resolution shall become effective immediately.

RESOLUTION 09-0816-230**APPROVING APPLICATION FOR NEW JERSEY FIREMEN'S ASSOCIATION MEMBERSHIP – CADET PROGRAM
- BRIAN G. GALLAGHER, JR. & BARRY J. VAN HORN**

BE IT RESOLVED that the Borough Council of the Borough of Somerset, County of Somerset, State of New Jersey hereby approve application for Brian G. Gallagher, Jr. & Barry J. Van Horn for New Jersey Firemen's Association Membership in the Cadet Program

RESOLUTION 09-0816-231**APPROVING APPLICATION FOR NEW JERSEY FIREMEN'S ASSOCIATION MEMBERSHIP – JASON W. YINGST**

BE IT RESOLVED that the Borough Council of the Borough of Somerset, County of Somerset, State of New Jersey hereby approve application for Jason W. Yingst for New Jersey Firemen's Association Membership.

Councilman Utter made a motion and was seconded by Councilman Mitchell to approve the aforementioned consent resolutions and was approved by the following vote:

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

Nays: None

Councilman Sullivan recused himself on resolution 10-0816-225

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

Carried unanimously

Respectfully submitted,

Paul Allena, Secretary