

**BOROUGH OF SOMERVILLE
BOROUGH COUNCIL
WORKSHOP/REGULAR MEETING AGENDA**

Monday, July 19, 2010

6:00 P.M.

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

WORKSHOP SESSION (immediately following Executive Session)

1. Library Review Task Force Presentation

COUNCIL MEETING AGENDA

1. Roll Call
2. Salute to the Flag
3. Approving Minutes: July 6, 2010
4. Committee Reports
5. Departmental Reports
6. Notices: The Borough no longer uses a Post office Box to receive mail, please direct all Borough Hall mail to: Borough of Somerville, 25 West End Avenue, Somerville, New Jersey 08876
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. CONSENT AGENDA
(Resolutions 10-0719-191 through 10-0719-199)
 - 10-0719-191 REQUESTING FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AN EXTENSION FOR THE AWARD OF THE FY 2009 LOCAL BIKEWAY PROGRAM FOR PETERS BROOK GREENWAY CLARK WOODS EXTENSION
 - 10-0719-192 AUTHORIZING EXTRAORDINARY UNSPECIFIABLE SERVICE CONTRACT WITH WATERFORD GROUP, LLC FOR REDEVELOPMENT CONSULTING SERVICES TO AS DIRECTOR OF ECONOMIC DEVELOPMENT
 - 10-0719-193 APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY – 2009 BUSINESS STIMULUS FUND GRANT
 - 10-0719-194 RESOLUTION OF THE SERIES 2010A LOCAL UNIT PARTICIPATING IN THE SOMERSET COUNTY IMPROVEMENT AUTHORITY'S SERIES 2010A RENEWABLE ENERGY PROGRAM, AND AUTHORIZING SUCH AUTHORITY TO APPLY TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF SUCH PARTICIPANT, ALL IN CONNECTION WITH THE AUTHORITY'S COUNTY OF SOMERSET GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS, SERIES 2010A (FEDERALLY TAXABLE) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$55,000,000 AND THE PARTICIPANT PROJECT FINANCED THEREBY
 - 10-0719-195 APPROVING BLOCK PARTY FOR ST. PAUL'S BAPTIST CHURCH ON JULY 24, 2010 FROM 2ND STREET TO VETERANS MEMORIAL HIGHWAY FROM NOON TO 6:00 P.M.
 - 10-0719-196 APPROVING CHANGE ORDERS TO THE CONTRACT WITH UNIVERSAL ART STUDIO FOR STAIN GLASS WINDOW PROJECT
 - 10-0719-197 AUTHORIZING MUNICIPAL CHARGE TO 318 NORTH GASTON AVENUE TO ABATE PROPERTY MAINTENANCE VIOLATION
 - 10-0719-198 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT FROM JSM LANDMARK
 - 10-0719-199 AMENDING RESOLUTION 10-0706-180 WHICH AMENDED RESOLUTION 10-0621-169 APPROVING ALCOHOLIC BEVERAGE LICENSES TO BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL FOR APPROVAL
9. No Bills – payment once per month during summer
10. ADJOURNMENT

The second regular Borough Council Workshop meeting for the month of July 2010 of the Somerville Borough Council was convened on, Monday, July 19, 2010 at 6:30pm 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, Councilwoman Patricia Webster and Councilman Robert Wilson.

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

Library Review Task Force Presentation

Mayor Gallagher provided an overview and introduction of the Library Task Force Review Committee. He thanked the members of the committee who ran a very good review and will provide a presentation of this review. His overall goal and the goal of the Borough Council are to ensure that we continue to have a viable, wonderful library now and in the future. There will be a library in Somerville as long as he is Mayor.

Deidre Rosinski, Chair of the Task Force presented an overview of what the task force would like to present this evening. She provided extensive documentation including a power point presentation and meeting minutes and documents to the Borough Council. She also introduced the members of the committee that were present this evening. She outlined the goals of the committee and how they were going to come to a recommendation of how to better serve the residents of Somerville. At no time was there any consideration of closing the library. The current library is one of the community centers in Somerville. It is used by every age group in Somerville.

The Library Review Task Force was formed at the initiative of Mayor Brian Gallagher to analyze and recommend whether the Borough of Somerville would be better served by joining the Somerset County Library System (SCL) or having the Somerville Public Library (SPL) remain under local jurisdiction. The Task force will then present our recommendation to council. At no time is there the consideration to close the existing library.

The task force will consider the following; long term library viability, staffing, budget/finances, adult and children's programming, facilities/parking, technology resources, overall collection accessibility, community reach/presence, perceived and actual control of the library, future planning, short and long term positives and negatives, overall strengths and weaknesses and any other areas to be identified by the committee.

The Library is a community center. Whether it is a preschool child attending a story time program, or an immigrant learning English in preparation for the US Citizenship Test, Libraries help promote knowledge and education.

Public Libraries are open to rich and poor, young and old. There is no institution more democratic (small "D") than the Public Library.

Visit the Somerville Public Library (SPL) and you will see people reading newspapers, magazines, and books. A majority of Library patrons come in to use the Library's computers or free Wi-Fi. Visit SPL almost any Friday night, and you will see over 20 teens playing computer games, as well as role-playing games such as Dungeons and Dragons.

Whether it's an author book signing or entertainment programs such as music, dance, or theater, there is something for everyone at the Public Library. The Library Task Force unanimously feels our Somerville Library is a crucial part of our vibrant community.

The task force was established in March, 2010 and set a target date for the end of June, 2010 for a completed recommendation to be presented to the Council in July, 2010.

The task force met once a week (except holidays) with extra meetings added for fact finding visits to other facilities. All meetings were open to the public and press.

March 16: Members toured the existing SPL examining the facility, and updating themselves on the programs and services of the library at present. (*note: this was before the recent budget cuts had gone into effect*).

April 6: Fact finding trip to Somerset County Library to meet with SCL Director, Asst. Director, and Chair of the SCL Commission. Received information on the library system history, governing policies, finances, services and employment policies.

April 26: Fact finding trip to Bound Brook Library/meeting with Bound Brook Library Director and Board members. Obtaining a copy of the SCL Contract with the library and collecting data on the change in funding, staffing and programming.

May 11 A representative from Somerset County Library did a walk through evaluation of our existing facilities, accompanied by members of the task force. The impression of the SCL representative was there would be no requirement for significant renovations to the facilities should we join the SCL

June 6: The task force held an advertised public forum in our library reading room. This was an opportunity to receive input from the residents of Somerville on their views and concerns in transferring to the SCL.
 June 8: The task force met and came to a consensus on our recommendation to council.

Facility Costs:

- The Facility costs are a fixed cost for the purpose of the comparison
- The costs for the facility are borne by the Borough of Somerville regardless if the library is part of the County System or if it remains with the Borough
- The County has completed the facility review and found that no substantial capital improvements are necessary

2010 Cost* to operate the Somerville Public Library

Borough Contribution	Library fees & State Aid Surplus	Total
\$499,000*	\$168,000	\$667,000

* For the purpose of this analysis, we removed the facility cost, since that is a cost that remains with the Borough regardless of operation. That cost has been averaging \$94,000 a year for utilities, janitorial and insurance costs

2010 Library Budget Notes

- In 2010, the Library supported its operations through the use of surplus state aid and fees.
- The Library, despite its furloughs and cost saving measures utilized \$109,000 of its \$168,000 of State Aid surplus to support this year's budget.
- The Library is expected to use its remaining State Aid surplus of \$59,000 to support the 2011 Budget.
- If the Borough's contribution remains the same at \$499,000 (State mandated minimum is \$464,000 but is expected to be lowered for 2011)
- And all salaries, benefits, costs and furloughs remain the same and all the surplus is used - the Library will have a minimum deficit of \$74,000
- If the Borough's contribution remains as it did in 2010 at \$499,000
- And all salaries, benefits, costs and furloughs remain the same as it did in 2010 the Library will have a minimum deficit of \$218,000

Due to the state's proposed 74% cut in aid to public Libraries beginning July 1, 2010, Libraries throughout the state are facing an unprecedented challenge in continuing to provide services to the public this year and in the future.

To meet the challenge Libraries are dramatically cutting services, reducing hours and making staff adjustments to meet budget goals.

SPL has already cut down hours to 45/week. Has lost 1.5 positions and furloughed existing workers 1 day a week.

Joining the Somerset County Library System (SCLS) is about preserving and expanding the services the Somerville Public Library can provide to Borough residents, as well as keeping a physical Library in town.

SCL is open 61 hours a week and will increase staff to parity the standards of the SCL system

Local control will be maintained over collection development and programming tailored to meet the needs of Somerville residents. This will be done by the Branch Director and Advisory Board made up of Somerville residents who will work with the administration of SCLS. In addition, the existing local history collection, currently housed in the New Jersey Room on the lower level of the Library, will remain the property of the Borough of Somerville.

State funding of Interlibrary Loan courier services may end as of July 31, 2010. The County Library maintains its own courier system that services all its Libraries and will include Somerville if it chooses to join the County.

Somerville residents will have full access to all the Libraries, in the county system, as well as their programs, materials, and services, if Somerville joins the SCL.

Joining the County system will allow the Borough Library to maintain and expand its services and hours since the county system will assume the costs of providing staffing, materials, electronic resources and programming.

Existing employees will remain at Somerville Library to provide services to local residents if the borough joins the SCLS.

The Somerville Free Public Library ("SPL") was established by referendum circa 1912. Under the Statute, the Library is governed by the Board of Trustees which is given autonomy by the legislature.

According to our research, in order to dissolve the SPL, the decision must also be made by referendum. It is anticipated that the same resolution be worded to provide the Borough with the public's blessing to enter into a contract with the Somerset County Library ("SCL") to become a branch library of that SCL. The resolution should also accommodate not dissolving SPL should the Borough and County fail to enter into an agreement satisfactory to the Borough.

June 30, 2011 would be an optimum date to commence a contractual agreement with SCL. The present agreement between SPL and The Libraries Of Middlesex Automation Consortium ("LMxAC") expires June 30, 2011. Note that the agreement requires notification of proposed cancellation by October 1, 2010. Per Director Banks' discussion with LMxAC Executive director, notice of cancellation may be given and then rescinded (should the Borough Council decide not to pursue joining the SCL or should the referendum fail). Additional time would also accommodate the transfer of SPL records to the SCL system.

1. It will be the Borough's responsibility to maintain and provide:
 - Premises; Physical facility, utilities and insurance
 - Grounds; Exterior circulation paths, signage and landscaping
 - Custodial Services; repair and upkeep
2. Assets and materials of the SPL remain the property of the Borough. (*example: The New Jersey Room Collection*). Collection materials purchased by SCL would remain the property of SCL should Somerville opt to leave the system the Borough would have to purchase these materials from SCL and incur all costs of transferring records.
 1. Current staff of SPL will undergo an interview by the SCL prior to acceptance:
 - There will be a 3 month probationary period
 - They will then be reviewed every 6 months thereafter
 2. All employees of SPL will be assigned a job grade and job classification based on job responsibility and professional training.
 3. All wages will be paid according to existing SCL guide
 4. Current wages below the minimum county wage will be raised.
 5. Current wages above the county guide will remain the same.
 6. With exception of the Branch Director all Librarians will be represented by the Office and Professionals Employee International Union.
 7. All other staff will be subject to SCL Policy
 8. A larger library system will allow for and provide more opportunity for career movement within the County system.

Benefit, retirement plans and sick vacation days policies vary slightly. The Borough may be responsible for satisfying accrued vacation time owed to SPL employees

1. Current Library Board will be dissolved.
2. A Branch Advisory Board will be created
3. The Board meets 4 times a year with SCL Director
 - Adopts building specific policies exhibit and meeting room policy distribution of public information
 - SCL Commission approves all policies and each town branch determines its own needs
 1. All monies collected (i.e. overdue fines, etc) are kept by the branch library and used for library specific purposes.
 2. The Advisory Board would be able to control funds previously held by the SPL Board of Trustees.

Upon becoming a branch member of SCL, Somerville Branch may continue to have a Friends group which may continue to operate fundraisers and accept donations.

The Somerville Library Task Force has met the mandate of the Mayor to thoroughly and without prejudice analyze the pros and cons of joining the Somerset County Library System. It is our unanimous decision The Community of Somerville will be "better served" by joining the SCL. Insuring our "local" library remain a financially solvent, vibrant asset to our community.

This concluded the formal presentation and Mayor Gallagher opened the meeting to comments from the Borough Council.

Councilman Utter commented that as a member of the task force he was very pleased with the work of the committee. He thanked them for the past four months of work on this committee. He feels that in order to extend and enhance the services of the library the Borough needs to move to the Somerset County Library System. He also supports the need to have a public referendum in order to have a decision made on this issue,

Councilman Sullivan commented that there is a lot of information to absorb this evening. He asked is there any guarantee that the current employee will stay in town.

Jim Loewen, commented that is the County is going to run a branch in Somerville their intention is to keep that person in Somerville however there will be opportunities for employees to move within the system.

Councilman Sullivan asked for clarification on the role of the county library commission.

Jane Williams, replied that the commission oversees the operations of the system, policy and procedures budgets and union issues. The local board would go to the Library Director with ant issues or concerns.

Councilman Sullivan asked for clarification in the library tax rate.

Janet Kelk, Chief Finance Officer replied that that is an equalized tax rate of all the ratables in town.

Councilman Mitchell commented on the budget questions. He asked is this appropriation was under the current cap.

Janet Kelk replied that the Library costs are outside of CAP for appropriations. This has nothing to due with the new 2% taxation cap coming down from Trenton in 2011. There is no exemption for library costs. There are going to be costs going up in all areas including benefits, insurance other operating expenses.

Councilman Mitchell commented that is the Borough withdraws, any additional purchases would be reverted back to the County.

Ms. Rosinski replied that the Borough would have to pay a reduced cost based on the current value of the books.

Mr. Loewen commented that there is a turnover of books over five years which are being purchased now that will not be as popular in five years. There has never been a municipality that has pulled out of the county library system.

Councilman Mitchell also commented on the programming issue.

Ms. Rosinski, replied that the programming is estimated to increase triple the existing programming. The county really believes in programming. He would like to see the current Library Board members consider staying on as members of the advisory board.

Councilman Wilson commented that the facility costs will not be included if the Borough goes to the County Program. This is an adequate comparison of costs.

Councilman Wilson commented on Bound Brook's participation in the system which is up for renewal in 2011. He asked what Bound Brook is negotiating with the new contract.

Mr. Lowen, replied that there is not a renegotiation going on but more of a renewal of their contract. If Somerville's intent to join then they would be looking to ensure that there is no intention to close the Somerville branch, ensure that the NJ Room collection is preserved and also that employees are secured in their position at the Somerville Library.

Councilman Wilson commented that was impressed that this was unanimous decision of the committee to join the Somerset County Library system.

Ms. Rosinski commented that committee member Dave Hardgrove was in favor of a referendum on this issue to let the public decide.

Councilwoman Webster thanked that committee for their presentation. She asked what the outlook would be in five years given the current economy.

Michael Kerwin commented that in the future, the support of the library is tied to the entire county system rather than just relying on the local municipal tax payers. There will be a totally different funding base.

Councilwoman Kobuta thanked that committee for their efforts. From their presentation it appears to a good move for Somerville in that additional programming, more hours and full staffing. She also likes the fact that the staff would be reviewed by the county twice per year and would be held to higher standards. There will also be additional opportunities within the system for employees.

Councilwoman Kobuta commented that the funds with the current library will remain with Somerville and the board will control the use of the funds.

Councilman Wilson commented that the largest concern was that there will be a library branch in Somerville. Was there any long term commitment from the Somerset County Library.

Mr. Loewen commented that the County Library has assume Somerville that as long as there is traffic to the Somerville Library there will be a branch location in Somerville.

Mayor Gallaher commented that this information will need to be reviewed by the Borough Attorney to determine the next process for this transition to take.

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

Mr. Jeff Carlson, 41 Vanderveer Ave, Somerville, commented on how the appointments are made to the Library Commission.

Ms. Rosinski replied that appointments are made by the Freeholders and the local advisory board is made by the Mayor and Council.

Mr. Carlson also asked if Branchburg was a member and if this creates an advantage for their students.

Ms. Rosinski responded that Branchburg has a reading room and also has access to the County Main Branch.

Robert Bayait, 43 N. Middaugh St, Somerville, asked if there was a cost involved in a referendum.

Mayor Gallagher replied that these are issues that will be addressed by the Borough Attorney.

Carol Schwab, 53 Fieldstone Dr, Somerville, commented that she has a concern with the taxes that she will be paying for the County Library System. When this was first proposed she asked what her tax would be and was told it would be around \$64.00 and now it is \$131.00

Janet Kelk replied that this is based on the number that is used when no other state aid revenue was taken in.

Mr. Kerwin commented that the finance section of this review was extremely thorough during this entire process. He thanked Janet Kelk for this valuable input during this process.

John Kurilla, 77 Eastern Ave, Somerville commented on the issue with the tax rate. He feels that there should not be overlooked.

Mayor Gallagher replied that he was not overlooking the issue that he directed her to see Janet Kelk tomorrow to clarify her assessment and tax.

Mr. Kurilla asked why the figure of \$148,000 is always used in assessment. When the county uses a number they use \$190,000.

Mayor Gallagher replied that this figure is used as the average assessed value for all houses in Somerville.

Robert Bayait, asked that when Bound Brook joined who were responsible for the upgrades to the library.

Ms. Rosenski replied that it was up to Bound Brook to bring the building up to standard.

At this time there were no further comments from the public, Mayor Gallagher closed the public portion of the meeting.

Mayor Gallagher commented that going to the Somerset County Library System would provide increased services for potentially less money. This issue should have been addressed years ago. We have approached this from the perfect angle through a very solid committee with full committee participation. The committee has presented its case very well. The Borough Council will need to move forward with accepting the recommendation of the committee and allow the Borough Attorney to move forward with researching the further options.

Councilwoman Kobuta made a motion and was seconded by Councilman Utter to approve the recommendations of the Library Task Force and to have the Borough Attorney research the next steps in this process.

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

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

Nays: Councilman Sullivan, Councilman Wilson

At this time, 8:00pm. the workshop session was adjourned and a 10minute recess was taken.

The second regular Borough Council meeting for the month of July 2010 of the Somerville Borough Council was convened on, Monday, July 19, 2010 at 8:10 pm prevailing time, in Borough Council Chambers 24 South Bridge Street, Somerville, New Jersey. The meeting was delayed due to the extended workshop session.

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, Councilwoman Patricia Webster and Councilman Robert Wilson.

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

The pledge of allegiance was recited by those in attendance.

The minutes of the July 6, 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

Councilman Wilson abstained on the July 6, 2010 minutes.

Committee Reports:

Councilman Sullivan reported that tax bills will be going out in the next few weeks. The extended due date is August 18, 2010. Interest will revert back to August 1, 2010 if not paid by August 18, 2010.

Chief Finance Officer Kelk reported that due to the extended date for taxes, the Borough would need to go out to a Tax Anticipation Note. This would be just for several weeks. she asked for no more than \$500,000 for a thirty day period.

RESOLUTION 10-0719-200

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SOLICIT, ACCEPT AND EXECUTE DOCUMENTS FOR TAX ANTICIPATION NOTES NOT TO EXCEED \$500,000

WHEREAS, the Borough of Somerville has a need to solicit, accept and execute documents for tax anticipation notes not to accept \$500,000; and

WHEREAS, on June 19, 2010 the Borough Council authorized the Borough's Chief Financial officer to proceed according and solicit, award and authorize all necessary documents; and

THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset, State of New Jersey hereby authorize the Chief Financial Officer to solicit, accept and execute all necessary documents for tax Anticipation Notes not to exceed \$500,000.

Councilman Sullivan made a motion and was seconded by Councilman Utter to approve the aforementioned resolution.

The motion was approved by the following vote:

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

Nays: None

Councilman Sullivan reminded everyone of the JSM site plan will be heard at the July 28, 2010 Planning Board Meeting.

Councilman Sullivan commented on the condition of Loeser Ave section in Bridgewater leading to the new Torpey Ball Fields. This road is one of the worst in Somerset County.

Mayor Gallagher replied that this would be addressed at the upcoming Regional Center meeting as well.

Councilman Mitchell reported that HMR is looking for additional grant money for Borough Hall window restoration. There is a cost of \$3,500 to cover the cost of the application.

Councilman Mitchell made a motion and was seconded by Councilman Sullivan to authorize HMR to complete this application at a cost of \$3,500.

The motion was approved by the following vote:

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

Nays: None

Councilman Mitchell reported on a memo from the State of New Jersey indicating that Health Care benefits would be increasing by 11.7%.

Councilman Mitchell reported that the nest at Borough Hall was not a spotted owls nest. .

Councilman Mitchell reported on the Somerset County Solar Energy Program. Thirty-two sites have been identified and there are sites in Somerville to include the Engine Company #1 and the three public schools in Somerville.

Mayor Gallagher reported on the Greenways Program Phase III ground breaking will be held on Wednesday, July 28, 2010 next to the Somerville State Police Barracks on Route 22.

Open to the Public:

Mayor Gallagher opened the meeting to comments from the public.

John Kurilla, 77 Eastern Ave, Somerville, thanked Councilman Sullivan for the extension of the due date for 3rd quarter taxes until August 18, 2010.

Mr. Kurilla asked why there are barrels on the storm drains.

Mayor Gallagher replied that these are placed when there is a failure of the drain or the support around it.

Mr. Kurilla asked if there was a comparison of solar panels against other areas.

Mayor Gallagher replied that there is a return on the investment over time in solar panels. It may take up to ten years to realize these savings.

Mr. Kurilla commented on the Clark's Woods overpass. Is this necessary.

Mayor Gallagher replied that this is being funded by a grant and is the final phase of the Greenway program. This is greenway is currently being used by many people for walking and bicycle riding.

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 10-0719-191

RESOLUTION REQUESTING FROM THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION AN EXTENSION FOR THE AWARD OF THE FY 2009
LOCAL BIKEWAY PROGRAM: PETERS BROOK GREENWAY - CLARKS WOODS EXTENSION

WHEREAS, the Borough of Somerville plans to award the FY 2009 Local Bikeway Program: Peters Brook Greenway (Clarks Woods Extension); and

WHEREAS, the date of award established by the New Jersey Department of Transportation for the FY 2009 Local Bikeway Program: Peters Brook Greenway (Clarks Woods Extension) is September 13, 2010; and

WHEREAS, the Borough of Somerville experienced difficulties related to the New Jersey Department of Environmental Protection permitting for said project.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Somerville requests a six month extension from the New Jersey Department of Transportation for the award of the FY2009 Local Bikeway Program: Peters Brook Greenway (Clarks Woods Extension).

RESOLUTION 10-0719-192

AUTHORIZING EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT WITH WATERFORD GROUP LLC, FOR REDEVELOPMENT CONSULTING SERVICES TO SERVE AS DIRECTOR OF ECONOMIC DEVELOPMENT

WHEREAS, the Borough may award contracts for "Extraordinary, Unspecifiable Services ("EUS") without competitive bids in accordance with the requirements of N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34.2; and

WHEREAS, there exists a need for redevelopment and economic development consulting services as set forth in the EUS certification attached hereto; and

WHEREAS, the Borough's Chief Financial Officer in accordance with the requirements of N.J.A.C. 5:34-5 has certified the availability of adequate funds to pay the maximum amount of the contract; and

WHEREAS, this resolution and the EUS contract shall be kept on file and available for public inspection in the office of the Borough Clerk;

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

1. A contract is hereby awarded to Waterford Group LLC, to provide Redevelopment Consulting Services to serve as the Borough's Economic Development Director. The rate shall be \$175 per hour (the hourly rate will be discounted to \$166.25). The total contract cost shall not exceed \$140,000 for the period of July 1, 2010 through December 31, 2010.
2. The Mayor and Clerk are authorized to execute that agreement with the Waterford Group. LLC.
3. This contract is awarded without competitive bidding as an "Extraordinary Unspecifiable Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts because it is not reasonably possible to draft specifications for redevelopment consulting services, extensive knowledge and a proven reputation in the field is required.
4. A notice of this contract award shall be published once in the Courier News.

RESOLUTION 10-0719-193

APPROVING CHAPTER 159 FOR STATE OF NEW JERSEY / 2009 BUSINESS STIMULUS FUND GRANT

WHEREAS, NJSA 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount, and

WHEREAS, the Borough of Somerville has been awarded \$ 7,000. from State of NJ-DEP-Division of Parks & Forestry-2009 Business Stimulus Fund Grant and wishes to amend its 2010 Budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Somerville hereby requests the Director of the Division of Local Government Services to approve the amendment of an additional item of revenue in the budget of the year 2010 in the sum of\$ 7,000. to be received from grants as revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated with
 - Prior Written Consent of the Director of Local
 - Government Services:

Public and Private Revenues off-set with
 Appropriations:
 State of NJ-DEP-Div of Parks & Rec
 2009 BSF Grant \$ 7,000.

BE IT FURTHER RESOLVED that a like sum of..... \$ 7,000.
 be and the same is hereby appropriated under the caption of:

General Appropriations:
 Operations-Excluded from "CAPS"
 Public and Private Programs Offset by Revenues:
 State of NJ-DEP-Div of Parks & Rec-
 2009 BSF Grant

BE IT FURTHER RESOLVED, that the Borough Clerk of the Borough of Somerville forward two copies of this resolution to the Director of Local Government Services.

10-0719-194

RESOLUTION OF THE SERIES 2010A LOCAL UNIT PARTICIPATING IN THE SOMERSET COUNTY IMPROVEMENT AUTHORITY'S SERIES 2010A RENEWABLE ENERGY PROGRAM, AND AUTHORIZING SUCH AUTHORITY TO APPLY TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF SUCH PARTICIPANT, ALL IN CONNECTION WITH THE AUTHORITY'S COUNTY OF SOMERSET GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS, SERIES 2010A (FEDERALLY TAXABLE) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$55,000,000 AND THE PARTICIPANT PROJECT FINANCED THEREBY

WHEREAS, the Somerset County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by resolution duly adopted by the Board of Chosen Freeholders (the "Board of Freeholders") of the County of Somerset (the "County") in the State of New Jersey (the "State") as a public body corporate and politic of the State pursuant to and in accordance with 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 (the "Act"), and other applicable law;

WHEREAS, the Authority is developing a program (the "Renewable Energy Program") for the financing, design, permitting, acquisition, construction, installation, operation and maintenance of renewable energy capital equipment and facilities such as solar panels, wind turbines, and hydro-electric, bio-diesel, geothermal, and bio-mass facilities, including any related electrical modifications, work related to the maintenance of roof warranties, or other work required, desirable or convenient for the installation of such systems (collectively, the renewable energy capital equipment and facilities, the "Renewable Energy Projects") for and on behalf of the County and its affiliates, and the local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities (collectively, including the County, the "Local Units");

WHEREAS, the Renewable Energy Projects procured under the Renewable Energy Program are to be installed on, in, affixed or adjacent to and/or for any other Local Unit controlled buildings, other structures, lands or other properties of the Local Units (collectively, the "Local Unit Facilities");

WHEREAS, the primary goal of the Renewable Energy Program is to expand the use of renewable energy sources available and utilized by the Local Units for their Local Unit Facilities, with the attendant environmental and financial benefits associated thereby, and to reduce the energy related operating costs to the Local Units for their Local Unit Facilities, all intended to be offered at no scheduled net cost to the Local Units;

WHEREAS, in order to implement the initial tranche of the Renewable Energy Program, the Authority has determined to finance the respective Renewable Energy Projects, on the respective Local Unit Facilities, with, each of the following participating Local Units, to the extent they adopt a resolution in substantially similar form as this authorizing resolution, as summarized on Exhibit A hereto:

- (i) Borough of Bound Brook, Township of Bridgewater, Township of Franklin, Borough of Manville, Township of Montgomery, Borough of Somerville (collectively, the "Municipal Series 2010A Local Units"); and
- (ii) Board of Education of the Township of Branchburg, Bridgewater-Raritan Regional Board of Education, Franklin Township Board of Education, Board of Education of Green Brook Township, Manville Board of Education, Montgomery Township Board of Education, Somerville Board of Education (collectively, the "Board of Education Series 2010A Local Units"); and

(iii) County and Raritan Valley Community College (collectively, the "County Series 2010A Local Units");

(each a "Series 2010A Local Unit", and collectively, along with one or more other Local Units whereby the Authority is presently awaiting final information concerning their Local Unit Facilities, the "Series 2010A Local Units"), through the issuance by the Authority of one or more series of its notes or bonds entitled "County of Somerset Guaranteed Renewable Energy Program Lease Revenue [Notes] Bonds, Series 2010A (Federally Taxable)" dated their date of delivery, Outstanding (in the aggregate at any one time under and as defined in the Bond Resolution) in principal amount (including sinking fund installments, if any) not to exceed \$55,000,000 (the "Series 2010A Bonds");

WHEREAS, prior to the issuance of the Series 2010A Bonds and in accordance with N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, the Authority shall have made an application (the "Local Finance Board Application") to, and seek, obtain, and officially recognize the findings from, the Local Finance Board (the "Local Finance Board") in the Department of Local Government Services of the State Department of Community Affairs;

WHEREAS, the governing body of the Series 2010A Local Unit adopting this resolution (the "Participant") desires to authorize the Authority and its consultants to submit the Local Finance Board Application on their behalf to finance the Renewable Energy Project(s) for the Participant (the "Participant Project") set forth in Exhibit A attached hereto (it being understood that the Participant is taking no action in connection with the other Renewable Energy Projects of the other Series 2010A Local Units as set forth on Exhibit A hereto);

WHEREAS, upon or prior to the issuance of the Series 2010A Bonds, and in accordance with (i) N.J.S.A. 40A:11-4.1(k) of the Local Public Contracts Law, (ii) Local Finance Board Notice 2008-20, December 3, 2008, Contracting for Renewable Energy Services, (iii) the Board of Public Utilities ("BPU") protocol for measuring energy savings in PPA agreements dated February 20, 2009 (Public Entity Energy Efficiency and Renewable Energy Cost Savings Guidelines), (iv) Local Finance Board Notice 2009-10 dated June 12, 2009, Contracting for Renewable Energy Services: Update on Power Purchase Agreements, and (v) all other applicable law, and pursuant to a competitive contracting process governed thereby, which shall include a request for solar developer proposals to be issued by the Authority (the "Company RFP") and the receipt of proposals from prospective solar developers, including that (the "Company Proposal") of the successful respondent (the "Company"), the Authority shall select the Company to design, permit, acquire, construct, install, operate and maintain the Renewable Energy Projects, including the Participant Project, for the Series 2010A Local Units, including the Participant;

WHEREAS, the pricing terms for the purchase of renewable energy generated electricity produced from the Participant Project and sold through the Authority to the Participant, and bought by the Participant at an agreed upon price lower than that presently being paid by the Participant for electricity from its local utility, which pricing terms shall be competitively procured through the Company RFP process and the Company Proposal, shall be established under the Authority's Series 2010A Local Unit Renewable Energy Program for an initial term no greater than 15 years, simultaneously with, or prior to the issuance of the Series 2010A Bonds;

WHEREAS, the Participant understands and acknowledges that by taking this official action, the Participant intends to participate in the Authority's Series 2010A Local Unit Renewable Energy Program to fund the Participant Project, and that the Authority is taking several actions in reliance upon such action, including without limitation seeking the required approvals from the Local Finance Board to issue the Series 2010A Bonds, as set forth in the Local Finance Board Application, and proceeding with the issuance of the Company RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, and the marketing, sale and issuance of the Series 2010A Bonds; and

WHEREAS, the Participant believes: (i) it is in the public interest to accomplish such purposes as set forth in the preambles hereof, including the financing of the Participant Project; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Participant; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Participant and will not create an undue financial burden to be placed upon the Participant.

NOW THEREFORE BE IT RESOLVED by the governing body of the Participant as follows:

Section 1. The Participant believes: (a) it is in the public interest to accomplish such purposes as set forth in the preambles hereof, including the financing of the Participant Project; (b) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Participant; (c) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Participant and will not create an undue financial burden to be placed upon the Participant.

Section 2. The Mayor, Clerk - Administrator, and Assistant to the Engineer of the Participant (including their designees in writing, each an "Authorized Officer") are each hereby severally authorized to assist the Authority with the preparation and submission of the Local Finance Board Application for the purpose of financing the Participant Project through the issuance of the Series 2010A Bonds, and to take all action necessary, desirable, or convenient in connection therewith. Accordingly, the Authorized Officers, and any consultants of their choosing, shall,

if necessary, represent the Participant at any public hearing held by the Local Finance Board in connection with the Local Finance Board Application.

Section 3. The Participant understands and acknowledges that by adopting this resolution, the Participant intends to participate in the Authority's Series 2010A Local Unit Renewable Energy Program to fund the Participant Project through a portion of the proceeds of the Authority's Series 2010A Bonds, and that the Authority is taking several actions in reliance upon this action by the Participant, including without limitation seeking the required approvals from the Local Finance Board to issue the Series 2010A Bonds, as set forth in the Local Finance Board Application, and proceeding with the issuance of the Company RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, and the marketing, sale and issuance of the Series 2010A Bonds, all for the benefit of the Participant and the other Series 2010A Local Units. Therefore, the Participant covenants to the Authority that except for extraordinary circumstances not presently contemplated, the Participant intends to participate in the Authority's Series 2010A Local Unit Renewable Energy Program, so long as the Company Proposal results in a savings to the Participant, and further, this official action authorizes the Authority to take all such actions contemplated above in order to develop the Participant Project and to provide the Participant with such savings.

Section 4. The Authorized Officer shall direct the Participant official in charge of the officially adopted resolutions of the governing body of the Participant to (a) prepare an official, certified copy of this resolution, as adopted, and (b) deliver such certified copy in accordance with Section 9 below. Further, the Participant hereby consents to such certified copy of the resolution, and any further information regarding the Participant and/or the Participant Project, as the Authorized Officer shall determine to be necessary, desirable or convenient in connection with the Local Finance Board Application, to be submitted as part of, or pursuant to the Local Finance Board Application.

Section 5. The Authorized Officers are hereby severally authorized to take such other actions, and execute such other certificates, documents, and instruments, as such Authorized Officers shall deem to be necessary, desirable, or convenient to assist the Authority in developing the Participant Project, producing the contemplated energy savings for the Participant, issuing the Company RFP and selecting the Company through the most desirable Company Proposal in accordance with the terms of the Company RFP and applicable law, marketing, selling, and issuing the Series 2010A Bonds, procuring the final terms of the Renewable Energy Program documents, or any other action related to the implementation of the Renewable Energy Program for the Series 2010A Local Units.

Section 6. The Local Finance Board is hereby respectfully requested to consider the Local Finance Board Application as the means to finance the Participant Project, and to record its findings and recommendations as provided by N.J.S.A. 40A:5A-7 of the Local Authorities Fiscal Control Law.

Section 7. To the extent the Series 2010A Bonds are issued in any year other than 2010, references herein to "2010" may without any further action be changed to the year of issuance of such Series 2010A Bonds.

Section 8. All actions of the Authorized Officers or Participant consultants taken prior to the date of adoption hereof in connection with the Series 2010A Bonds, the Participant Project or any of the foregoing transactions contemplated by this resolution, are hereby ratified and approved.

Section 9. Upon the adoption hereof, a certified copy of this resolution shall be forwarded to Richard E. Williams, County Administrator and Chairman of the Authority, Thomas C. Miller, Esq., County Counsel and Authority Counsel, Stephen B. Pearlman, Esq., Bond Counsel to the Authority for this transaction and Co-Energy Counsel to the Authority, and Ryan J. Scerbo, Esq., Co-Energy Counsel to the Authority, all of which may be sent as a single certified copy to the County Administrator's office care of Ginny McCall at McCall@co.somerset.nj.us.

Section 10. This resolution shall take effect immediately.

RESOLUTION 10-0719-195

APPROVING BLOCK PARTY FOR ST. PAUL'S BAPTIST CHURCH ON JULY 24, 2010 FROM 2ND STREET TO VETERANS MEMORIAL HIGHWAY FROM NOON TO 6:00 P.M.

BE IT RESOLVED, that the Borough Council of the Borough of Somerville approve a block party for St. Paul's Baptist Church on July 24, 2010 from 2nd Street to Veterans memorial Highway from noon to 6:00 p.m. which is coordinated by Ena Fox at 85 Hamilton Street.

RESOLUTION 10-0719-196

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, it is necessary to perform the following change orders:

Change Order Number	Change	Amount	New Contract Amount
#1	Remove and discard non-historical shutters and Dutchman repair mortised molding in Rm E204	No Charge	\$110,000
#2	Remove repair and reinstall thimbles and adjoining moldings in windows S201, S205, E204, N202	\$4,000 (40 additional hours of work)	\$114,000
#3	Strip, bleach, and refinish to match existing thimbles in windows S201, S205, E204, N202	\$2,000	\$116,000
#4	Fabricate and finish to match existing three bottom sashes in window E204	\$2,200	\$118,200
#5	Strip brown paint and refinish sashes and sills in four windows	\$2,000	\$120,200

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 \$120,200

RESOLUTION 10-0719-197

AUTHORIZING A MUNICIPAL CHARGE TO 318 NORTH GASTON AVENUE TO ABATE PROPERTY MAITENANCE VIOLATION

WHEREAS, the property owner at 318 N. Gaston Avenue was notified by letter both regular and certified mailing to abate the violations at 318 N. Gaston Avenue on May 7, 2010; and

WHEREAS, the owner failed to perform the required work; and

WHEREAS, the upon the owner failure to perform the work, the Borough as prescribed by law performed the minimum requirements to ensure the public’s health and safety performed the work on May 22, 2010; and

WHEREAS, the costs to perform the work was \$1, 176.87 and the property owner was notified of said charges by certified letter and regular mail by the Administrator dated May 25, 2010 ; and

WHEREAS, both letters were returned by United States mail unclaimed by the listed owner of the property at 318 North Gaston Avenue; and

WHEREAS, the property owner was required to pay the Borough \$1,176.87 by July 1, 2010 according to the letter, since payment was not made the Borough will assess interest charges at the maximum allowable by law.

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey authorizes a municipal charge to the owners of 318 N. Gaston Avenue in the amount of \$1,176.87 and interest charges allowable by law is due immediately and attachment of a lien is so authorized.

RESOLUTION 10-0719-198

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 \$ 4447.19 be paid to The Waterford Group LLC (JUNE/2010) 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 10-0719-199

AMENDING RESOLUTION 10-0706-180 WHICH AMENDED RESOLUTION 10-0621-169 APPROVING ALCOHOLIC BEVERAGE LICENSES TO BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL FOR APPROVAL

WHEREAS, the License Clerk reported that the following applications for Plenary Retail Consumption, Plenary Retail Consumption with Broad Privileges, Plenary Retail Distribution and Club Licenses, for the year 2010-2011, including license numbers have been filed; and

WHEREAS, on June 21, 2010 two of the applicants A.D. Restaurant t/a as Red Tower and Noble savage t/a Verve had not fully complied with the requirements of our ordinance and the rules and regulations as set forth by the Division of Alcoholic Beverages but has since complied; and

WHEREAS, SM Investments at Somerville, Inc., had not previously been approved, however since the passing of the Resolution 10-0706-180 the inactive license for SM Investments at Somerville, Inc., has been approved by the State of New Jersey for the year 2010 - and

PLENARY RETAIL CONSUMPTION

1. A.D Restaurant, Inc. t/a Red Tower (Tax clearance certificate received on 6/30/10)
2. Ciao Bello, Inc t/a Ciao Bello
3. DV Food, LLC t/a Il Pomodoro
4. Hotel Somerset t/a Hotel Somerset
5. Ishimo, LLC t/a Wasabi
6. Limar Corp t/a Scampi's
7. Mannion's Assoc., LLC t/a Mannion's Pub
8. Sarah Jane's, LLC t/a Sarah Jane's
9. Shradda, LLC t/a The Melting Pot
10. The Noble Savage, Inc t/a Verve (Tax clearance certificate received on 6/23/10)
11. Verdicchio Corp, t/a Central Pizzeria
12. Y&A Corp. t/a Alfonso's

CONSUMPTION W/ BROAD PRIVILEGES

1. CPR Ventures, LLC t/a Discover Wine
2. Dharun, Inc. t/a Liquor Saver
3. SM Investments at Somerville, LLC INACTIVE

DISTRIBUTION LICENSES

1. PVS Group, t/a Path Liquors
2. Sonali Investors, Inc. t/a Super Saver

CLUB LICENSES

1. Somerset Columbus Club t/a
Knights of Columbus
2. Stevenson D'Alessio t/a American
Legion Post 12

NOW, THEREFORE BE IT RESOLVED, that the Borough Council, acting as the issuing authority, acting upon the recommendation of the License Clerk, Police Department, Board of Health, Building Inspector and Fire Inspector, hereby amend all previous resolution for the year 2010-2011 approves the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses, including license numbers for the year 2010-2011 as noted above.

AND BE IT FURTHER RESOLVED, that the License Clerk submit the a foregoing amended resolution in certified form, filing fees and applications, to the Division of Alcoholic Beverages for immediate approval

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, Councilman Wilson

Nays: None

There being no further business to come before the Borough Council, Councilwoman Webster 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 8:45pm

Respectfully submitted,

Paul Allena, Secretary