

BOROUGH OF SOMERVILLE
COUNCIL MEETING AGENDA

Monday, August 17, 2009

6:00 P.M.

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

1. Roll Call
2. Salute to the Flag
3. Approval of Council Meeting Minutes:
 - a. August 3, 2009
4. Committee Reports
5. Departmental Reports & Notices
 - a. 1st quarter 2009 – Analysis of sewage flows
 - b. SRVSA notice of bond resolution
6. 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)
7. TABLED ORDINANCES
 - # 2309 AMENDING CHAPTER 166-43 SCHEDULE II OF THE BOROUGH CODE ENTITLED “NO PARKING CERTAIN HOURS” ALLOWING PARKING ON WEST HIGH STREET IN FRONT OF FORMER SCHOOL BUILDINGS. (Tabled on August 3, 2009)
 - #2310 AMENDING BROUGH OF SOMERVILLE LAND USE LAW SCHEDULE A ENTITLED PERMITTED USES AND STRUCTURES WITHIN THE BUSINESS DISTRICTS.
8. ORDINANCES FOR INTRODUCTION
 - #2311 AMENDING CHAPTER 102 SECTION 4, DEFINITIONS AND CHAPTER 102 SECTION 117 (E) ENTITLED PROHIBITED USES OF THE LAND USE DEVELOPMENT LAW PROHIBITING CLOTHING/MATERIALS BINS
 - #2312 AMENDING CHAPTER 102, SECTION 4 (M) OF THE LAND USE DEVELOPMENT LAW ENTITLED DEFINITON OF MINOR SITE PLAN AND CHAPTER 102, SECTION 108 ENTITLED B-4 RESIDENTIAL NEIGHBORHOOD BUSINESS-RESIDENTIAL PROHIBITING RETAIL ESTABLISHMENTS FROM BEING OPEN BETWEEN THE HOURS OF 12:00A.M. & 6:00 A.M. IN THE B-4 ZONE DISTRICT
 - #2313 AMENDING CHAPTER 102, SECTION 121 (E) OF THE LAND USE DEVELOPMENT LAW ENTITLED TRAILERS AND STORAGE CONTAINERS
9. CONSENT RESOLUTIONS

(Resolutions 09-0917-247 through 09-0917-252)

 - 09-0817-247 APPROVING ONE DAY LIQUOR LICENSE FOR AB COOPER LODGE #69 AT 11 WARREN STREET ON SEPTEMBER 5, 2009
 - 09-0817-248 APPROVING BLOCK PARTY FOR RESIDENTS OF N. CLARK AND EASTERN STATES PARKWAY ON SEPTEMBER 12, 2009 FROM 1:00 P.M. TO 5:00 P.M. WITH A RAIN DATE OF SEPTEMBER 13, 2009
 - 09-0817-249 APPROVING STATE FIREMEN’S MEMBERSHIP APPLICATION FOR CARLOS CARDONA

- 09-0817-250 REQUESTING FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AN EXTENSION OF THE AWARD OF THE FY 2008 LOCAL BIKEWAY PROGRAM: PETERS BROOK GREENWAY (SOUTHERN EXTENSION)
- 09-0817-251 CANCELLING RESOLUTION 09-0615-199 TO AWARD A CONTRACT WITH 3M TRAFFIC SAFETY TO PROVIDE DRIVER FEEDBACK SIGNS
- 09-0817-250 REQUESTING FROM NEW JERSEY DEPARTMENT OF TRANSPORTATION AN EXTENSION FOR THE AWARD OF THE FY 2008 LOCAL BIKEWAY PROGRAM: PETERS BROOK GREENWAY SOUTHER EXTENSION
- 09-0817-251 CANCELING REOLUTION 09-0615-199 TO AWARD A CONTRACT WITH 3M TRAFFIC SAFETY TO PROVIDE TWO DRIVER FEEDBACK SIGNS
- 09-0817-252 CANCELLING UNCOLLECTIBLE TAXES

10. ADJOURNMENT

The first regular Borough Council meeting for the month of August 2009 of the Somerville Borough Council was convened on the above date at 7:15 pm 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: Council President Robert Wilson presiding, Councilwoman Jane Kobuta, Councilman Thompson Mitchell, Councilman Dennis Sullivan, Councilman Kenneth Utter and Councilwoman Patricia Webster. Mayor Brian Gallagher was excused from the meeting.

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

The minutes of the August 3, 2009 Borough Council meetings were presented for approval. Councilman Sullivan made a motion and was seconded by Councilman Mitchell to approve the minutes as presented. The motion was approved by the following vote:

Carried unanimously

Committee Reports:

Councilman Utter reminded everyone of the upcoming 100th Centennial Golf Outing for the Borough of Somerville and also the 175th Anniversary of the Somerville Fire Department. This will be held on Monday, August 31, 2009 at the Neshanic Valley Golf Course.

Councilman Sullivan reported that the Borough has received an additional \$250,000 in extraordinary aid from the State of New Jersey. The Borough will use this award that will be applied to the 2009 budget. The budget will be finalized during the first meeting in September.

Councilman Sullivan reported that there have been addition reduction in the current budget. The Borough will eliminate the bulk pick-up week in the Fall. They will maintain the metal item pick-up program

Councilman Mitchell reported that the West End Hose overhead door modifications continue on schedule.

Councilman Mitchell reported that new burgundy street signs will begin to be installed on all new street projects in town.

Councilman Mitchell reported that the driver calming signs are being ordered for Grove Street.

Councilman Mitchell reported that the roof at the exchange field shack will be replaced using Recreation Trust fund money.

Councilwoman Kobuta reported that at the parking and traffic committee had reported that some of the signage is hard to see in some of the parking lots. They will install new stickers with the proper time of placing money in the meter from 9:00am to 5:00pm Monday through Friday.

Councilwoman Kobuta reminded everyone of the upcoming Somerville Jazz Festival on Sunday, September 13, 2009.

Open to the Public:

Mayor Gallagher opened the meeting to comments from the public.

John Kurilla, 77 Eastern Ave, Somerville, thanked Kevin Sluka for his effort in having the couches removed from the curb on his street.

Mr. Kurilla commented on a duplicate resolution that appeared on the agenda. Mayor Gallagher replied that this was a duplicate and was removed. He also asked for clarification as to the Chief Financial Officer wording on the resolutions.

Mr. Kurilla asked for a clarification on "other expenses" that are contained in the budget.

Mr. Sluka responded that other expenses are all other operating expenses for a department other than salaries.

Mr. Kurilla commented his service on a budget advisory committee that he served on a number of years ago where no action was taken due to a lack of participation from the public.

Mr. Kurilla commented on the recent contract to the Waterford Group for consulting.

Mayor Gallagher commented that this is the consulting fees paid to Colin Driver, Director of Economic Development.

Mr. Kurilla commented on the recent purchase of new dump trucks and if these new trucks were needed.

Mayor Gallagher replied that these were purchased through the 2008 capital improvement program. These were requested as replacements for aging vehicles by the Public Works Manager. This is replacement equipment for vehicles that have reached their lifespan.

Mr. Kurilla commented on a position that was being filled on the Recreation Commission. This was not listed on the agenda. He also asked when the position expires.

Mayor Gallagher replied that this was an unexpired term being filled which expires in 2011.

Mayor Gallagher asked if there were any other comments and hearing none he closed this public session of the meeting.

Ordinances (Tabled Ordinances)

ORDINANCE # 2309
AMENDING CHAPTER 166-43 SCHEDULE II OF THE BOROUGH CODE ENTITLED "NO PARKING CERTAIN HOURS"

and

Ordinance #2310
AMENDING BOROUGH OF SOMERVILLE LAND USE LAW SCHEDULE A ENTITLED PERMITTED USES AND STRUCTURES WITHIN THE BUSINESS DISTRICTS

Both of these ordinances continue to be being tabled at this time for further action from the Board of Education and also the Planning Board.

Ordinances (Introduction)

ORDINANCE # 2311

AMENDING CHAPTER 102 SECTION 4, DEFINITIONS AND CHAPTER 102 SECTION 117E ENTITLED PROHIBITED USES OF THE LAND USE DEVELOPMENT LAW PROHIBITING CLOTHING/MATERIAL BINS

WHEREAS, the following amendments shall be added to Chapter 102 of the Borough Land Use Development Law:

Addition of the following definition:

CLOTHING/MATERIAL DONATION BIN – Any enclosed receptacle or container made of metal steel or similar product and designed or intended for the donation and the temporary storage of clothing or other materials.

Amending Chapter 102-117E entitled prohibited uses and structures to include:

(7) Clothing/Material Donation Bin(s)

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Borough Planner Michael Cole commented that the Planning Board has requested that this ordinance be adopted to prevent the placement of these clothing bins in Somerville.

Mayor Gallagher opened the meeting to comments on Ordinance No. 2311 and there were none at this time.

Councilman Sullivan made a motion and was seconded by Councilwoman Kobuta to approve Ordinance 2311 for introduction.

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

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

ORDINANCE # 2312

AMENDING CHAPTER 102, SECTION 4 (M) ENTITLED DEFINITION OF MINOR SITE PLAN AND CHAPTER 102, SECTION 108 ENTITLED B-4 NEIGHBORHOOD BUSINESS – RESIDENTIAL OF THE LAND USE DEVELOPMENT LAW PROHIBITING RETAIL ESTABLISHMENTS FROM BEING OPEN BETWEEN THE HOURS OF 12:00 A.M. & 6:00 A.M. IN THE B-4 ZONE DISTRICT

WHEREAS, prohibiting hours of operation of retail establishments between 12:00 a.m. and 6:00 a.m. is appropriate to protect the right of quiet enjoyment of residential property owners and tenants; and

WHEREAS, the following amendments shall be added to Chapter 102 of the Borough Land Use Development Law:

1) Amending Chapter 102- Section 4 (M) entitled "Definition of Minor Site Plan subsection (a) (2) to read:

Definition of Minor Site Plan –

A development plan of one or more lots that requires site plan approval and which:

- (a) Proposes new development which is limited to any or all of the following:
 - (1) Alternations to the façade of roof of an existing building.
 - (2) Construction of (a) building(s) or other structure(s) and/or site grading, paving or landscaping with a combined ground surface area of no greater than five hundred (500) square feet, provided that neither the floor area nor the ground surface area of such buildings or other roofed structures to be constructed involves no more than two hundred fifty (250) square feet and is not a drive-in/thru establishment.

2) Amending Chapter 102- Section B-4 entitled Neighborhood Business District to read as follows:

Neighborhood Business – Residential District

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

B.

- (1) Notwithstanding the permitted uses in Schedule "A", No retail business shall be open between the hours of 12:00 a.m. and 6:00 a.m.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Borough Planner Michael Cole commented that the Planning Board has requested that this ordinance be adopted to prevent the operation of 24 hour operations in the B-4 zone of the Borough.

Mayor Gallagher opened the meeting to comments on Ordinance No. 2311.

Mr. Al D'Allesio, Property Owner, Union Ave, Somerville asked what the concerns of the Planning Board are with reference to 24 hour operations.

Michael Cole responded that these issues include slamming of doors, nuisance noise and the quiet enjoyment of the area.

Mr. D'Allesio commented that this property has been on the market for over 12 years. It is a former Browns Field location. They have located a buyer who is willing to improve this property and subsequently the entire area. He has a lease with a developer who has one other convenience store. The developer would like to work with the community to have them become his customers.

Mr. D'Allesio commented that the residents are already protected by noise ordinances. He feels that this issue should be reviewed on an application by application basis. He feels that this issue is a matter of fairness, a matter of science and a matter of law.

He feels that there are a number of night workers who should have another choice in where to get a meal in the middle of the night.

If there is noise made by the store then they should be given the appropriate summons if appropriate. He would like to have the Council consider his position. He has been advised by his insurance company that he may need to install a chain link fence around the property.

Mr. D'Allesio would like to have the following entered into the minutes of the meeting.

Our prospective tenant's plan to operate a 24-hour 7-Eleven franchise at 1 Union Avenue in Somerville is meeting Unwarranted resistance. This property has been in our family for over 90 years. Having been born and raised in Somerville, we have a nostalgic sensitivity toward its welfare, including the use of our property. With neighborhood interests in mind we have rejected numerous inquiries from a billiards hall, a tattoo and massage parlor, two auto parts stores, a pet shelter and other prospective tenants who would have used the building as-is, and had little or no interest in providing the community with the asset of a visually attractive business site.

There are not many individual businesses willing to invest insignificant improvements at a former environmental cleanup site, and fewer who could be considered an asset to the community. After a 12 year search for a tenant who meets both the zoning requirements and the highest aesthetic standards, the fragile lease agreement we have made with a desirable tenant appears to be threatened by municipal red tape and neighborhood hysteria. The borough has limited the use of our property once in the past by rezoning it to prevent its continued use as a gas station, prohibiting any automotive use. Now the mayor is pursuing further measures to limit the hours of operation in the zone. Considering the borough's past misfortunes in its redevelopment efforts, I fear for the worst for our own property and for our neighbors. Our tenant, Sufalam Inc., is not a callous developer. It is a small family-owned business currently running one other convenience store. They plan to make handsome improvements to the site to sell 7-Eleven convenience items, but they have neither the will nor the resources to address a protracted municipal argument. Considering the inherent difficulties in securing an attractive tenant at a blighted property, it may take years to find another desirable tenant — especially owing to the economic recession. Delays and additional limitations on the usage of our property have four undesirable consequences for all of us: 1) the perpetuation of an abandoned property scar on the borough landscape; 2) the reduction of its assessed value as a tax ratable; 3) the loss of family-owned business; and 4) the devaluation of adjoining neighborhood property values. Instead of dwelling on resistance to change, I urge the borough and the community to consider the positive aspects of allowing Sufalam to conduct its convenience store business at all hours, as permitted by current zoning standards and as an asset to the neighborhood.

Property Values: Ask any realtor how Sufalam's plan to modernize will increase home attractiveness and resale values in the vicinity.

Security: Vacant sites are considered potential crime scenes by insurance carriers. A well-lit 24-hour operation is a deterrent to loitering, vandalism, arson, and neighborhood crime. Indoor and outdoor security cameras are a further deterrent and help shield the immediate neighborhood from misconduct beyond the store property. A convenience store can also provide safe haven for neighborhood crime and accident victims or during storms or natural disasters until the police, EMS, or first responders arrive.

Noise: As a retired acoustical consultant, I can assure the closest neighbors that at no time during the day or night will it cause more intrusive noise than the accelerating and decelerating traffic that already

exists at the Union-Gaston traffic light. The borough noise code amply and legally protects residents from intrusive noise at all times of the day and night. If noise is a concern, it is because *32 times more of it* (+30dB) are permitted by borough code for the traffic on public roadways at night than the commercial businesses that line them. That's roughly equivalent to the difference between the noise generated by a kitchen disposal unit (80 dBA SPL) versus a light rainfall at your property line (50 dBA SPL). *Environment*: Site cleanups exceeding \$250,000 have achieved a No Further Action status for soil contamination from the New Jersey Department of Environmental Protection. Sampling wells remain in the area to monitor residual ground water contaminants from our clean site and two adjacent underground tank sites owned by others which have not undergone voluntary cleanups. A local 7-Eleven is not only convenient when you run out of milk for the baby, or when the hospital staff and police need a late night lunch, but it also conserves the time, fuel, and pollutants associated with driving further away. *Cleanliness*: 7-Eleven standards are higher than those of an independent tenant. They require their franchisees to keep a neat and clean operation both inside and outside the store, which is in everyone's best interests. Trash strewn from cars is usually found miles from the purchase site — after the sale items have been consumed — not in the immediate vicinity.

Traffic: Last year, the New Jersey Department of Transportation upgraded the access and egress for the convenience store site along state highway Route 28. An active site will also deter motorists from dangerously speeding across the sidewalks and our property to avoid the traffic light, enhancing the safety of pedestrians, school children, and drivers alike. Engineering studies are currently being undertaken to minimize any potential chance of increased traffic on residential streets. For almost a century, we have been good family business neighbors, and we wish to remain so. In all fairness, any restrictions placed upon the use of our property should be based on fact, not neighborhood hysteria or conjecture. The owner, tenant, and franchisor all wish to provide our neighbors who have chosen to live adjacent to a business zone with a better quality of life than they now enjoy — one that approaches the desirability of the borough's best residential zones.

If any interested parties have concerns or comments, please take a moment to e-mail them to me at One.Union@ATT.net. I will personally respond to all.



One Union Avenue / Somerville, New Jersey
 Summer, 1954
 Irma D'Alessio, Claude D'Alessio
 Tom D'Alessio's 1951 Chrysler Saratoga
 Photo by Alfred D'Alessio

Our family business began on this site in 1922. In 1954 it grew to become one of the busiest commercial sites in Somerville



Unimproved vacant site, to be boarded up behind chain link fencing as recently required by all insurance carriers to prevent crime.



One example of improvements that will raise neighborhood resale values during the recession and thereafter. Actual plans to be submitted soon.

Mr. John Kurilla commented that there is a safety issue that already exists at this intersection. Drivers now bypass this area and speed up his street Eastern Ave including trucks. You need to consider something that will not bring as much traffic. They need to survey this area during the week and not on weekends.

Mr. Kurilla also commented that he feels that this may also become a hangout for kids since there is an elementary school within a block of the proposed store.

Guy Hoyt, 52 West Main Street, he commented that the Borough should be looking at bringing more businesses into town.

Harold D'Allesio, commented that he has been fighting with their insurance company to leave this property alone. They have spent over \$3,000 on windows. They have also spent over \$10,000 to put a roof on the building.

Mayor Gallagher commented that this is not targeted at one location. The B4 as it is located in residential zones feels that businesses should prohibit between 12:00 midnight and 6:00am. There are areas in the B4 that need to be redeveloped. The planner has also prepared a comprehensive report which is available for review. This is not a knee jerk reaction and are made after careful thought.

Councilman Sullivan made a motion and was seconded by Councilman Utter to approve Ordinance 2312 for introduction.

Councilman Sullivan asked if the applicant wanted to proceed what body would review the application.

Mr. Cole responded that since there are no existing businesses in the B4 zone that fit these criteria. They would have to request a "C" variance through the Planning Board.

Councilwoman Kobuta asked for clarification on a B4 zones. She does not recall discussing the overnight operations ordinance.

Mr. Cole responded that there are 3 B4 zones in town. This is a zone which is adjacent or next to a residential zone.

Councilman Mitchell commented on some verbiage which is detailed in the ordinance. He does not see the hours detailed.

Mr. Cole commented that drive through restrictions are listed in the land use section chapter 120 and the police powers are in a different chapter of the Borough Ordinance. These are health and safety issues that can be regulated by police powers.

Borough Attorney Solomon commented that this would empower the Planning Board to waive this 24 hour restriction in appropriate circumstances.

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

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

Nays: None

ORDINANCE # 2313

AMENDING CHAPTER 102, SECTION 121 (E) OF THE LAND USE DEVELOPMENT LAW ENTITLED TRAILERS AND STORAGE CONTAINERS

WHEREAS, the following amendments shall be added to Chapter 102 of the Borough Land Use Development Law:

Amending Chapter 102- Section 121 (E) to read:

E. Trailers & Storage Containers

- (1) *No trailer shall be used in connection with a business, manufacturing or industrial establishment for any purpose other than transporting of materials. No trailer used for transporting of materials shall be parked*

with materials in the trailer on a site or on the street for more than three (3) days at one time.

- (2) A trailer used for a contractor's office may be used in connection with a construction project for a period not to exceed six (6) months; provided that a zoning permit therefore has first been obtained from the Zoning Officer. Such permit shall be renewable by the Zoning Officer if the permitted demonstrates to the satisfaction of the Zoning Officer that the trailer is reasonably necessary for the construction project on the property and that the construction project is proceeding on a reasonable time schedule and that the project is not abandoned or unduly delayed. Prior to the issuance of a certificate of occupancy for the development on the subject property, the trailer shall be removed. The trailer shall comply with the yard and setback requirements applicable to accessory buildings, but shall not be subject to the other requirements applicable to accessory buildings. Any violation of any provisions shall render said permit null and void, and such trailer may be subject to immediate removal from the Borough and such other action as the Borough Council may deem necessary. [Amended 06-16-03 by Ord. 2143]
- (3) The permanent use of cargo shipping or storage container or any other manufactured device used to transport and/or store goods is prohibited.
- (4) Temporary storage containers are permitted for residential lots/use in the R-1, R-2, R-3 and PO-R zone districts for the storage of home furnishings and other personal items on a temporary basis during a time of home repair, construction, renovation or relocation. Temporary storage containers do not include self-propelled registered motor vehicles and shall not be used for habitation for humans or animals or for the storage of commercial/industrial materials. Containers are only permitted on a lot containing a lawfully existing residential dwelling conditioned as follows:
- (a) No person shall place upon any premises in the Borough a Temporary Storage Container unless a permit is obtained from the Borough Zoning Officer;
- (b) No more than one temporary storage container shall be placed on an individual lot at one time.
- (c) Temporary Storage Containers shall not exceed 8 feet wide, 10 feet high, or 20 feet long;
- (d) The storage container shall be located on an existing driveway or in the rear yard. If the driveway is a common driveway, the storage container shall be located in the rear yard, not closer than 8 feet from the side yard and 10 feet from the rear yard lot lines. If located on an existing driveway the storage container should be setback as far as possible from the front lot line.
- (e) Use without a building permit is not to exceed 30 days from date of delivery;
- (f) Use with an active building permit is not to exceed 90 days form date of delivery;
- (g) No Temporary Storage Container shall contain any flammable, combustible, toxic or hazardous materials.
- (h) Upon reasonable notice, the permit holder shall permit the inspection of any temporary storage unit by any municipal official for compliance with this ordinance;
- (i) Applications for temporary storage containers shall be in writing on forms provide by the Borough and shall include a notarized statement indicating that the applicant understands and agrees that the temporary storage container is temporary in nature and the applicant understands and has read the Ordinance regulating same; and
- (j) The temporary storage container shall not obstruct pedestrian or vehicular traffic flow, obstruct sight distances or be located within the sight triangle of public street intersections.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Mr. Cole commented that this Ordinance will prohibit cargo sea boxes from being placed throughout the Borough. There is a recommendation to allow these to be used during construction in their homes. There would be a permitting process which would not be subject to any application fees.

Mayor Gallagher opened the meeting to comments from the Public.

Mr. John Kurilla, 77 Eastern Ave, Somerville asked what structure would be subject to additional taxes.

Councilman Sullivan replied that these are determined to be accessory buildings and can be moved. They are Not subject to an additional assessment.

Mayor Gallagher asked if there were any other comments and hearing none he closed the public portion of the meeting.

Councilman Sullivan made a motion and was seconded by Councilman Utter to approve Ordinance 2313 for introduction.

Councilman Mitchell commented that it sounds like a broad definition. He feels that this might be limited to shipping containers.

Mr. Cole commented that these are storage containers that are manufactured for transport in airplanes, truck or by sea.

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

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

Nays: None

Consent Resolutions:

The following consent resolutions were presented for consideration:

RESOLUTION 09-0817-247

APPROVING ONE DAY LIQUOR LICENSE FOR AB COPPER LODGE #69 AT 11 WARREN STREET ON
SEPTEMBER 5, 2009

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves Renewal of one day liquor license social for September 5, 2009 for AB Cooper lodge Club 69, Inc.at 11 Warren Street, Somerville

RESOLUTION 09-0817-248

APPROVING BLOCK PARTY FOR RESIDENTS ON N. CLARK AVENUE AND EASTERN STATES PARKWAY ON
SEPTEMBER 12, 2009
FROM 1:00P.M. TO 5:00 P.M. (RAINDATE SEPTEMBER 13, 2009)

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves a block party for residents on N. Clark Avenue and Eastern States Parkway on September 12, 2009 from 1:00 to 5:00 p.m. with a rain date of September 13, 2009

RESOLUTION 09-0817-249

APPROVING STATE FIREMEN'S MEMBERSHIP APPLICATION FOR CARLOS CARDONA

BE IT RESOLVED, by the Borough Council of the Borough of Somerville, in the County of Somerset, State of New Jersey approves a state firemen's membership application for Carlos Cardona

RESOLUTION 09-0817-250

REQUESTING FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AN EXTENSION FOR THE AWARD OF THE FY 2008 LOCAL BIKEWAY PROGRAM: PETERS BROOK GREENWAY (SOUTHERN EXTENSION)

WHEREAS, the Borough of Somerville plans to award the FY 2008 Local Bikeway Program: Peters Brook Greenway (Southern Extension); and

WHEREAS, the date of award established by the New Jersey Department of Transportation for the FY 2008 Local Bikeway Program: Peters Brook Greenway (Southern Extension) is September 13, 2009; 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 FY 2008 Local Bikeway Program: Peters Brook Greenway (Southern Extension).

RESOLUTION 09-0817-251

CANCELING RESOLUTION 09-0615-199 TO AWARD A CONTRACT WITH 3M TRAFFIC SAFETY TO PROVIDE TWO DRIVER FEEDBACK SIGNS

WHEREAS, the Borough had adopted Resolution 09-0615-199 on June 15, 2009 to award a contract to 3M Traffic Safety to provide two driver feedback signs; and

WHEREAS, the Borough desires to cancel said resolution and award the contract to another vendor; and

BE IT RESOLVED, that the Borough Council hereby cancels Resolution 09-0615-199 adopted on June 15, 2009 to award a contract to 3M Traffic Safety to provide two driver feedback signs

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

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

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

Nays: None

There being no further business to come before the Borough Council, Councilman Sullivan made a motion and was seconded by Councilman Mitchell to adjourn the regular meeting and returned into executive session. The motion was approved by the following vote:

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

Nays: None

The regular Borough Council meeting was adjourned at 9:50pm

Respectfully submitted,

Paul Allena

The motion was approved by the following vote:

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

Nays: None

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

Carried unanimously

The meeting was adjourned at 7:50pm

Respectfully submitted,

Paul Allena, Secretary