

**BOROUGH OF SOMERVILLE
COUNCIL MEETING
AGENDA**

Monday, July 20, 2009

6:00 P.M.

LOCATION: COUNCIL CHAMBERS – POLICE HEADQUARTERS

24 SOUTH BRIDGE STREET, SOMERVILLE, NJ 08876

COUNCIL MEETING AGENDA

1. Roll Call
2. Salute to the Flag
3. Approval of Council Meeting Minutes:
 - a. July 6, 2009
4. Proclamations
 - a. "OVARIAN CANCER AWARENESS MONTH"
(In conjunction with "Turn the Town Teal" Campaign)
5. Committee Reports
6. Departmental Reports & Notices
7. Meeting Open to the Public (At this time the public can ask questions or make comments on any matter including matters not on the agenda)
8. ORDINANCES FOR INTRODUCTION

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.
9. CONSENT RESOLUTIONS
(Resolutions 09-0720-215 through 09-0720-227)

09-0720-215 AUTHORIZING CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM JSM LANDMARK ESCROW ACCOUNT

09-0720-216 AUTHORIZING THE SUBMISSION OF THE YEAR 2010 SOMERVILLE MUNICIPAL ALLIANCE APPLICATION REQUEST FOR GRANT FUNDS WITH SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS

09-0720-217 AUTHORIZING KALEDEISCOPE OF HOPE FOUNDATION TO CONDUCT "TURN THE TOWN TEAL" CAMPAIGN TO RAISE AWARENESS OF OVARIAN CANCER IN THE MONTH OF SEPTEMBER

09-0720-218 AUTHORIZING FARMERS MARKET AT 1 MOUNTAIN AVENUE ON JULY 28, 2009 (RAIN DATE AUGUST 4, 2009) TO BE CONDUCTED BY THE SOMERSET COUNTY OFFICE ON AGING

09-0720-219 AWARDING A CONTRACT TO CONSTRUCTION & INDUSTRIAL EQUIPMENT INCORPORATED FOR THE PROCUREMENT OF ONE STONE COMPACT ROLLER MODEL 3100 WITH TRAILER

09-0720-220 AWARDING A CONTRACT TO WELDON ASPHALT COMPANY FOR THE PROCUREMENT OF ONE HMT 4000 2 TON DIESEL HEATED ASPHALT TRANSPORTER

09-0720-221 AWARDING A CONTRACT TO FLEMINGTON BUICK CHEVY PONTIAC GMC, LLC FOR THE PROCUREMENT OF TWO CHEVEROLET SILVERADO 2500 HD PICKUP TRUCKS WITH OPTIONS UNDER NEW JERSEY STATE CONTRACT

- 09-0720-222 APPROVING MEMBERSHIP APPLICATION TO NEW JERSEY FIREMEN'S ASSOCIATION FOR ALEXANDER CESARIO
- 09-0720-223 APPROVING RENEWAL OF WRECKER & TOWING LICENSE FOR RESCUE WRECKERS LLC
- 09-0720-224 AUTHORIZING EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT WITH WATERFORD GROUP LLC, FOR REDEVELOPMENT CONSULTING SERVICES TO SERVE AS DIRECTOR OF ECONOMIC DEVELOPMENT
- 09-0720-225 AUTHORIZING SUBMISSION OF THE MUNICIPAL REGISTRATION FOR SUSTAINABLE JERSEY CERTIFICATION PROGRAM
- 09-0720-226 AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE FUNDS FROM ESCROW ACCOUNT – JSM LANDMARK
- 09-0720-227 APPROVING 50/50 RAFFLE FOR SOMERVILLE HIGH SCHOOL MUSIC BOOSTERS ASSOCIATION FOR VARIOUS DATES – APPLICATION #688

10. ADJOURNMENT

The second regular Borough Council meeting for the month of July 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: Mayor Brian Gallagher presiding, Councilwoman Jane Kobuta, Councilman Thompson Mitchell, Councilman Dennis Sullivan, Councilman Kenneth Utter, Council President Robert Wilson and Councilwoman Patricia Webster.

Also present was Borough Clerk-Administrator Kevin Sluka.

The Salute to the flag was done by those in attendance.

The minutes of the July 6, 2009 Borough Council meetings were presented for approval. Councilwoman Webster 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

Councilman Wilson abstained due to his absence from the meeting.

Committee Reports:

Councilman Utter reported that through the efforts of the Somerset County weekend community service workers and the Public Works Department, the parking lots and underpasses have been weed wacked and cleaned during the past six weekends. He also reported that the cross walk repainting has continued through the summer.

Councilman Sullivan reported that at this time there is still no official word from Trenton on additional state aid for Somerville.

Councilman Sullivan commented that Bridgewater Township as filled one of the potholes on Southside Ave/Loeser Ave but there are many more to be repaired.

Councilman Sullivan reported that the American Water Company will be going to a monthly billing cycle.

Councilman Sullivan reminded everyone that the 3rd quarter taxes are due on August 1, 2009 and there is a 10 day grace period.

Councilman Sullivan commented that the first of the two old school buildings on West High Street have been demolished.

Councilman Sullivan commented that the search committee has been created by the Board of Education in order to select a new School Superintendent by July 2010.

Councilman Mitchell reported that the sewer department will need to begin to anticipate the replacement of their sewer truck in 2010.

Councilman Mitchell reported that the Somerville Rescue Squad Technical Rescue Team will be receiving a proclamation from the Freeholders on Tuesday evening for a high angle rescue last month.

Councilwoman Kobuta commented on the Main Street Program which was conducted last week in Somerville. The outside consultants were extremely impressed with the Downtown and a comprehensive report will forthcoming.

Open to the Public:

Mayor Gallagher opened the meeting to comments from the public.

John Kurilla, 77 Eastern Ave, Somerville, commented on the installation of remote water meters. He requested a remote water meter and was advised that they were no longer being installed since they are no accurate.

Mr. Kurilla also commented on the presentation at the last meeting regarding the mosquito conditions in town. He did not see this as being a problem in town.

Mayor Gallagher replied that the Borough has started to receive some complaints regarding mosquitoes as a result of the large amount of rain recently. The Borough is trying to help the residents mitigate these situations.

Mr. Kurilla commented on some recent letters to the editors from individuals who do not live in Somerville but have positive comments for the Borough.

Mayor Gallagher responded that everyone likes to hear positive comments about Somerville.

Mr. Kurilla commented that he does not feel like the community is as friendly as it was when he moved here 50 years ago.

Robert Bayait 43 N. Middaugh St, Somerville, commented on the recent pool improvements to Walck Park on Walnut Street. There is a white line around the pool which is slippery and needs to be corrected. He also suggested that the blacktop area behind the pool be cleaned and sealed to enhance this area of the park.

Herb Hall, Cable Television Committee Chairman, commented on the series of programs being aired on Ville TV from the Somerville Board of Education. These include the recent Board meeting, selection committee and shared services presentation.

Ordinances:

Ordinance No. 2309 was presented in writing for introduction.

ORDINANCE # 2309

AMENDING CHAPTER 166-43 SCHEDULE II OF THE BOROUGH CODE ENTITLED “NO PARKING CERTAIN HOURS”

WHEREAS, Chapter 166 Section 43, Schedule II of the Administrative Code shall be amended as follows by eliminating the following prohibition:

Name of Street	Side	Hours	Location
West High Street	North	8:00 a.m. to 4:00 p.m.	From the east curbline of Davenport Street to a point 400 feet east thereof

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.

Mayor Gallagher opened the meeting for comments on Ordinance No. 2309 and there were none at this time.

Councilman Sullivan made a motion and was seconded by Councilwoman Kobuta to approve Ordinance 2309 for introduction.

Councilman Sullivan asked that this be coordinated with the construction currently taking place at this location.

Mayor Gallagher asked Kevin Sluka to coordinate the implementation of this with the Board of Education to determine when this will go into effect.

Councilman Mitchell asked that this be coordinated with the school before it is finally adopted.

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

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

Nays: None

Ordinance No. 2310 was presented in writing for introduction.

AMENDING BOROUGH OF SOMERVILLE LAND USE LAW SCHEDULE A ENTITLED PERMITTED USES AND STRUCTURES
WITHIN THE CBUSINESS DISTRICTS

Mayor Gallagher noted that this Ordinance is being introduced by title only.

Mayor Gallagher opened the meeting for comments on Ordinance No. 2310 and there were none at this time.

Councilman Sullivan made a motion and was seconded by Councilwoman Kobuta to approve Ordinance 2310 for introduction.

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

Ayes:	Councilwoman Kobuta, Councilman Mitchell, Councilman Sullivan, Councilman Utter Councilwoman Webster, Councilman Wilson
Nays:	None

Consent Resolutions:

The following consent resolutions were presented for consideration:

RESOLUTION 09-0720- 216

AUTHORIZING THE SUBMISSION OF THE YEAR 2010 SOMERVILLE MUNICIPAL ALLIANCE APPLICATION
REQUEST FOR GRANT FUNDS WITH SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS

WHEREAS, the County of Somerset has issued a request for application which would provide \$11,114 to the Borough of Somerville for the provision of municipal alliance activities for prevention of alcoholism and drug abuse in Somerville Borough; and

WHEREAS, Somerville Borough will secure a 75% match of \$8,336 in in-kind and a 25% cash match of \$2,778 will be raised by the Municipal Alliance Committee or provided by the municipality, and a copy of the proposed application is on file in the Office of the Municipal Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset hereby authorize the Mayor and Municipal Clerk to execute the Agreement and all necessary documents.

RESOLUTION 09-0720- 217

AUTHORIZING KALEIDOSCOPE OF HOPE FOUNDATION TO CONDUCT "TURN THE TOWN TEAL" CAMPAIGN
TO RAISE AWARENESS OF OVARIAN CANCER IN THE MONTH OF SEPTEMBER

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset hereby authorize volunteers from Kaleidoscope of Hope Foundation to tie ribbons around trees in the municipality as part of the "Turn the Town Teal" campaign to raise awareness of ovarian cancer.

RESOLUTION 09-0720- 218

AUTHORIZING FARMERS MARKET EVENT AT 1 MOUNTAIN AVENUE ON
JULY 28, 2009 (RAIN DATE AUGUST 4, 2009) TO BE CONDUCTED BY THE SOMERSET COUNTY OFFICE ON
AGING

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset hereby authorize a farmers market event to be conducted on July 28, 2009 (rain date August 4, 2009) by the Office on Aging

RESOLUTION 09-0720- 219

AWARDING A CONTRACT TO CONSTRUCTION & INDUSTRIAL EQUIPMENT INCORPORATE FOR THE PROCUREMENT OF ONE STONE COMPACT ROLLER MODEL 3100 WITH TRAILER

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset hereby awards a contract to Construction & Industrial Equipment, Incorporate, 200 Route 17 South, Lodi, New Jersey 07644 in which the vendor supplied the most responsible quote at \$18,900 upon the recommendation of the Public Works Director.

RESOLUTION 09-0720- 220

AWARDING A CONTRACT TO WELDON ASPHALT COMPANY FOR THE PROCUREMENT OF ONE HMT 4000 2 TON DIESEL HEATED ASPHALT TRANSPORTER

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset hereby awards a contract to Weldon Asphalt Company, 141 Central Avenue, Westfield, New Jersey 07090-2189 for one HMT 4000 2 ton Diesel heated Asphalt Transporter in which the vendor supplied the most responsible quote at \$18,725.25 upon the recommendation of the Public Works Director.

RESOLUTION 09-0720-221

AWARDING A CONTRACT TO FLEMINGTON BUICK CHEVY PONTIAC GMC, LLC, FOR THE PROCUREMENT OF TWO (2) CHEVROLET SILVERADO 2500 HD PICKUP TRUCKS WITH OPTIONS UNDER NEW JERSEY STATE CONTRACT

WHEREAS, the Borough of Somerville, Department of Public Works, identified the need to acquire Two Chevrolet Silverado 2500 HD Pickup Trucks with options; and

WHEREAS, the equipment is available through Flemington Buick Chevy Pontiac GMC, LLC 211 Routes 202-31, PO Box 428 Flemington, New Jersey 08822 under New Jersey State Contract Number #A74180 (T2100); and

WHEREAS, a contract can be awarded without public bidding pursuant to N.J.S.A. 40A:11-12;

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

1. A contract is awarded to Flemington Buick Chevy Pontiac GMC, LLC 211 Routes 202-31, PO Box 428 Flemington, New Jersey 08822 under New Jersey State Contract Number #A74180 (T2100), is duly authorized.
2. The Amount of the contract shall be \$49,152.00

RESOLUTION 09-0720- 222

APPROVING MEMBERSHIP APPLICATION TO NEW JERSEY FIREMEN'S ASSOCIATION - ALEXANDER CESARIO

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset hereby approves New Jersey Firemen's Association Application for Alexander Cesario

RESOLUTION 09-0720- 223

APPROVING RENEWAL OF WRECKER & TOWING LICENSE FOR RESCUE WRECKERS, LLC

BE IT RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset hereby approves the renewal of wrecker & Towing License for rescue Wreckers, LLC, 107 Egel Avenue, Middlesex, New Jersey 08846

RESOLUTION 09-0720-224

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 total contract cost shall not exceed \$140,000.
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 09-0720- 225

AUTHORIZING SUBMISSION OF THE MUNICIPAL REGISTRATION FOR SUSTAINABLE JERSEY
CERTIFICATION PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Somerville Borough strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, Somerville Borough hereby acknowledges that the residents of the borough desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Somerville Borough wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Somerville Borough is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable government practices; and

WHEREAS, as elected representatives of the Borough of Somerville, we have a significant responsibility to provide leadership which will seek community based sustainable solutions to strengthen our community:

BE IT RESOLVED, that Borough Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification: and

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Somerville, County of Somerset hereby authorize the Municipal Administrator to serve as the agent for the Borough of Somerville for the Sustainable Jersey Municipal Certification process and authorize him to complete and execute all necessary documents for the Municipal registration on behalf of the Borough of Somerville.

RESOLUTION 09-0720-226

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 \$ 400.00 (Amended Site Plan) to Cole & Associates (June/09) and \$ 1048.00 (Condemnations) to DeCotiis, FitzPatrick, Cole & Wisler LLP (June/09) and \$ 2,310.00 (Main St) to DeCotiis, FitzPatrick, Cole & Wisler LLP (June/09) 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 09-0720-227

APPROVING 50/50 RAFFLE FOR SOMERVILLE HIGH SCHOOL MUSIC BOOSTERS ASSOCIATION FOR VARIOUS DATES- APPLICATION # 688

BE IT RESOLVED, that the Borough of Somerville, County of Somerset hereby approve Raffle Application # 688 for 50/50 raffle for Somerville High School Boosters association for various dates.

RESOLUTION 09-0720-228

APPOINTMENT OF JOHN SCOTT TO THE RECREATION COMMISSION TO FILL UNEXPIRED TERM (EXPIRATION 12/31/11)

BE IT RESOLVED, that John Scott is hereby appointed to fill the unexpired term of Patrick Lott to expire on 12/21/11.

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

Councilman Utter commented that the new heated asphalt transporter will save the Borough money in a more efficient use of transporting asphalt to pot hole repair locations.

The motion was called for a vote and 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, Councilman Sullivan made a motion and was seconded by Councilwoman Kobuta to adjourn the meeting. The motion was approved by the following vote:

Carried unanimously

The meeting was adjourned at 7:45pm

Respectfully submitted,

Paul Allena, Secretary