

November 7, 2019

A Regular Meeting of the Piscataway Township Council was held on November 7, 2019 at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey. The meeting was called to order by Council President, Frank Uhrin, at 7:30 pm.

Mr. Uhrin made the following Statement, in compliance with the Open Public Meetings Act: Adequate notice of this meeting has been provided as required under Chapter 231, P.L. 1975, specifying the time, date, location and, to the extent known, the agenda by posting a copy of the notice on the Municipal Building, Municipal Court and the two Municipal Library Bulletin Boards, providing a copy to the official newspapers of the Township and by filing a copy in the office of the Township Clerk in accordance with a certification by the Clerk which will be entered in the minutes.

On roll call, there were present: Messrs. Bullard, Cahill, Lombardi, Shah, and Uhrin. Mr. Uhrin led the salute to the flag.

There were no comments from Administration and Council. Mr. Uhrin opened the meeting to the Public for comments regarding the Consent Agenda Items. There being no comments, this portion of the meeting was closed to the public.

The Clerk read the following proclamation:

Whereas, each year the Governor's Council on Alcoholism and Drug Abuse honors the volunteers it relies on to educate our community about the dangers related to alcohol and drug abuse; and

Whereas, this year Amy Bauman, a member of the Piscataway Municipal Alliance Substance Abuse Task Force was recognized as the 2019 Middlesex county volunteer of the year; and

Whereas, Amy has served as the Director on Aging for Piscataway Township for the past ten years; and

Whereas, volunteers show every day through their actions that they truly care about their communities and the people who live in them; and

Whereas, Amy consistently commits her time and talents to improve the life of our seniors; and

Whereas, she has volunteered a great amount of time to planning, coordinating and implementing many Municipal Alliance programs; and

Whereas, Amy continues to educate residents on substance abuse prevention and mental health issues and encourages the seniors to be proactive in the lives of their grandchildren; and

Now therefore be it resolved, that I, Brian C. Wahler, Mayor and the Council of the Township of Piscataway do hereby extend congratulations and best wishes to Amy Bauman

for her tireless work as an Alliance member and dedication to our seniors and the residents of Piscataway Township.

The Clerk read for FIRST READING the following ORDINANCE: ORDINANCE OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY, APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR BLOCK 4501, LOT 1.02 (FORMERLY LOTS 1.01 AND 3) AND THE UNIMPROVED PORTION OF NORTH RANDOLPHVILLE ROAD PURSUANT TO N.J.S.A. 40A:12A-1, et seq. THE REDEVELOPMENT AND HOUSING LAW.

RESOLUTION offered by Mrs. Lombardi, seconded by Mr. Bullard, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey that: ORDINANCE OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY, APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR BLOCK 4501, LOT 1.02 (FORMERLY LOTS 1.01 AND 3) AND THE UNIMPROVED PORTION OF NORTH RANDOLPHVILLE ROAD PURSUANT TO N.J.S.A. 40A:12A-1, et seq. THE REDEVELOPMENT AND HOUSING LAW.

be and is hereby adopted on the first reading, that it be published in the official newspaper, and that a second reading and public hearing be held at 7:30 p.m.,

prevailing time at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey on the 26th day of November, 2019.

BE IT FURTHER RESOLVED that a copy of this Ordinance shall be posted in at least two public places within the Township prior to the day of the second reading and final passage, and a copy of this Ordinance shall be made available at the Office of the Township Clerk for any interested member of the public

On roll call vote, Messrs. Bullard, Cahill, Lombardi, Shah, and Uhrin answered yes.

The Clerk read for FIRST READING the following ORDINANCE: ORDINANCE AMENDING CHAPTER II (2), ADMINISTRATION, CHAPTER III (3), POLICE REGULATIONS, CHAPTER VII (7), TRAFFIC, CHAPTER XII (12), PARKS AND RECREATION, CHAPTER XVII (17), PROPERTY MAINTENANCE, AND CHAPTER XXI (21), ZONING, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

RESOLUTION offered by Mr. Bullard, seconded by Mrs. Cahill, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey that: ORDINANCE AMENDING CHAPTER II (2), ADMINISTRATION, CHAPTER III (3), POLICE REGULATIONS, CHAPTER VII (7), TRAFFIC, CHAPTER XII (12), PARKS AND RECREATION, CHAPTER XVII (17), PROPERTY MAINTENANCE, AND CHAPTER XXI (21), ZONING, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

be and is hereby adopted on the first reading, that it be published in the official newspaper, and that a second reading and public hearing be held at 7:30 p.m., prevailing time at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey on the 26th day of November, 2019.

BE IT FURTHER RESOLVED that a copy of this Ordinance shall be posted in at least two public places within the Township prior to the day of the second reading and final passage, and a copy of this Ordinance shall be made available at the Office of the Township Clerk for any interested member of the public.

On roll call vote, Messrs. Bullard, Cahill, Lombardi, Shah, and Uhrin answered yes.

The Clerk read for FIRST READING the following ORDINANCE: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$10,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,892,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

RESOLUTION offered by Mr. Bullard, seconded by Mr. Shah BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey that: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$10,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,892,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

be and is hereby adopted on the first reading, that it be published in the official newspaper, and that a second reading and public hearing be held at 7:30 p.m., prevailing time at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey on the 26th day of November, 2019.

BE IT FURTHER RESOLVED that a copy of this Ordinance shall be posted in at least two public places within the Township prior to the day of the second reading and final passage, and a copy of this Ordinance shall be made available at the Office of the Township Clerk for any interested member of the public.

On roll call vote, Messrs. Bullard, Cahill, Lombardi, Shah, and Uhrin answered yes.

The Clerk read for FIRST READING the following ORDINANCE: ORDINANCE APPROPRIATING \$2,000,000, ALL OF WHICH IS FROM THE CAPITAL IMPROVEMENT FUND, FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

RESOLUTION offered by Mrs. Cahill, seconded by Mrs. Lombardi, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey that: ORDINANCE APPROPRIATING \$2,000,000, ALL OF WHICH IS FROM THE CAPITAL IMPROVEMENT FUND, FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PISCATAWAY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

be and is hereby adopted on the first reading, that it be published in the official newspaper, and that a second reading and public hearing be held at 7:30 p.m., prevailing time at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey on the 26th day of November, 2019.

BE IT FURTHER RESOLVED that a copy of this Ordinance shall be posted in at least two public places within the Township prior to the day of the second reading and final passage, and a copy of this Ordinance shall be made available at the Office of the Township Clerk for any interested member of the public.

On roll call vote, Messrs. Bullard, Cahill, Lombardi, Shah, and Uhrin answered yes.

RESOLUTION #19-441

RESOLUTION offered by Mrs. Lombardi, seconded by Mr. Shah, BE IT RESOLVED, By the Township Council of Piscataway Township, New Jersey that:

**WHEREAS**, the Revised General Ordinances of the Township of Piscataway permit the adoption of Resolutions, Motions or Proclamations by the Township Council of the Township of Piscataway as part of the Consent Agenda, upon certain conditions; and

**WHEREAS**, each of the following Resolutions, Motions or Proclamations to be presented before the Township Council at its November 7, 2019 Regular Meeting appear to have the unanimous approval of all members of the Township Council:

- a. RESOLUTION – Authorizing Professional Services Contract – Management Company Services for the Piscataway Community Center – YMCA of Metuchen, Edison, Woodbridge & South Amboy - \$216,000.00 Per Year with Additional Incentive Fees for Years 3, 4 and 5.
- b. RESOLUTION – Authorizing Award of Bid – Re-Bid Sterling Village Renovations – Emy Solutions, LLC – Not to Exceed \$1,270,000.00.
- c. RESOLUTION – Authorizing Return of Escrow Fees:
  - E.J. Foley, Inc. – Block 4001, Lot 4 – 833 Centennial Avenue.
  - E.J. Foley, Inc. – Block 454.2, Lot 3.01 – 855 Centennial Avenue.
- d. RESOLUTION – Authorizing Return of Engineering and Inspection Fees:
  - E.J. Foley, Inc. – Block 454.2, Lot 4 – 855 Centennial Avenue.
- e. RESOLUTION – Authorizing Professional Planning Services – Redevelopment Concept Plan – 1028 Stelton Road – CME Associates – Not to Exceed \$3,000.00.
- f. RESOLUTION – Authorizing Contract Renewal – Fort Dearborn Life Insurance Company – Police Group Life Insurance – not to exceed \$25,000.00.
- g. RESOLUTION – Authorizing Refund of Overpayment of Taxes:
  - GWL 11 Constitution LLC – Block 5901, Lot 3.04 – 11 Constitution Avenue.
- h. RESOLUTION – Authorizing Renewal of Liquor License #1217-33-017-008 – L & W Services LLC for 2018-2019 License Term – Approved by the Acting Director of ABC for 12.18 and 12.39 Relief.
- i. RESOLUTION – Authorizing Renewal of Liquor License #1217-33-017-008 – L & W Services LLC for 2019-2020 License Term – Approved by the Acting Director of ABC for 12.39 Relief.
- j. RESOLUTION – Appointing Monica Orlando as Alternate Deputy Registrar of Vital Statistics.
- k. RESOLUTION – Authorizing Professional Architectural Design Services – 499 Sidney Road – Netta Architects – Not to Exceed \$62,850.00.
- l. RESOLUTION - Authorizing Municipal Lien for Abatement of Public Nuisance – Various Blocks and Lots.

- m. RESOLUTION – Authorizing Award of Contract for Website Development for Compliance – Revize – Not to Exceed \$40,000.00.
- n. RESOLUTION – Authorizing Tax Appeal Settlement:
  - Kingsbridge 2005, LLC – Block 6702, Lot 5.02 – 20 Kingsbridge Road.
  - American Express Co. – Block 5001, Lot 1.03 – 2 Corporate Place.
- o. RESOLUTION – Authorizing Tender and Release Agreement for 2019-2021 Road Program for Curbs, Sidewalk, Driveway and ADA Ramps Improvements.
- p. RESOLUTION – Authorizing Budget Transfers.
- q. RESOLUTION – Acceptance of Calendar Year Ended December 31, 2018 Audit Report.
- r. RESOLUTION – Authorizing Change of Title or Text for Appropriation for the Cash Match and In Kind for Municipal Alliance.
- s. RESOLUTION – Authorizing Change of Title or Text for Appropriation for the Cash Match of \$175,000.00 for New Jersey Historic Trust Preservation (Knapp House/Bodine House).
- t. RESOLUTION – Authorizing Refund of Overpayment of Taxes Due to Tax Court Judgment – Block 4601, Lot 2.01 – 100 New England Avenue.
- u. RESOLUTION – Authorizing Award of Negotiated Contract – Snow Plowing Services Piscataway Township – Landtek Construction, LLC d/b/a United Terrain Group – Not to Exceed \$140,000.00.
- v. RESOLUTION – Authorizing Return of Tree Removal and Cash Bonds:
  - Frank A. Greek & Son, Inc. – Block 4901, Lot 1.02 – 1 Turner Place
- w. RESOLUTION – Authorizing Agreement with Middlesex County – CFC Recovery Reimbursement Program – Five (5) Year Agreement.
- x. RESOLUTION – Authorizing Acceptance of Project and Release of Retainage – School Street Road Improvements – Phase II – KM Construction Corp.
- y. RESOLUTION – Authorizing Transfer of Financial and Special Assessment Agreements Between the Township of Piscataway and Piscataway Building III Urban Renewal LLC to RAR@-200 Ridge Road Urban Renewal LLC.
- z. RESOLUTION – Authorizing Amendment to the Master Redevelopment Agreement Between the Township of Piscataway and RG-Piscataway Urban Renewal LLC.
- aa. RESOLUTION – Authorizing Interim Developer’s Agreement – Duke Realty – Block 4501, Lot 1.02 – 150 Old New Brunswick Road.
- bb. RESOLUTION – Authorizing Purchase of Electricity Supply Services for Public Use.
- cc. MOTION – Accept Minutes June to September 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway that each of the above-listed Resolutions, Motions or Proclamations be approved and adopted by the Township Council, with the same legal effect as through each was read in its entirety at the November 7, 2019 Regular meeting and adopted by separate vote.

On roll call vote, Messrs. Bullard, Cahill, Lombardi, Shah, and Uhrin answered yes.

The following are the Resolutions, typed in full, which were adopted by the foregoing consent agenda resolution:

RESOLUTION #19-442

**WHEREAS**, on October 31, 2019, the Township of Piscataway (the “Township”) received three (3) proposals for Management Company Services for the Piscataway Community Center (the “Services”); and

**WHEREAS**, N.J.S.A. 40A:11-4.1(b)(2) allows the Township to use competitive contracting in lieu of public bidding for the hiring of a for-profit entity or a not-for-profit

entity incorporated under Title 15A of the New Jersey Statutes in regard to the management of recreation facilities; and

**WHEREAS**, the Township officials have reviewed the proposals based on the scoring criteria provided in the Township's Request for Proposals, and found that the YMCA of Metuchen, Edison, Woodbridge, & South Amboy, was the highest scoring proposal, in the amount not to exceed \$216,000.00 per year, with additional incentive fees for years three (3), four (4), and five (5), for a period from January 1, 2020 through December 31, 2025; and

**WHEREAS**, funds are available pursuant to certification # B-2019-025;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for Management Company Services for the Piscataway Community Center to the YMCA of Metuchen, Edison, Woodbridge, & South Amboy who was the highest scoring proposal, in the amount not to exceed \$216,000.00 per year, with additional incentive fees for years three (3), four (4), and five (5), for a period from January 1, 2020 through December 31, 2025, subject to the Request for Proposal and Contract specifications and availability of funds.

RESOLUTION #19-443

**WHEREAS**, on October 10, 2019, the Township of Piscataway (the "Township") received bids for the Rebid of the Sterling Village Renovations Project (the "Project"); and

**WHEREAS**, the Township Director of Public Works reviewed the bids and recommended awarding a contract for the Project to EMY Solutions, LLC, Dayton, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$1,270,000.00; and

**WHEREAS**, funds are available pursuant to certification # B-2019-024;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for the Rebid of the Sterling Village Renovations Project to EMY Solutions, LLC, Dayton, NJ who is the lowest qualifying bidder, in the amount not to exceed \$1,270,000.00, subject to all bid specifications and contract documents.

RESOLUTION #19-444

**WHEREAS**, on September 11, 2002, EJ Foley Incorporated, Piscataway, NJ posted an escrow check with the Township of Piscataway in the amount of \$2,500.00, regarding Planning Board Application #02-PB-54/55V for Block 454.2, Lot 3.01 (855 Centennial Avenue); and

**WHEREAS**, pursuant to a Request for Release of Funds dated September 24, 2019 and a Memorandum from the Township Supervisor of Planning dated October 9, 2019, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees in the amounts of \$2,066.09 to EJ Foley, Piscataway, NJ; and

**WHEREAS**, on January 16, 2014, Foley Incorporated, Piscataway, NJ posted an escrow check with the Township of Piscataway in the amount of \$500.00, regarding Planning Board Application #14-ZB-02V for Block 4001, Lot 4 (833 Centennial Avenue); and

**WHEREAS**, pursuant to a Request for Release of Funds dated October 9, 2019 and a Memorandum from the Township Supervisor of Planning dated October 9, 2019, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees in the amounts of \$15.70 to Foley Incorporated, Piscataway, NJ; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to release unexpended escrow fees to EJ Foley, Piscataway, NJ, in the amount of \$2,066.09, regarding Planning Board Application #02-PB-54/55V.

**BE IT FURTHER RESOLVED** that the appropriate municipal officials be and are hereby authorized to release unexpended escrow fees to Foley Incorporated, Piscataway, NJ, in the amount of \$15.70, regarding Planning Board Application #14-ZB-02V.

RESOLUTION #19-445

**WHEREAS**, E.J. Foley, Inc., Piscataway, NJ has completed their project on

Block 454.2, Lot 4 (855 Centennial Avenue) regarding Planning Board Application #08-PB-36/37V; and

**WHEREAS**, pursuant to Requests for Release of Funds dated September 24, 2019 and a Memorandum from the Township Supervisor of Engineering dated October 4, 2019, copies of which are attached hereto and made a part hereof, said Supervisor of Engineering advised that all inspections and deductions for the project are complete and recommended that unexpended engineering and inspection fee funds in the amount of \$3,100.15 be returned to Foley Incorporated; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return unexpended engineering and inspection fee funds to Foley Incorporated, Piscataway, NJ, in the amount of \$3,100.15, regarding Planning Board Application #08-PB-36/37V.

RESOLUTION #19-446

**WHEREAS**, the Township of Piscataway requires Professional Planning Services in regard to the Redevelopment Plan for Block 5401, Lot 1.02 (1028 Stelton Road) (the "Project"); and

**WHEREAS**, CME Associates, Howell, NJ has submitted a proposal dated October 14, 2019, for Professional Planning Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$3,000.00; and

**WHEREAS**, CME Associates was previously qualified under the Fair and Open Process to provide professional services for Planning Services – Township Planner - Special by the Township of Piscataway for 2019; and

**WHEREAS**, there is funding available pursuant to certification # R-2019-0120;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway that the Township Council does hereby authorize CME Associates, Howell, NJ to provide Professional Planning Services in regard to the Redevelopment Plan for Block 5401, Lot 1.02 (1028 Stelton Road), at the rates set forth in said Proposal, with such services not to exceed \$3,000.00.

RESOLUTION #19-447

**WHEREAS**, the Administration has advised of the need to renew the contract for group Police Life Insurance as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of the services will exceed \$17,500.00 (hereinafter the "Determination of Value"); and

**WHEREAS**, FORT DEARBORN LIFE INSURANCE COMPANY, of Downers Grove, IL, has submitted a proposal dated October 15, 2019, indicating that it will provide the group Police Life Insurance at the rate of \$0.19 per \$1,000.00; and

**WHEREAS**, the Township Council of the Township of Piscataway is of the opinion that such agreement is in all respects in the public interest; and

**WHEREAS**, FORT DEARBORN LIFE INSURANCE COMPANY has previously completed and submitted a Business Entity Disclosure Certification which certifies that FORT DEARBORN LIFE INSURANCE COMPANY has not made any reportable contributions to a political or candidate committee in the Township of Piscataway in the previous one year, and that the contract will prohibit FORT DEARBORN LIFE INSURANCE COMPANY from making any reportable contributions through the term of the contract; and

**WHEREAS**, funding is available pursuant to certification # R-2019-0121;

**WHEREAS**, the New Jersey Local Public Contracts Law, specifically N.J.S.A. § 40A:11-5, exempts contracts for insurance from the necessity of public bidding; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway as follows:

1. The Mayor and other appropriate officials be and the same are hereby authorized to enter into an agreement to renew the contract for group Police Life Insurance coverage with FORT DEARBORN LIFE INSURANCE COMPANY through January 1, 2021, at the rates specified above for a total amount not to exceed \$25,000.00; and

2. This contract is being awarded without competitive bids as a contract for the provision of insurance under the provisions of the Local Public Contracts Law, more specifically addressed in the body of this resolution; and

3. The final form of contract for these services shall be subject to the review and approval of the Township Attorney; and

4. Notice of this Resolution shall be published as required by law.

**BE IT FURTHER, RESOLVED** that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this Resolution.

RESOLUTION #19-448

**WHEREAS**, the following party overpaid taxes and is requesting 1/2 application and 1/2 refund of this amount as listed below.

BLOCK	LOT	QUAL	NAME	YEAR	AMOUNT	REASON
5901	3.04		GWL 11 Constitution LLC 11 Constitution Ave	2014	40632.42	TAX COURT JUDGMENT
				2015	44771.92	TAX COURT JUDGMENT
				2016	45880.30	TAX COURT JUDGMENT
				2017	46671.11	TAX COURT JUDGMENT
				2018	17241.04	TAX COURT JUDGMENT
				2019	12236.73	TAX COURT JUDGMENT

**2014 & 2015 refund in full  
2016, 2017,2018 &2019-  
½ apply & ½ refund**

**THEREFORE, BE IT RESOLVED** that the Treasurer is hereby authorized to refund the overpayment of taxes to the record owner and the Collector is hereby authorized to adjust the records accordingly.

RESOLUTION #19-449

**WHEREAS**, L&W Services, LLC, (“L&W”) holder of liquor license number 1217-33-017-008 in the Township of Piscataway, has applied for renewal of said license for the 2018-2019 license term; and

**WHEREAS**, a special ruling by the Director of the NJ ABC was required due to both L&W’s failure to timely renew, pursuant N.J.S.A. 33:1-12.18, and L&W’s inactive license, pursuant to N.J.S.A. 33:1-12.39, for the 2018-2019 license term, which Special Ruling was granted on July 23, 2019; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the following licenses be and are hereby renewed for the 2018-2019 license terms:

1. L&W Services, LLC (1217-33-017-008) (Inactive)

RESOLUTION #19-450

**WHEREAS**, L&W Services, LLC, (“L&W”) holder of liquor license number 1217-33-017-008 in the Township of Piscataway, has applied for renewal of said license for the 2019-2020 license terms; and

**WHEREAS**, a special ruling by the Director of the NJ ABC was required due to L&W’s inactive license, pursuant to N.J.S.A. 33:1-12.39, for the 2019-2020 license term, which Special Ruling was granted on July 23, 2019; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the following licenses be and are hereby renewed for the 2019-2020 license terms:

1. L&W Services, LLC (1217-33-017-008) (Inactive)

RESOLUTION #19-451

**WHEREAS**, Melissa Seader currently serves as the Local Registrar of Vital Statistics and wishes to appoint Monica Orlando as an Alternate Deputy Registrar of Vital Statistics for a term commencing November 7, 2019 and expiring December 31, 2019; and

**WHEREAS**, pursuant to N.J.S.A. § 26:8-17, the Local Registrar may appoint one or two alternate deputy registrars if same is deemed to be necessary for the office to function efficiently and to provide quality service to the public; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway that its advice and consent is hereby given to the appointment of Monica Orlando as an Alternate Deputy Registrar of Vital Statistics for the Township of Piscataway for a term commencing November 7, 2019 and expiring December 31, 2019.

RESOLUTION #19-452

**WHEREAS**, the Township of Piscataway requires Architectural Design Services in regard to the Italian American Club Renovation Project (the "Project"); and

**WHEREAS**, Netta Architects, Mountainside, NJ has submitted a Proposal, dated October 7, 2019, for Architectural Design Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$62,850.00; and

**WHEREAS**, Netta Architects was previously qualified under the Fair and Open Process to provide professional services for Architectural Services – Special Projects by the Township of Piscataway for 2019; and

**WHEREAS**, there is funding available pursuant to certification # R-2019-0123;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Netta Architects to provide Architectural Design Services in regard to the Italian American Club Renovation Project, at the rates set forth in said Agreement, with such services not to exceed \$62,850.00 in cost.

RESOLUTION #19-453

**WHEREAS**, the Township Council of the Township of Piscataway has been advised that the Township has incurred costs associated with abatement of a public nuisance on certain properties as follow:

			\$	\$	\$
236 HIGHLAND AVE	8039	9/24/2019	517.60	129.40	647.00
			\$	\$	\$
431 NEW MARKET ST	8040	9/24/2019	225.65	100.00	325.65
			\$	\$	\$
407 ROCK AVE	8041	9/24/2019	273.15	100.00	373.15
			\$	\$	\$
40 CHARLES TERRACE	8042	9/24/2019	93.75	100.00	193.75

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that municipal officials be and are hereby authorized to take the necessary steps to impose municipal liens, as indicated above, for the costs of remedial action to abate a public nuisance.

RESOLUTION #19-454

**WHEREAS**, on October 17, 2019, the Township of Piscataway (the "Township") received three (3) quotes in regard to the Website Development for Compliance Project (the "Project"); and

**WHEREAS**, the Township Network Administrator reviewed the quotes and recommended awarding a contract for the Project to Revize, Troy, MI in the amount not to exceed \$40,000.00 for the period of November 7, 2019 through November 7, 2023; and

**WHEREAS**, pursuant N.J.S.A. 40A:11-6.1, contracts that are equal to or less than the bid threshold can be awarded after soliciting at least two (2) quotations in regard to same; and

**WHEREAS**, funds are available pursuant to certification # B-2019-023;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the

Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for the Website Development for Compliance Project to Revize, Troy, MI in the amount not to exceed \$40,000.00, subject to all bid specifications and contract documents.

RESOLUTION #19-455

**WHEREAS**, the Township of Piscataway and the following property owners have been engaged in litigation on tax appeals which are pending in the Tax Court; and

**WHEREAS**, the Municipal Tax Assessor and Special Counsel for Tax Appeals have recommended the following settlements regarding the assessed values of the properties for the specified years:

**Kingsbridge 2005, LLC**

**Block 6702, Lot 5.02**  
**20 Kingsbridge Rd**

	<u>2015</u> <u>Assessment</u>	<u>2018</u> <u>Assessment</u>	<u>2019</u> <u>Assessment</u>
Land	2,317,000	2,648,000	2,648,000
Improvements	<u>4,434,700</u>	<u>4,922,600</u>	<u>6,202,000</u>
Total	6,751,700	7,570,600	8,850,000

	<u>2015 Proposed</u> <u>Assessment</u>	<u>2018 Proposed</u> <u>Assessment</u>	<u>2019 Proposed</u> <u>Assessment</u>
Land	2,317,000	2,648,000	2,648,000
Improvements	<u>4,434,700</u>	<u>4,922,600</u>	<u>4,922,600</u>
Total	6,751,700	7,570,600	7,570,600

**American Express Co.**

**Block 5001, Lot 1.03**  
**2 Corporate Pl**

	<u>2016</u> <u>Assessment</u>	<u>2017</u> <u>Assessment</u>	<u>2018</u> <u>Assessment</u>
Land	1,649,200	1,649,200	1,884,800
Improvements	<u>3,143,400</u>	<u>3,143,400</u>	<u>4,336,800</u>
Total	4,792,600	4,792,600	6,221,600

	<u>2016 Proposed</u> <u>Assessment</u>	<u>2017 Proposed</u> <u>Assessment</u>	<u>2018 Proposed</u> <u>Assessment</u>
Land			1,884,800
Improvements	<u>WITHDRAW</u>	<u>WITHDRAW</u>	<u>2,907,800</u>
Total			4,792,600

**WHEREAS**, the Assistant Township Attorney, as well as appraisal consultants retained by the Township, have advised that the proposed settlements fully conform with the public interest; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the settlements of the above Tax Appeals, as recommended by the Municipal Tax Assessor and Special Counsel for Tax Appeals and as specifically set forth above, be and the same is hereby approved; and

**BE IT FURTHER RESOLVED** that upon notification from the Assessor that the above settlement has been approved by the Tax Court, the Tax Collector and other appropriate officials, the appropriate municipal officials be and are hereby authorized to issue the refunds and/or credits corresponding to the aforementioned assessed values.

RESOLUTION #19-456

**WHEREAS**, the Township of Piscataway (the "Township") previously awarded a contract to Abraham General Construction, LLC ("Abraham"), West Orange, NJ, in regard to the 2019-2021 Road Program for Curbs, Sidewalk, Driveway & ADA Ramps Improvements Project (the "Project"); and

**WHEREAS**, Abraham suddenly stopped work on said contract and the Township

was forced to contact NGM Insurance, Abraham’s bonding company, to rectify Abraham’s default in regard to the Project; and

**WHEREAS**, the Township now wishes to enter into a Tender and Release Agreement (the “Agreement”) with New Prince Concrete Construction Company Inc. and NGM Insurance in order to settle and resolve Abraham’s default in regard to the Project; and

**WHEREAS**, New Prince Construction Company Inc. has agreed to complete the remaining work in regard to the Project for \$2,270,605.00, with the Township providing \$1,648,964.02 of the cost for same and NGM Insurance providing \$621,640.98 of the cost for same; and

**WHEREAS**, the Township is not contributing any additional funds beyond those approved and not disbursed pursuant to the original contract; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the Township Council formally approves the Agreement; and

**BE IT FURTHER RESOLVED** that the appropriate municipal officials and Clerk are hereby authorized to sign the Agreement on behalf of the Township of Piscataway and that their signature constitutes acceptance of the terms and conditions of the Tender and Release Agreement and approves the execution of said Agreement; and

**BE IT FURTHER RESOLVED** that the appropriate municipal officials are hereby authorized to enter into a Contract with New Prince Construction Company Inc. in regard to the completion of the 2019-2021 Road Program for Curbs, Sidewalk, Driveway & ADA Ramps Improvements Project.

**RESOLUTION #19-457**

**WHEREAS**, N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the fiscal year from those accounts where there is an excess over the amount deemed necessary to those appropriations deemed to be insufficient.

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Piscataway, that the following transfers are hereby authorized:

**CURRENT FUND**

Account #	Department	OBJECT	FROM	TO
01- 2019- 0300- 0420- 2	CELEB. OF PUBLIC EVENT	OTHER EXPENSES	10,000.00	
01- 2019- 0300- 0465- 2	SALARY ADJUSTMENTS	OTHER EXPENSES	15,000.00	
01- 2019- 0280- 0365- 1	PARKS & MAINTENANCE	SALARIES AND WAGES	20,000.00	
01- 2019- 0200- 0125- 1	COMPUTER CENTER	SALARIES AND WAGES	25,000.00	
01- 2019- 0200- 0125- 2	COMPUTER CENTER	OTHER EXPENSES	25,000.00	
01- 2019- 0260- 0280- 1	FLEET MAINTENANCE	SALARIES AND WAGES	25,000.00	
01- 2019- 0200- 0170- 1	ECONOMIC DEVELOPMENT	SALARIES AND WAGES	50,000.00	
01- 2019- 0200- 0170- 2	ECONOMIC DEVELOPMENT	OTHER EXPENSES	50,000.00	
01- 2019- 7440- 0240- 2	POLICE:Spotshooter	OTHER EXPENSES	120,000.00	
01- 2019- 0250- 0240- 1	POLICE DEPARTMENT	SALARIES AND WAGES	240,000.00	
01- 2019- 7440- 7910- 2	LAND ACQUISITION	OTHER EXPENSES	500,000.00	
01- 2019- 0200- 0115- 1	PURCHASING	SALARIES AND WAGES		10,000.00
01- 2019- 0200- 0120- 1	MUNICIPAL CLERK	SALARIES AND WAGES		10,000.00
01- 2019- 0200- 0165- 1	ENGINEERING	SALARIES AND WAGES		13,000.00
01- 2019- 0220- 0195- 2	UNIFORM CONST CODE	OTHER EXPENSES		100,000.00
01- 2019- 0250- 0240- 2	POLICE DEPARTMENT	OTHER EXPENSES		157,000.00
01- 2019- 0260- 0300- 1	PUBLIC WORKS	SALARIES AND WAGES		26,000.00
01- 2019- 0280- 0370- 1	RECREATION	SALARIES AND WAGES		15,000.00
01- 2019- 0280- 0375- 1	OFFICE ON AGING	SALARIES AND WAGES		5,000.00
01- 2019- 0430- 0490- 1	MUNICIPAL COURT	SALARIES AND WAGES		4,000.00
01- 2019- 7410- 7701- 2	MATCHING FUNDS FOR GRANT	OTHER EXPENSES		120,000.00
01- 2019- 7440- 7900- 2	CAPITAL IMPROVEMENT	OTHER EXPENSES		620,000.00
		<b>TOTAL</b>	<b>1,080,000.00</b>	<b>1,080,000.00</b>

**RESOLUTION #19-458**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the “Municipal Clerk” pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Piscataway, that the Township Council hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### RESOLUTION #19-459

**WHEREAS**, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality; and

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with the provisions of N.J.S. 40A:4-85, the Township Council of the Township of Piscataway, in the County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year CY 2019:

That the appropriation provided for in the approved budget entitled: Operations Excluded from CAPS:

State and Federal Programs, Matching Funds for Grant be reduced by the sum of \$44,620.00 and an appropriation in the like amount of \$44,620.00 be added to the budget entitled: Operations Excluded from CAPS:

State and Federal Programs, Municipal Alliance Grant FY2020 – Match

**BE IT FURTHER RESOLVED** that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Piscataway for the reasons hereinafter set forth:

The Township provided for the possibility of receiving an added grant after adoption of the CY 2019 budget by providing a line item "Matching Funds for Grant." The amount of grant and the related match requirement now becoming known after passage of the budget. In order to accept the Municipal Alliance Grant, legal provision for the required match must be made. The above correction will provide for the said legal provision.

**BE IT FURTHER RESOLVED** that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

RESOLUTION #19-460

**WHEREAS**, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality; and

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with the provisions of N.J.S. 40A:4-85, the Township Council of the Township of Piscataway, in the County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year CY 2019:

That the appropriation provided for in the approved budget entitled: Operations Excluded from CAPS:

State and Federal Programs, Matching Funds for Grant be reduced by the sum of \$175,000.00 and an appropriation in the like amount of \$175,000.00 be added to the budget entitled: Operations Excluded from CAPS:

State and Federal Programs, New Jersey Historic Trust Preservation Metlar House (Knapp House/Bodine House) – Match

**BE IT FURTHER RESOLVED** that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Piscataway for the reasons hereinafter set forth:

The Township provided for the possibility of receiving an added grant after adoption of the CY 2019 budget by providing a line item “Matching Funds for Grant.” The amount of grant and the related match requirement now becoming known after passage of the budget. In order to accept the Municipal Alliance Grant, legal provision for the required match must be made. The above correction will provide for the said legal provision.

**BE IT FURTHER RESOLVED** that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

RESOLUTION #19-461

**WHEREAS**, the following party overpaid taxes and is requesting 1/2 application and 1/2 refund of this amount as listed below.

BLOCK	LOT	QUAL	NAME	YEAR	AMOUNT	REASON
4601	2.01		100 New England Assoc LLC	2016	23963.32	TAX COURT JUDGMENT
4601	2.01		100 New England Ave 100 New England Assoc LLC	2019	28706.60	TAX COURT JUDGMENT

**THEREFORE, BE IT RESOLVED** that the Treasurer is hereby authorized to refund the overpayment of taxes to the record owner and the Collector is hereby authorized to adjust the records accordingly.

RESOLUTION #19-462

**WHEREAS**, on September 19, 2019 and October 10, 2019, the Township of Piscataway (the “Township”) received bids for the Snowplowing Services Project – Year One with a Second Year Option; and

**WHEREAS**, no qualifying bids were received on either occasion and, pursuant to N.J.S.A. 40A:11-5(3), the Township was authorized to negotiate a contract for the Snowplowing Services Project; and

**WHEREAS**, the Township Director of Public Works has negotiated for the Snowplowing Services Project – Year One with a Second Year Option and recommends awarding a contract to Landtek Construction, LLC, Piscataway, NJ, in the amount not to exceed \$140,000.00 for the period from November 7, 2019 through April 30, 2020; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to award a contract for the Snowplowing Services Project – Year One with a

Second Year Option to Landtek Construction, Piscataway, NJ, in the amount not to exceed \$140,000.00 for the period from November 7, 2019 through April 30, 2020.

RESOLUTION #19-463

**WHEREAS**, FGC Turner, LLC, East Brunswick, NJ, requests the return of a Tree Removal Permit Bond in the amount of \$200,000.00, posted by Frank A. Greek & Son, Inc. on December 17, 2015 with the Township of Piscataway for improvements for Block 4901, Lot 1.02 (1 Turner Place); and

**WHEREAS**, pursuant to a Request for Release of Funds dated October 9, 2019 and a Memorandum from the Township Supervisor of Engineering dated October 24, 2019, copies of which are attached hereto and made a part hereof, the Supervisor of Engineering advised that the necessary improvements required and covered have been satisfactorily installed, and therefore recommended the return of said Tree Removal Permit Bond to Frank A. Greek & Son, Inc.; and

**WHEREAS**, FGC Turner, LLC, East Brunswick, NJ, requests the return of a Cash Bond in the amount of \$1,000.00, posted by Greek Development on June 19, 2018 with the Township of Piscataway for improvements for Block 4901, Lot 1.02 (1 Turner Place); and

**WHEREAS**, pursuant to a Request for Release of Funds dated October 9, 2019 and a Memorandum from the Township Supervisor of Engineering dated October 24, 2019, copies of which are attached hereto and made a part hereof, the Supervisor of Engineering advised that the necessary improvements required and covered have been satisfactorily installed, and therefore recommended the return of said Cash Bond to Greek Development; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return said Tree Removal Permit Bond in the amount of \$201,730.40 (including accrued interest) to Frank A. Greek & Son, Inc., regarding Block 4901, Lot 1.02 (1 Turner Place); and

**BE IT FURTHER RESOLVED** by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to return said Cash Bond in the amount of \$1,000.00 to Greek Development, regarding Block 4901, Lot 1.02 (1 Turner Place).

RESOLUTION #19-464

**WHEREAS**, the Township of Piscataway (the "Township") wishes to enter into an agreement with Middlesex County (the "County"), for a period of five (5) years from January 1, 2020 through December 31, 2024, in regard to the CFC Recovery Reimbursement Program (the "Agreement"); and

**WHEREAS**, the County and Township are authorized to enter into this Agreement pursuant to N.J.S.A. 40A:11-5(2); and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the Township Council formally approves the Agreement; and

**BE IT FURTHER RESOLVED** that the appropriate municipal officials and Clerk are hereby authorized to sign the Agreement on behalf of the Township of Piscataway and that their signature constitutes acceptance of the terms and conditions of the Agreement and approves the execution of the Agreement.

RESOLUTION #19-465

**WHEREAS**, KM Construction Corp., Irvington, NJ ("KM") was previously awarded a contract for the School Street Road Improvements – Phase II Project (the "Project"), in the amount not to exceed \$2,288,740.89; and

**WHEREAS**, previous change orders resulted in an increase of the contract for the Project from \$2,288,740.89 to \$2,366,255.46, an increase of \$77,514.57, or 3.4% of the total contract amount; and

**WHEREAS**, certain filed adjustments and minor quantities changes to the Project resulted in a decrease in the total cost of the Project from \$2,366,255.46 to \$2,363,876.00, a decrease in the amount of \$2,379.46, or 0.1% of the total contract amount; and

**WHEREAS**, pursuant to a memorandum dated October 28, 2019 from the Township Supervisor of Engineering, a copy of which is attached hereto and made a

part hereof, all the work has been completed on said Project and said Supervisor of Engineering recommends that the retainage, in the amount of \$47,277.52, be released to KM, upon KM posting a one (1) maintenance bond in the amount of \$236,387.60; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to approve the above referenced change order in the amount of \$2,379.46, amending the contact from \$2,366,255.46 to \$2,363,876.00; and

**BE IT FURTHER RESOLVED** that the appropriate municipal officials be and are hereby authorized to accept the Project and return retainage funds in regard to the School Street Road Improvements – Phase II Project to KM Construction Corp., Irvington, NJ, in the amount of \$47,277.52, upon KM posting a one (1) year maintenance bond in the amount of \$236,387.60.

RESOLUTION #19-466

**WHEREAS**, the Township of Piscataway in the County of Middlesex, New Jersey (the "Township") and Piscataway Building III Urban Renewal LLC, a New Jersey limited liability company (the "Entity") entered in to a Redevelopment Agreement dated as of January 8, 2019 (the "Redevelopment Agreement") and a Financial Agreement dated January 8, 2019 (the "Financial Agreement") in connection with the redevelopment of certain property known and designated on the Tax Map of the Township as Block 3502, Lot 6.08 (the "Property"); and

**WHEREAS**, pursuant to the Redevelopment Agreement, the Entity has entered into a Special Assessment Agreement dated January 8, 2019 (the "Assessment Agreement") in accordance with the terms of the Redevelopment Agreement; and

**WHEREAS**, Section 9.01 of the Financial Agreement provides that the Township will consent to the transfer of the benefits and obligations set forth in the Financial Agreement from the Entity to another qualified urban renewal entity (the "Assignee Entity") upon the satisfaction of the following conditions: (a) the Assignee Entity does not own any other Project subject to long term tax exemption at the time of transfer; (b) the Assignee Entity is formed and eligible to operate under the Long Term Tax Exemption Law of 1992, as amended and supplemented, *N.J.S.A. 40A:20-1, et seq.* (the "Long Term Tax Exemption Law"); (c) the Entity is not then in default of the Financial Agreement or in violation of applicable law; (d) the Entity's obligations under the Financial Agreement are fully assumed by the Assignee Entity in a duly executed written instrument or document satisfactory to Township; (e) the Assignee Entity abides by all terms and conditions of the Financial Agreement including, without limitation, the filing of an application pursuant to *N.J.S.A. 40A:20-8*; and

**WHEREAS**, the Entity has notified the Township of its intent to transfer the Property to RAR2 – 200 Ridge Road Urban Renewal LLC, a New Jersey limited liability company (the "Assignee"), has made application to the Township in accordance with Section 9.01 of the Financial Agreement, and has provided a draft assignment and assumption agreement (the "Assignment and Assumption Agreement"), a copy of which is attached hereto as Exhibit A and has requested that the Township consent to such transfer of the benefits and obligations of the Financial Agreement and the Assessment Agreement to the Assignee and to execute the Assignment and Assumption Agreement to confirm such consent; and

**WHEREAS**, the Township and its advisors have reviewed the Assignment and Assumption Agreement and have concluded that upon the execution of the same, and provided that a Certificate of Completion has been issued for the Project (as such terms are defined in the Redevelopment Agreement), all conditions to transfer set forth in the Financial Agreement will have been satisfied; and

**WHEREAS**, the Township desires to evidence its consent to the proposed transfer of the benefits and obligations set forth in the Financial Agreement and the Assessment Agreement from the Entity to the Assignee.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Piscataway (the "Council") that:

(1) Subject to the issuance of a Certificate of Completion for the Project (as defined in the Redevelopment Agreement), the Council hereby consents to the proposed transfer of the Financial Agreement and the Assessment Agreement, and the benefits and obligations set forth therein, from the Entity to the Assignee, pursuant to the terms of the Assignment and Assumption Agreement.

(2) The Council hereby authorizes and directs the Mayor of the Township of Piscataway to execute any document or writing or to make such representations, on behalf of the municipality, which may be necessary to further evidence or acknowledge the Township's consent.

(3) The Financial Agreement and the Assessment Agreement remain in full force and effect and this consent shall have no impact on the validity or enforceability of either the Financial Agreement or the Assessment Agreement.

(4) This resolution shall take effect immediately.

RESOLUTION #19-467

**WHEREAS**, RG- Piscataway Urban Renewal LLC ("Master Redeveloper") was created as an Urban Renewal Entity to take title to certain land previously identified as Block 3502, Lots 1.05 and 6.05 (the "Master Project Land"); and

**WHEREAS**, the Township of Piscataway in the County of Middlesex, New Jersey (the "Township") and Master Redeveloper's predecessor in title, RCS-LEG Piscataway Urban Renewal, LLC ("RSC-LEG") entered into that certain Redevelopment Agreement, dated January 22, 2016 as amended by Amendment No. 1 to Redevelopment Agreement dated as of May 30, 2017 (collectively, the "Master Redevelopment Agreement") for the redevelopment of the Master Project Land; and

**WHEREAS**, the Master Project Land has been subsequently subdivided into five separate parcels, presently identified as Block 3502, Lots 1.06, 1.07, 6.06, 6.07 and 6.08 ("the "Individual Lots"); and

**WHEREAS**, Pursuant to Section 2.8 of the Master Redevelopment Agreement Master Redeveloper has transferred each of the five Individual Lots within the Project (as defined in the Master Redevelopment Agreement) to five separate urban renewal entities for the development of those Individual Lots, and the Township and each such urban renewal entity have entered into separate Redevelopment Agreements exclusively related to the respective Individual Lot and the development thereon; and

**WHEREAS**, the Township has requested the extension of the date by which the Baekeland Avenue Improvements (as defined in the Master Redevelopment Agreement) shall be commenced by the Township, and Master Redeveloper is willing to agree to such extension; and

**WHEREAS**, Master Redeveloper and the Township wish to further amend the Master Redevelopment Agreement to memorialize the extension of the date by which the Township is required to commence the Baekeland Avenue Improvements to May 1, 2021, in accordance with the draft Amendment No. 2 to the Master Redevelopment Agreement (the "2nd Amendment"), a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, the Township and its advisors have reviewed and have approved the form of 2nd Amendment; and

**WHEREAS**, the Township desires to enter into the 2nd Amendment and between the Township and the Master Redeveloper for the purpose of memorializing the extension of the date by which the Township is required to commence the Baekeland Avenue Improvements to May 1, 2021.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Piscataway (the "Council") that:

(1) The Council hereby consents to the amendment of the Master Development Agreement and the execution of the 2nd Amendment in substantially the form attached as Exhibit A, for the purpose of extending of the date by which the Township is required to commence the Baekeland Avenue Improvements to May 1, 2021.

(2) The Council hereby authorizes and directs the Mayor of the Township of Piscataway to execute the 2nd Amendment, and any other document or writing or to make such representations, on behalf of the municipality, which may be reasonably necessary to further evidence or acknowledge the Township's agreement to the 2nd Amendment.

(3) This resolution shall take effect immediately.

RESOLUTION #19-468

**WHEREAS**, DUKE REALTY NEW BRUNSWICK DEVELOPMENT, LLC (the "Developer") is the current owner of the property commonly known as 150 Old New Brunswick Road, and designated as Lot 1.02 in Block 4501 on the Tax Map of the Township of Piscataway (the "Property"); and

**WHEREAS**, Developer seeks to develop the Property with a warehouse use and ancillary offices; and

**WHEREAS**, the Property has previously been determined to constitute an area in need of redevelopment; and

**WHEREAS**, the Township is in the process of considering an amendment to the previously Redevelopment Plan for the Property; and

**WHEREAS**, in connection with the redevelopment of the Property, the Developer and the Township have engaged in negotiations for an Interim Developer's Agreement, a copy of which is attached hereto as Exhibit "A"; and

**WHEREAS**, the Township Council of the Township of Piscataway has reviewed the proposed Interim Developer's Agreement and finds same to be in the best interest of the Township and its citizens;

**NOW, THEREFORE**, be it resolved by the Township Council of the Township of Piscataway that the Interim Developer's Agreement is found to be reasonable and appropriate in connection with the redevelopment of the Property; and

**BE IT FURTHER RESOLVED**, that the Interim Developer's Agreement is hereby approved, and the Mayor and Municipal Clerk are hereby authorized to execute same in substantially similar form to the copy attached hereto as Exhibit "A".

#### RESOLUTION #19-469

**WHEREAS**, the Township of Piscataway has determined to move forward with the EMEX Reverse Auction in order to procure electricity for the Township of Piscataway Streetlighting; and

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

**WHEREAS**, the Township of Piscataway utilized the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at [www.energymarketexchange.com](http://www.energymarketexchange.com); and

**WHEREAS**, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

**WHEREAS**, the auction will be conducted pursuant to the Act; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Piscataway, that the appropriate municipal officials be and are hereby authorized to authorized to execute, on behalf of the Township of Piscataway, a twenty-four (24) month electricity contract commencing on December 1, 2019 for Township of Piscataway streetlighting with MP2 Energy, who was the winning in the EMEX Reverse Auction.

#### ANNOUNCEMENTS & COMMENTS FROM OFFICIALS:

Mrs. Cahill spoke on Veteran's Day

#### OPEN TO PUBLIC:

Ms. Washington, Rutgers student, asking if there will be an effect on tax rate for next year. Mayor Wahler stated no.

Larry Cohen, Fanwood resident, spoke on pet store ordinance and ending puppy mills.

Allen Howard, 113 Fountain Ave, 63% voted for referendum on renewable energy, expectation that council will take the lead.

Anne Bastian, 113 Fountain Ave, spoke on renewable energy referendum. She also requests that Council convene Environmental Commission

Cora Epps, 11 Water St, thanked mayor for sending DPW to clean out ditch, but now has a problem with a different ditch.

Staci Berger, 233 Ellis Parkway, asking about community center and contract with YMCA and incentives. Looking to see if a goal can be set for percent of Piscataway residents to be hired. Wants to know fee. Mr. Dacey says it's to be discussed. Ms. Berger asked about spray park and who can go. As of right now it's only for members of community center. Separate membership is being considered. Asked about capital improvements. Mayor states it's for roadways. Mr. Dacey explained more in debt.

Curtis Grubbs, 1750 W 3<sup>rd</sup>, commended DPW for cutting grass and cleaning sidewalks on South Second. Asked about street repairs and who makes decisions on when to fix, Mayor answered.

Gustav, 58 Curtis Ave, spoke on concerns he has on summonses issued to his property.

There being no further business to come before the council, the meeting was adjourned at 8:07 pm on motion of Mrs. Lombardi, seconded by Mr. Bullard, carried unanimously.

Respectfully submitted,

Melissa A. Seader, Township Clerk

Accepted:

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Frank Uhrin  
Council President