

December 3, 2019

A Regular Meeting of the Piscataway Township Council was held on December 3, 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 for SECOND READING the following ORDINANCE APPROVING A REDEVELOPMENT PLAN FOR BLOCK 4701, LOT 5.05, COMMONLY KNOWN AS 330 SOUTH RANDOLPHVILLE ROAD

**WHEREAS**, the Township Council of the Township of Piscataway has previously determined that the property known and designated on the Tax Map of the Township of Piscataway as Block 4701, Lot 5.05 (the "Property") is an area in need of redevelopment, in accordance with the criteria set forth N.J.S.A. 40A:12A-5; and

**WHEREAS**, a redevelopment project can only proceed if a redevelopment plan is adopted by ordinance of the Municipal governing bodies; and

**WHEREAS**, prior to the adoption of a redevelopment plan, the governing body must first refer the matter to the municipal Planning Board for its consideration of a redevelopment plan and the issuance of a report containing its recommendation concerning the redevelopment plan; and

**WHEREAS**, the Township Council of the Township of Piscataway has previously authorized the Piscataway Township Planning Board to consider a redevelopment plan for the Property; and

**WHEREAS**, a public hearing for the purpose of reviewing the proposed redevelopment plan was conducted on November 13, 2019 at 7:30 p.m. in the meeting room of the Public Works building at 505 Sydney Road, Piscataway, New Jersey; and

**WHEREAS**, at said meeting the Township of Piscataway Planning Board considered a proposed redevelopment plan prepared by CME Associates, dated November 1, 2019; and

**WHEREAS**, at said meeting the Township of Piscataway Planning Board determined that the proposed land use plan, including permitted principal and accessory uses, and the area, yard and bulk requirements and design standards proposed were all reasonable and appropriate and would further the goals and objectives of the redevelopment plan, and further, that the proposed redevelopment plan is consistent with the Master Plan of the Township of Piscataway, the Middlesex County Master Plan, and the New Jersey State Development and Redevelopment Plan, and adopted a written resolution memorializing those determinations; and

**WHEREAS**, the Township Council has reviewed the aforesaid Resolution adopted by the Piscataway Township Planning Board, as well as the proposed redevelopment plan prepared by CME Associates, and has carefully considered the appropriateness of the redevelopment plan.

**NOW, THEREFORE**, be it ordained by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that the proposed redevelopment plan for the property and designated on the Township of Piscataway Tax Map as Block 4701, Lot 5.05 is hereby approved; without revision; and

**AND BE IT FURTHER ORDAINED**, that the Township Council hereby determines that the redevelopment plan is consistent with the goals and objectives of

the Township's Master Plan, the Middlesex County Master Plan, and the New Jersey State Development and Redevelopment Plan.

**AND BE IT FURTHER ORDAINED**, that the redevelopment plan is a non-condemnation redevelopment plan.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Ordinance of the Township, the provision hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

Mr. Uhrin opened the Meeting to the Public for Comments: **ORDINANCE APPROVING A REDEVELOPMENT PLAN FOR BLOCK 4701, LOT 5.05, COMMONLY KNOWN AS 330 SOUTH RANDOLPHVILLE ROAD**

**RESOLUTION** offered by Mr. Bullard, seconded by Mrs. Lombardi, **BE IT RESOLVED**, By the Township Council of Piscataway Township, New Jersey that: **ORDINANCE APPROVING A REDEVELOPMENT PLAN FOR BLOCK 4701, LOT 5.05, COMMONLY KNOWN AS 330 SOUTH RANDOLPHVILLE ROAD** was introduced on the 19th day of November, 2019 and had passed the first reading and was published on the 21st day of November, 2019.

**NOW, THEREFORE, BE IT RESOLVED**, that the aforesaid Ordinance, having had a second reading on December 3, 2019, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

**BE IT FURTHER RESOLVED** that this Ordinance shall be assigned No. 19-34.

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

The Clerk read for **SECOND READING** the following **ORDINANCE: AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF QUIBBLE ROAD IN THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY**

**WHEREAS**, N.J.S.A. 40:67-1 et seq authorizes a municipality to vacate the public interest in any public street, highway, land or alley, or any part thereof; and

**WHEREAS**, N.J.S.A. 40:67-19 states that where there has been a dedication of lands as a public street or highway or public place and the same has not been accepted or opened by the municipality, and where it shall appear to the governing body that the public interest will be better served by releasing those lands, the governing body may, by ordinance release and extinguish the public right arising from the dedication; and

**WHEREAS**, Quibble Road is a fifty (50) foot wide unimproved road bounded by property owned by the Township of Piscataway on its northerly side and property owned by the New Market Volunteer Fire Co. #1 on the southerly side; and

**WHEREAS**, the portion to be vacated is located approximately 318 feet from the intersection of Quibble Road with Washington Avenue and shall contain 2,450 square feet and more particularly described on Schedules "A-1" and "A-2";

**WHEREAS**, the Township has not developed and does not intend to develop or open the Quibble Road paper street; and

**WHEREAS**, the Township Council does hereby determine that the aforementioned portion of Quibble Road as set forth in the description attached hereto as Schedule "A" is no longer needed for public purposes;

**BE IT THEREFORE ORDAINED** by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that the rights of the public and the Township of Piscataway in and to that portion of Quibble Road as described on the attached Schedules "A-1" and "A-2" are hereby released and extinguished.

**BE IT FURTHER ORDAINED** that at least one (1) week prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time and the place when and where the

Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

**AND BE IT FURTHER ORDAINED** that the Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance, certified by the Clerk under the seal of the Township, to be a true copy thereof, together with proof of publication thereof, in the Office of the Clerk of the County of Middlesex, in accordance with the provisions of N.J.S.A. 40:67-21.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Ordinance of the Township, the provision hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

Mr. Uhrin opened the Meeting to the Public for Comments: **ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF QUIBBLE ROAD IN THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY.**

**RESOLUTION** offered by Mrs. Cahill, seconded by Mr. Shah, **BE IT RESOLVED**, By the Township Council of Piscataway Township, New Jersey that: **AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF QUIBBLE ROAD IN THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY** was introduced on the 19<sup>th</sup> day of November, 2019 and had passed the first reading and was published on the 22<sup>nd</sup> day of November, 2019.

**NOW, THEREFORE, BE IT RESOLVED**, that the aforesaid Ordinance, having had a second reading on December 3, 2019, be adopted, passed, and after passage, be published, together with a notice of the date of passage or approval, in the official newspaper.

**BE IT FURTHER RESOLVED** that this Ordinance shall be assigned No. 19-35.

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

#### **RESOLUTION #19-499**

**RESOLUTION** offered by Mrs. Lombardi, seconded by Mrs. Cahill, **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 December 3, 2019 Regular Meeting appear to have the unanimous approval of all members of the Township Council:

- a. **RESOLUTION** – Authorizing Purchase of Low Sulfur Diesel Fuel Through Somerset County Cooperative Purchasing Contract # CC-0036-19 – National Fuel, Inc. - Year 2019 – Not to Exceed \$15,000.00 and Year 2020 Not to Exceed \$150,000.00.
- b. **RESOLUTION** – Authorizing Refund of Overpayment of Taxes - Block 1015, Lot 1.01 – 16 Jackson Street and Block 7306, Lot 3 – 27 Seymour Terrace.
- c. **RESOLUTION** – Authorizing Refund of COAH Fees - Block 510, Lot 30.02 – 1422 Greenwood Drive.
- d. **RESOLUTION** – Authorizing Return of Driveway Bond:
  - Stephanie Muni – Block 1218, Lot 2, - 458 William Street.
- e. **RESOLUTION** – Authorizing Return of Cash Bond:

- Landtek Construction, LLC – Block 1216, Lot 35.01 – 51 Sherman Avenue.
- f. RESOLUTION – Authorizing Return of Engineering and Inspection Fees:
  - EJ Foley, Inc. – Block 4001, Lot 3.01 – 855 Centennial Avenue – 14-ZB-01V
  - EJ Foley, Inc. Block 4001, Lot 3.01 – 855 Centennial Avenue – 14-ZB-02V
- g. RESOLUTION – Authorizing Settlement Agreement – Portledge Realty LLC c/o Progressive.

**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 December 3, 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 #19-500**

**WHEREAS**, the Township of Piscataway is in need of Low Sulphur Diesel Supply for the remainder of 2019 and calendar year 2020; and

**WHEREAS**, the Township of Piscataway Director of the Department of Public Works recommends awarding an Open-End contract for the purchase of Low Sulphur Diesel on an as-needed basis under the Somerset County Cooperative Purchasing Contract # CC-0036-19 to National Fuel, Inc., Newark, NJ, at the unit price specified in the above referenced contract, in the amounts not to exceed \$15,000.00 from December 10, 2019 to December 31, 2019 and \$150,000.00 from January 1, 2020 to December 31, 2020; and

**WHEREAS**, pursuant to requirements of N.J.A.C. 5:30-5.1 et seq., any Open-Ended contract shall be subject to the availability and appropriation of sufficient funds annually; and

**WHEREAS**, funds are available pursuant to certification # R-2019-0130;

**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 an Open-End contract for as-needed purchase of Low Sulphur Diesel from National Fuel, Inc., Newark, NJ, through the Somerset County Cooperative Purchasing Contract # CC-0036-19, in the amounts not to exceed \$15,000.00 from December 10, 2019 to December 31, 2019 and \$150,000.00 from January 1, 2020 to December 31, 2020.

**RESOLUTION #19-501**

**WHEREAS**, the following party overpaid taxes and is requesting a refund of this amount as listed below.

BLOCK	LOT	QUAL	NAME	YEAR	AMOUNT	REASON
1015	1.01		Mouzone Williams 16 Jackson St	2019	674.13	Paid by H/O & bank
7306	3		Wayne Hepburn 27 Seymour Terr	2019	250.00	New Veteran's Deduction

**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 #19-502**

**WHEREAS**, Tommasso Grasso constructed a new single family home on Block 510, Lot 30.02 (1422 Greenwood Drive); and

**WHEREAS**, Tommasso Grasso paid a COAH Fee, in the amount of \$2,900.00, from which the new home should have been exempt; and

**WHEREAS**, the Township Tax Assessor has reviewed the documentation and recommends return of the COAH Fee in the amount of \$2,900.00 to Tommasso Grasso; 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 refund a COAH Fee, in the amount of \$2,900.00, to Tommasso Grasso.

RESOLUTION #19-503

**WHEREAS**, Stephanie Muni, Piscataway, NJ requests the return of a Driveway Bond in the amount of \$1,000.00, posted on June 6, 2018, with the Township of Piscataway for improvements for Block 1218, Lot 2 (458 Williams Street); and

**WHEREAS**, pursuant to a Request for Release of Funds dated November 13, 2019 and a Memorandum from the Township Supervisor of Engineering dated November 19, 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 Driveway Bond to Stephanie Muni; 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 Driveway Bond in the amount of \$1,000.00 to Stephanie Muni, regarding Block 1218, Lot 2 (458 Williams Street).

RESOLUTION #19-504

**WHEREAS**, Landtek Construction LLC, Piscataway, NJ requests the release of a Cash Bond in the original amount of \$7,759.20, which was posted with the Township of Piscataway on December 11, 2018, regarding Block 1216, Lot 35.01 (51 Sherman Avenue); and

**WHEREAS**, pursuant to a Request for Release of Funds dated October 31, 2019 and a letter from the Township Supervisor of Engineering dated November 18, 2019, copies of which are attached hereto and made a part hereof, the said Supervisor of Engineering advised that all improvements required and covered have been satisfactorily installed, that no maintenance bond is required, and recommends the release of the Cash Bond; and

**NOW, THEREFORE, BE IT RESOLVED** that the appropriate municipal officials be and are hereby authorized to release a Cash Bond in the amount of \$7,787.66 (including accrued interest), to Landtek Construction LLC, Piscataway, NJ, regarding Block 1216, Lot 35.01 (51 Sherman Avenue).

RESOLUTION #19-505

**WHEREAS**, Foley Incorporated, Piscataway, NJ has completed their project on Block 4001 (F/Blk 454.2), Lot 3.01 (855 Centennial Avenue) regarding Zoning Board Application #14-ZB-02V; and

**WHEREAS**, pursuant to Requests for Release of Funds dated October 4, 2019 and a Memorandum from the Township Supervisor of Engineering dated November 18, 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 \$500.00 be returned to Foley Incorporated; and

**WHEREAS**, Foley Incorporated, Piscataway, NJ has completed their project on Block 4001 (F/Blk 454.2), Lot 4 (855 Centennial Avenue) regarding Zoning Board Applications #14-ZB-01V; and

**WHEREAS**, pursuant to Requests for Release of Funds dated October 4, 2019 and a Memorandum from the Township Supervisor of Engineering dated November 18, 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 \$500.00 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 \$500.00, regarding Zoning Board Application #14-ZB-02V; and

**BE IT FURTHER RESOLVED** 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 \$500.00, regarding Zoning Board Application #14-ZB-01V.

RESOLUTION #19-506

**WHEREAS**, the Township of Piscataway and Portledge Realty, LLC (the “Parties”) are parties to New Jersey tax litigation with Docket Nos. 008261-2013, 009968-2014, and 005731-2015 (all settled on February 9, 2018); and

**WHEREAS**, Portledge Realty, LLC filed a Motion to Enforce Litigant’s Rights on May 23, 2019, in regard to the above docket numbers, that is currently pending before the tax court; and

**WHEREAS**, the Parties have resolved all outstanding issues related to the aforementioned motion and have reached a Settlement Agreement to dispose of this matter, a copy of which is attached hereto; and

**WHEREAS**, pursuant to said Settlement Agreement, the Township of Piscataway has agreed to make a payment of \$17,000.00 to fully satisfy the amount owed to Portledge Realty, LLC and, upon full payment of same, Portledge Realty, LLC has agreed to withdraw the pending Motion to Enforce Litigant’s Rights; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Piscataway, that the Mayor and the Township Attorney are hereby authorized to execute the above referenced Settlement Agreement with Portledge Realty, LLC.

ANNOUNCEMENTS & COMMENTS FROM OFFICIALS:

Mrs. Lombardi reminded everyone Santa is arriving at 7pm on Friday.

OPEN TO PUBLIC:

none

There being no further business to come before the council, the meeting was adjourned at 7:34 pm on motion of Mrs. Cahill, seconded by Mr. Shah, carried unanimously.

Respectfully submitted,

Melissa A. Seader, Township Clerk

Accepted:

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Frank Uhrin  
Council President