

July 12, 2022

A Regular Meeting of the Piscataway Township Council was held on July 12, 2022 at the Piscataway Municipal Building, 455 Hoes Lane, Piscataway, New Jersey. The meeting was called to order by Council President, Michele Lombardi, at 7:30 pm.

Council President Lombardi 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, login, or dial in information, 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, Municipal Website, 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.

The Township continues to use a remote meeting format in an effort to mitigate the chance of exposure to COVID-19, as a part of the Township's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers.

In order to make sure a clear record of the meeting can be made and that all parties are heard in an organized fashion, all members of the public will be muted during the meeting. If a member of the public wishes to speak during any public comment portion, please raise your hand. This can be done either through the zoom app or by pressing *9 (star nine) on your phone. When it is your turn to speak, you will receive a prompt or request to unmute, please click on the prompt or press *6 (star 6) on your phone to unmute.

Upon being unmuted, you should begin to ask any and all questions you may have. You will have three minutes to speak, at the conclusion of which you will be muted again, and the council or administration will respond as necessary.

Should you have any further comments or questions, the Township Council is always available by email and phone, and you can always call the Mayor's office during normal operating hours. Each member of the public shall only have one opportunity to speak during each public portion. As the technology does not allow us to know if there are multiple callers on an individual phone line or logged in user account, we ask that if you wish to speak, that you login in or dial in separately so that we can recognize you as a separate individual.

Individuals may also submit written comments to the Township Clerk up to forty-eight (48) hours prior to the meeting, to be read by the Township Clerk during the Public Comment Portion of the meeting. Said comments shall be limited to three minutes of reading.

Thank you in advance for your patience as we continue to move the Township forward during this Health Emergency.

On roll call, there were present: Messrs. Cahill, Rouse, Shah, Uhrin, & Lombardi.

Ms. Lombardi led the salute to the flag.

There were no comments from Administration and Council on the Adjournment of any Agenda items.

Ms. Lombardi opened the meeting to the Public for comments regarding the Consent Agenda Items. There being no further comments, this portion of the meeting was closed to the public.

The Clerk read for SECOND READING the following ORDINANCE:
ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 9903, LOT 4.09 (16 DAVIDSON ROAD) OR BLOCK 9903, LOT 4.11 (12 DAVIDSON ROAD) IN THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY FOR PUBLIC PURPOSE PURSUANT TO N.J.S.A. 20:3-1, ET SEQ.

WHEREAS, the Township of Piscataway (the "Township") wishes to acquire certain property owned by the New Jersey Department of Transportation along Davidson Road for public purpose; and

WHEREAS, one (1) of the two (2) properties known as Block 9903, Lot 4.09 (16 Davidson Road) or Block 9903, Lot 4.11 (12 Davidson Road) (the "Properties") on the Tax Map of the Township of Piscataway is desired by the Township to be used for public purpose as it pertains to the placement of a radio tower; and

WHEREAS, the Township wishes to exercise its rights pursuant to N.J.S.A. 20:3-1 et seq.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey as follows:

- A. The Township is authorized to engage in good faith negotiations with the owner of the Properties.
- B. The Township is authorized to commence eminent domain and/or condemnation proceedings to acquire one (1) of the two (2) Properties using the processes approved in N.J.S.A. 20:3-1 et seq.
- C. The Mayor of the Township is duly authorized to execute any and all documents and affidavits related to the legal proceedings involved in acquiring one (1) of the two (2) Properties.
- D. The Township Attorney, Assistant Township Attorney or special counsel and such other appropriate officials as necessary be and are hereby authorized to acquire said land interests in one (1) of the two (2) Properties, either by negotiation or by instituting action by exercising the Township's right of eminent domain (condemnation).
- E. The Township Attorney, Assistant Township Attorney and other appropriate officials be and are hereby authorized to hire and employ such appraisers, consultants and experts as may be appropriate to effectuate said acquisition, whether by negotiation or eminent domain proceedings, and to pay said consultants and experts a reasonable fee for their services.
- F. The Township Council of the Township of Piscataway authorizes the filing of a Declaration of Taking in relation to acquiring one (1) of the two (2) Properties as required under the applicable statute; and

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 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 provisions hereby 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.

Ms. Lombardi opened the Meeting to the Public for Comments. There being no further comments, the public portion was closed.

RESOLUTION offered by Mr. Uhrin seconded by Mr. Shah, BE IT RESOLVED, by the Township Council of Piscataway Township, New Jersey, that AN ORDINANCE ENTITLED: ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 9903, LOT 4.09 (16 DAVIDSON ROAD) OR BLOCK 9903, LOT 4.11 (12 DAVIDSON ROAD) IN THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY FOR PUBLIC PURPOSE PURSUANT TO N.J.S.A. 20:3-1, ET SEQ. was introduced on the 28th day of June, 2022 and had passed the first reading and was published on the 1st day of July, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Ordinance, having had a second reading on July 12, 2022, 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. 2022-16.

On roll call vote: Messrs. Cahill, Rouse, Shah, Uhrin, & Lombardi answered yes.

RESOLUTION #22-228

RESOLUTION offered by Ms. Cahill, seconded by Mr. Rouse:

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 July 12, 2022 Regular Meeting appear to have the unanimous approval of all members of the Township Council:

- a. RESOLUTION – Authorizing Acceptance of Project and Release of Retainage – New Market Lake Park Area Improvements, Phase IV – Landtek Construction LLC.
- b. RESOLUTION – Authorizing Award of Contract – Second Avenue Improvements Phase III – Jads Construction Co. – Not to Exceed \$944,451.70.
- c. RESOLUTION – Authorizing Award of Bid – Re-Bid Snow Shoveling Services Year 2 – VIP Special Service, LLC – Not to Exceed \$70,000.00.
- d. RESOLUTION – Authorizing Award of Bid – Re-Bid Snow Plowing Services – Year 2 – Frank Galbraith & Son Excavating & Demolition – Not to Exceed \$150,000.00.
- e. RESOLUTION – Authorizing Refund of Picnic Fees:
 - Darryl Henry - \$225.00.
 - Mitzi Jimenez-Hernandez - \$225.00.
- f. RESOLUTION – Authorizing Award of Contract Through Hunterdon County Educational Services Commission for Gasoline Supply 87 Octane – National Fuel Oil, Inc. – Not to Exceed \$150,000.00.
- g. RESOLUTION – Authorizing Award of Contract Through State Contract for Tree and Stump Removal – Rich Tree Service, Inc. – Not to Exceed \$125,000.00.
- h. RESOLUTION – Authorizing Submission of Grant Application and Execution of Grant Contract with New Jersey DOT for Ethel Road W Roadway Improvements.
- i. RESOLUTION – Authorizing Return of Escrow – Block 6903, Lot 7 – 615 Plainfield Avenue.
- j. RESOLUTION - Authorizing Municipal Lien for Abatement of Public Nuisance – Various Blocks and Lots.
- k. RESOLUTION – Authorizing Amending Resolution #22-207 to Separate Liquor License Renewals for the 2021-2022 and 2022-2023 License Terms.
- l. MOTION – Accept the Report of the Clerk’s Account – June 2022.

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 July 12, 2022 Regular meeting and adopted by separate vote.

On roll call vote: Messrs. Cahill, Rouse, Shah, Uhrin, & Lombardi answered yes.

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

RESOLUTION #22-229

WHEREAS, Landtek Construction LLC dba United Terrain Group, Morganville, NJ (“Landtek”) was previously awarded a contract for the New Market Lake Park Area Improvements – Phase IV Project (the "Project"), in the original amount of \$660,023.00; and

WHEREAS, there was a previous change order to the Project that resulted in an increase in the total cost of the Project from \$660,023.00 to \$697,813.00, an increase in the amount of \$37,790.00, or 5.7% of the total contract amount; and

WHEREAS, N.J.A.C. 5:30-11.3 authorizes a municipality to approve change orders up to twenty (20) percent of the originally awarded contract; and

WHEREAS, pursuant to a memorandum, dated June 23, 2022, from the Township Landscape Architect, a copy of which is attached hereto and made a part hereof, all the work has been completed on said Project and said Landscape Architect recommends that the retainage, in the amount of \$13,956.26, be released to Landtek; and

WHEREAS, Landtek has already posted the one (1) year maintenance bond in the amount of \$69,781.00; 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 accept the Project and return retainage funds in regard to the New Market Lake Park Area Improvements – Phase IV Project to Landtek Construction LLC dba United Terrain Group, Morganville, NJ, in the amount of \$13,956.26.

RESOLUTION #22-230

WHEREAS, on June 23, 2022, the Township of Piscataway (the "Township") received three (3) bids in regard to the Second Avenue Improvements – Phase III Project (the "Project"); and

WHEREAS, the Township Supervisor of Engineering reviewed the bids and recommends awarding a contract for the Project to Jads Construction Co., South River, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$944,451.70; and

WHEREAS, funds are available pursuant to certification # B-2022-017;

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 Second Avenue Improvements – Phase III Project to Jads Construction Co., South River, NJ, who is the lowest qualifying bidder, in the amount not to exceed \$944,451.70, subject to all bid specifications and contract documents.

RESOLUTION #22-231

WHEREAS, on September 30, 2021, the Township of Piscataway (the "Township") received bids for the Rebid for Snow Shoveling Services – Second Year Option (the "Project"); and

WHEREAS, the Township awarded a contract for the Project to VIP Special Service, LLC, West Orange, NJ, who was the lowest qualifying bidder, in the amount not to exceed \$70,000.00 for the winter of 2021-2022, with an option to extend the contract for an additional year in the amount of \$70,000.00 for the period from October 15, 2022 through April 30, 2023; and

WHEREAS, the Township wishes to award the second-year option to VIP Special Service, LLC, West Orange, NJ, in the amount not to exceed \$70,000.00 for the period from October 15, 2022 through April 30, 2023; and

WHEREAS, funds are available pursuant to certification # B-2021-029-01;

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 the second-year option of the contract for the Rebid for Snow Shoveling Services – Second Year Option to VIP Special Service, LLC, West Orange, NJ, for a total cost not to exceed \$70,000.00, for the period from October 15, 2022 through April 30, 2023, subject to all bid specifications and contract documents.

RESOLUTION #22-232

WHEREAS, on September 30, 2021, the Township of Piscataway (the "Township") received bids for the 2021 Rebid for Snowplowing Services – Second Year Option (the "Project"); and

WHEREAS, the Township awarded a contract for the Project to Frank Galbraith & Son Excavating & Demolition, Scotch Plains, NJ, who was the lowest qualifying bidder, in the amount not to exceed \$150,000.00 for the winter of 2021-2022, with an option to extend the contract for an additional year in the amount of \$150,000.00 for the period from October 15, 2022 through April 30, 2023; and

WHEREAS, the Township wishes to award the second-year option to Frank Galbraith & Son Excavating & Demolition, Scotch Plains, NJ, in the amount not to exceed \$150,000.00 for the period from October 15, 2022 through April 30, 2023; and

WHEREAS, funds are available pursuant to certification # B-2021-028-01;
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 the second-year option of the contract for the 2021 Rebid for Snowplowing Services – Second Year Option to Frank Galbraith & Son Excavating & Demolition, Scotch Plains, NJ, for a total cost not to exceed \$150,000.00, for the period from October 15, 2022 through April 30, 2023, subject to all bid specifications and contract documents.

RESOLUTION #22-233

WHEREAS, Darryl Henry, Piscataway, NJ requests the return of a Picnic Permit Fee in the amount of \$225.00, posted with the Township of Piscataway for a picnic at Riverside Park on July 22, 2022; and

WHEREAS, the Piscataway Township Department of Recreation recommended the return of said Picnic Permit Fee, in the amount of \$225.00, as the picnic was cancelled; and

WHEREAS, Mitzi Jimenez-Hernandez, Piscataway, NJ requests the return of a Picnic Permit Fee in the amount of \$225.00, posted with the Township of Piscataway for a picnic at Possumtown Park on August 7, 2022; and

WHEREAS, the Piscataway Township Department of Recreation recommended the return of said Picnic Permit Fee, in the amount of \$225.00, as the picnic was cancelled; 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 a Picnic Permit Fee in the amount of \$225.00, pursuant to receipt #A145124, to Darryl Henry; and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to return a Picnic Permit Fee in the amount of \$225.00, pursuant to receipt #A145212, to Mitzi Jimenez-Hernandez.

RESOLUTION #22-234

WHEREAS, the Township Director of Public Works has advised that the Township is in need of Gasoline Supply 87 Octane; and

WHEREAS, pursuant to a Recommendation to Award, a copy of which is attached hereto and made a part hereof, the Township Director of Public Works recommends awarding an Open-End contract for the purchase of Gasoline Supply 87 Octane on an as-needed basis under Hunterdon County Educational Services Commission Contract HCESC-Fuel-20-21 to National Fuel Oil, Inc., Newark, NJ, at the unit price specified in the above Co-op bid contract, in the amount not to exceed \$150,000.00 for July 12, 2022 through October 8, 2022; and

WHEREAS, funds are available pursuant to certification # R-2022-0054;

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 Gasoline Supply 87 Octane to National Fuel Oil, Inc., Newark, NJ through Hunterdon County Educational Services Commission Contract HCESC-Fuel-20-21, in the amount not to exceed \$150,000.00 for July 12, 2022 through October 8, 2022, subject to all bid specifications and contract documents.

RESOLUTION #22-235

WHEREAS, the Township of Piscataway (the "Township") is in need of Tree Trimming/Pruning and Tree & Stump Removal Services (the "Project"); and

WHEREAS, the Township Assistant Director of Public Works recommends awarding a contract for the Project to Rich Tree Service, Inc., South Plainfield, NJ, through New Jersey State Contract #18-DPP-00645, T-0465, in the amount not to exceed \$125,000.00; and

WHEREAS, funds are available pursuant to certification # R-2022-0057;

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 enter into a contract for Tree Trimming/Pruning and Tree & Stump Removal Services with Rich Tree Service, Inc., South Plainfield, NJ, for a total cost not to exceed \$125,000.00, through New Jersey State Contract #18-DPP-00645, T-0465.

RESOLUTION #22-236

WHEREAS, the Township of Piscataway wishes to obtain a grant from the New Jersey Department of Transportation (NJDOT) for the Ethel Road W Roadway Improvements Project (the "Project"); and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the Township Council formally approves the grant application for the above stated Project; and

BE IT FURTHER RESOLVED that the appropriate municipal officials and Clerk are hereby authorized to submit an electronic grant application identified as MA-2023-Ethel Road W Roadway Improvements-00202 to the NJDOT on behalf of the Township of Piscataway; and

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

RESOLUTION #22-237

WHEREAS, on April 15, 2015 and June 29, 2015, Templin Engineering Assoc., Inc., Bridgewater, NJ, posted escrow checks with the Township of Piscataway, both in the amount of \$500.00, regarding Block 6903, Lot 7 (615 Plainfield Avenue) for Planning Board Application 15-PB-08; and

WHEREAS, pursuant to a Request for Release of Funds dated June 14, 2022 and a Memorandum from the Township Supervisor of Planning dated June 22, 2022, the Supervisor of Planning and the Finance Department approved the release of the unexpended escrow fees in the amount of \$452.20 to Robert J. Templin, Bridgewater, 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 Robert J. Templin, Bridgewater, NJ in the amount of \$452.20 regarding Block 6903, Lot 7 (615 Plainfield Avenue) for Planning Board Application 15-PB-08.

RESOLUTION #22-238

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

Block	Lot	Location	Amount
1502	29	9 Woodrow Ave.	\$478.80
1416	7.01	115 Stelton Rd.	\$315.65
11901	21.19	821 Hoes Lane W.	\$215.00
6601	15	446 2nd Ave.	\$378.15
7904	19.03	1776 S. Washington Ave.	\$541.30
112	4.01	425 Harvard St.	\$315.65
7914	19.01	26 Lakeside Dr. S	\$315.65

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 on certain.

RESOLUTION #22-239

WHEREAS, Piscataway 1, LLC, holder of a liquor license, as referenced in the attached schedule, in the Township of Piscataway, applied for renewal of said license for the period commencing July 1, 2021 to June 30, 2022; and

WHEREAS, appropriate municipal officials have advised that Piscataway 1, LLC has met the New Jersey statutory requirements and the New Jersey Alcoholic Beverage Code regulations for renewal; and

WHEREAS, Piscataway 1, LLC received their tax clearance for the 2021-2022 license term on May 12, 2021; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that Piscataway 1, LLC liquor license, as referenced in the

attached schedule, is renewed without special conditions for the period commencing July 1, 2021, until June 30, 2022 and the Township Clerk is hereby authorized to issue said renewal.

**TOWNSHIP OF PISCATAWAY
 PLENARY RETAIL CONSUMPTION LICENSE – RENEWALS- 2021-2022
 IN POCKET
 (requires a special ruling from the Division of Alcohol Beverage Control)**

License Name	Trade Name	Mailing Address	License No.
Piscataway 1 LLC (in pocket)		1260 Stelton Road	1217-33-025-004

PROCLAMATION

WHEREAS, July 26 marks the 32nd anniversary of the enactment of the Americans with Disabilities Act (ADA); and
 WHEREAS, this legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and
 WHEREAS, the ADA has expanded opportunities for individuals with disabilities by reducing barriers, changing perceptions and increasing participation in community life; and
 WHEREAS, the Mayor and Council are committed to keeping Piscataway an inclusive and welcoming community for all; and
 WHEREAS, Piscataway reaffirms its commitment to the ADA and supports the pursuit of programs to ensure that the spirit and founding provisions are maintained, implemented and enforced;
 NOW, THEREFORE, I, Brian C. Wahler, Mayor of the Township of Piscataway, County of Middlesex, State of New Jersey, recognize the anniversary of the Americans with Disabilities Act and encourage all Township residents to continue to advance the principles of equity and inclusivity for all.

ANNOUNCEMENTS & COMMENTS FROM OFFICIALS:

Gabrielle Cahill says it was a pleasure to walk in the Lake Nelson 4th of July parade. She also reminds residents that there will be a bike rodeo on July 16th at the community center.
 Mayor Brian Wahler reminds residents that National Night Out will be on August 2nd at the community center.
 Council President Michele Lombardi says the first Concert in the Park was successful. She encourages residents to attend and reminds residents that the next one will be on July 21st.

The Council considered the matters on the Agenda for August 9, 2022:

- **ORDINANCE – SECOND READING – Repealing Chapter XXI (21) Zoning, Section 8A Flood Damage Prevention and Adopting New Floodplain Management Regulations – OPEN TO PUBLIC - RESOLUTION Adopting Ordinance.**
- **RESOLUTION – Authorizing Liquor License Renewal for 2022-2023 License Term for Piscataway 1, LLC.**
- **RESOLUTION – Authorizing Acceptance of FY23 Municipal Alliance Youth Leadership Grant.**
- **RESOLUTION – Authorizing Refund of Overpayment of Fees – Police Dept.**

OPEN TO PUBLIC:

Brian Rak, 1247 Brookside Rd, asked if anything is being done to address the report from the State Comptroller about sick time payout violations. Business Administrator Tim Dacey & Mayor Brian Wahler responded.
 Dr. Jackie Jackson, 3400 Woodland Ave, South Plainfield, thanks the Mayor & the Council for recognizing the 32nd anniversary of the ADA. Gabrielle Cahill responded.

Sid Madison, 176 Blackford Ave, spoke about the dangers of fossil fuels on the climate. He also urged the council to take action against fossil fuel infrastructure. David Akins, Ambrose Valley Ln, asked for clarification on item G. Business Administrator Tim Dacey responded, Gabrielle Cahill, & Mayor Brian Wahler responded.

There being no further comments, this portion of the meeting was closed to the public.

There being no further business to come before the council, the meeting was adjourned at 8:00 pm. Motion by Mr. Shah, seconded by Ms. Cahill, carried unanimously.

Respectfully submitted,

Melissa A. Seader, Township Clerk

Accepted:

Michele Lombardi
Council President