

December 12, 2023

A Regular Meeting of the Piscataway Township Council was held on December 12, 2023 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.

Council President 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, 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.

In order to ensure a clear record of the meeting can be made and that all parties are heard in an organized fashion, all members of the public that are participating remotely will be muted during the meeting. The Township will provide for public comment periods for both remote and in person attendees separately.

If a member of the public wishes to speak during any public comment portion for remote attendees, 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 and begin making your comments.

All members of the public will have three minutes to speak, and should ask any and all questions they may have during that period. At the conclusion of your three minutes, remote attendees will be muted again. In-person attendees will also receive three minutes to ask any and all questions, and may then take a seat, at which time 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.

On roll call, there were present: Messrs. Carmichael, Espinosa, Lombardi, Shah and Uhrin.

Mr. Uhrin led the salute to the flag.

Mr. Uhrin opened the meeting to the remote attendees for comments regarding the Consent Agenda Items.

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

Mr. Uhrin opened the meeting to the in person attendees for comments regarding the Consent Agenda Items.

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

Councilwoman Lombardi asks Council President Uhrin to vote on 7B separately.

RESOLUTION #23-426

RESOLUTION offered by Ms. Lombardi, seconded by Mr. Espinosa:

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 12, 2023 Regular Meeting appear to have the unanimous approval of all members of the Township Council:

- a. RESOLUTION – Authorizing Cancelation of Sewer for Sprinkler Credits – Various Blocks and Lots.
- b. RESOLUTION – Authorizing Acceptance of Project and Release of Retainage – Ethel Road Roadway improvements – KM Construction Corp.
- c. RESOLUTION – Authorizing Budget Transfers.
- d. RESOLUTION – Authorizing Chapter 159 – FY2023 NJDOT Ethel Road West Roadway Improvements.
- e. RESOLUTION – Authorizing Professional Services Contract – Orris Avenue Roadway Improvements from Metlars Lane to Terminus – Grotto Engineering, LLC – Not to Exceed \$148,050.00.
- f. RESOLUTION – Authorizing Professional Services Contract – Blackford Avenue Road Improvements from Lodge Street to Grandview Avenue – Menlo Engineering Associates – Not to Exceed \$173,000.00.
- g. RESOLUTION – Authorizing Professional Services Contract – Patton Avenue Improvements Phase II from Elwood Street to Hancock Road – Alaimo Group – Not to Exceed \$132,960.00.
- h. RESOLUTION – Authorizing Change Order #1 – 2023 Columbus Park Gazebo Bench, Litter receptacle and Table Replacements – Ben Shaffer Recreation, Inc. – Not to Exceed \$23,766.00.
- i. MOTION – Accept Minutes – Council Meetings – October 3, November 9 & 21, 2023.

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 12, 2023 Regular meeting and adopted by separate vote.

On roll call vote Messrs. Carmichael, Espinosa, Lombardi, Shah and Uhrin answered yes.

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

RESOLUTION #23-427

WHEREAS, the Tax Collector is requesting authorization to cancel sewer as listed below

BLOCK	LOT	NAME	YEAR	AMOUNT	REASON
5101	4.02	5 ACCESS ROAD LLC	2023	\$2,552.87	SPRNKLER CREDIT
5101	1.02	6 CORPORATE PLACE	2023	\$4,678.98	SPRNKLER CREDIT
1401	5	19 STELTON RD	2023	\$327.69	SPRNKLER CREDIT
TOTAL				\$7,559.54	

THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to cancel the sewer and hereby authorized to adjust the records accordingly.

RESOLUTION #23-428

WHEREAS, KM Construction Corp., Irvington, NJ (“KM Construction”) entered into an agreement with the Township of Piscataway for the Ethel Road Roadway Improvements (the “Improvements”), where KM Construction would complete the improvements, in the amount not to exceed \$741,141.17; and

WHEREAS, as specified in the Final Change Order Form signed by the Supervisor of Engineering of the Township of Piscataway dated December 1, 2023, a copy of which is attached hereto and made a part hereof, there is a decrease in the

Contract Quantities needed by the Township of Piscataway (“Township”) for KM Construction; and

WHEREAS, this change order would represent a \$82,455.83, decrease in the amount of the contract from the previous total for a final cost not to exceed \$658,685.34, a 11.13% decrease from the original contract amount; and

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

WHEREAS, pursuant to a Memorandum dated November 30, 2023, the Township Supervisor of Engineering recommends that the Township approve the Final Change Order Request, accept the project and release the retainage in the amount of \$13,173.71 subject to the posting of a two (2) year maintenance bond in the amount of \$65,868.53; 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 amend the total contract amount for the Improvements with KM Construction, Irvington, NJ from \$741,141.17, to a final total not to exceed \$658,685.34, and execute the enclosed Final Change Order in the amount of a \$82,455.83 decrease, subject to all bid specifications and contact documents; and

BE IT FURTHER RESOLVED that the appropriate municipal officials be and are hereby authorized to accept the Improvements and return retainage funds to KM Construction Corp., Irvington, NJ, in the amount of \$13,173.71, conditioned upon posting a two (2) year maintenance bond in the amount of \$65,868.53, as it pertains to the Ethel Road Roadway Improvements.

RESOLUTION #23-429

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any purposes specified in the budget an amount in the excess of the sum appropriated therefore, and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that the following transfers are hereby authorized:

Account #	Departments	Classification	Transfer From	Transfer To
01- 2023- 0200- 0121- 2	ELECTION	OTHER EXPENSES		\$ 10,000.00
01- 2023- 0200- 0125- 2	COMPUTER CENTER	OTHER EXPENSES		\$ 10,000.00
01- 2023- 0200- 0140- 2	POSTAGE	OTHER EXPENSES		\$ 5,000.00
01- 2023- 0200- 0155- 2	LEGAL SERVICES	OTHER EXPENSES		\$ 175,000.00
01- 2023- 0250- 0240- 1	POLICE DEPARTMENT	SALARIES AND WAGES	\$ 260,000.00	
01- 2023- 0250- 0242- 1	POLICE ADMIN.	SALARIES AND WAGES	\$ 54,500.00	
01- 2023- 0270- 0340- 2	ANIMAL CONTROL	OTHER EXPENSES		\$ 10,000.00
01- 2023- 0300- 0420- 2	CELEB. OF PUBLIC EVENT	OTHER EXPENSES	\$ 5,500.00	
01- 2023- 0310- 0440- 2	UTILITIES	OTHER EXPENSES		\$ 100,000.00
01- 2023- 7260- 7510- 2	NJPDES STORMWATER	OTHER EXPENSES		\$ 10,000.00
Grand Total :			\$320,000.00	\$ 320,000.00

RESOLUTION #23-430

WHEREAS, N.J.S.A 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the Township of Piscataway has received notice of an award of \$495,560.00 from the State of New Jersey, Department of Transportation and wishes to amend its Calendar Year 2023 Budget to include this amount as revenue, and

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Piscataway in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year Calendar Year 2023:

<i>Amount Received for</i>	
FY 2023 NJDOT Ethel Road West Roadway Improvements	\$495,560.00

BE IT FURTHER RESOLVED that the like sum of \$ \$495,560.00 is hereby appropriated under the caption of:

FY 2023 NJDOT Ethel Road West Roadway Improvements	\$495,560.00
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BE IT FURTHER RESOLVED, that the Director of Finance forward a certified copy of this resolution electronically to the Director of Local Government Services.

RESOLUTION #23-431

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the design of construction plans for the Orris Avenue Road Improvements from Metlars Lane to its terminus (the "Project"); and

WHEREAS, Grotto Engineering Associates, LLC., Clark, NJ, has submitted a Proposal for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$148,050.00; and

WHEREAS, Grotto Engineering Associates, LLC., Clark, NJ, was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2023; and

WHEREAS, the Supervisor of Engineering recommends awarding a contract for the Project to Grotto Engineering Associates, LLC.; and

WHEREAS, there is funding available pursuant to certification # R-2023-0284;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Grotto Engineering Associates, LLC., Clark, NJ, to provide Professional Services for the Orris Avenue Road Improvements from Metlars Lane to its terminus Project at the rates set forth in said Proposal, with such services not to exceed \$148,050.00 in cost.

RESOLUTION #23-432

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the design of construction plans for the Blackford Avenue Road Improvements from Lodge Street to Grandview Avenue (the "Project"); and

WHEREAS, Menlo Engineering Associates, Highland Park, NJ, has submitted a Proposal for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$173,000.00; and

WHEREAS, Menlo Engineering Associates, Highland Park, NJ, was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2023; and

WHEREAS, the Supervisor of Engineering recommends awarding a contract for the Project to Menlo Engineering Associates; and

WHEREAS, there is funding available pursuant to certification # R-2023-0282;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Menlo Engineering Associates, Highland Park, NJ, to provide Professional Services for the Blackford Avenue Road Improvements from Lodge Street to Grandview Avenue Project at the rates set forth in said Proposal, with such services not to exceed \$173,000.00 in cost.

RESOLUTION #23-433

WHEREAS, the Township of Piscataway requires Professional Engineering Services for the design of construction plans for the Patton Avenue Road Improvements from Elwood Street to Hancock Road (the "Project"); and

WHEREAS, Alaimo Group, Mt. Holly, NJ, has submitted a Proposal for Professional Engineering Services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$132,960.00; and

WHEREAS, Alaimo Group, Mt. Holly, NJ, was previously qualified under the Fair and Open Process to provide professional services for Professional Engineering Services – Special Projects, Environmental, Etc. by the Township of Piscataway for 2023; and

WHEREAS, the Supervisor of Engineering recommends awarding a contract for the Project to Alaimo Group; and

WHEREAS, there is funding available pursuant to certification # R-2023-0283;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize Alaimo Group, Mt. Holly, NJ, to provide Professional Services for the Patton Avenue Road Improvements from Elwood Street to Hancock Road Project at the rates set forth in said Proposal, with such services not to exceed \$132,960.00 in cost.

RESOLUTION #23-434

WHEREAS, the Township of Piscataway (the "Township") awarded a contract to Ben Shaffer Recreation, Inc., Lake Hopatcong, NJ ("Ben Shaffer Recreation") for the 2023 – Columbus Park Gazebo, Bench, Litter Receptacle, and Table Replacements (the "Project"), in the amount not to exceed \$124,723.04; and

WHEREAS, additional sidewalk replacements and drainage improvement concerns was necessary for the Project that was not included in the original scope of work outlined by the Township and not anticipated in the proposal from Ben Shaffer Recreation to the Township for the Project; and

WHEREAS, there was no prior increase or decrease to this Project; and

WHEREAS, this change order would represent a \$23,766.00 increase in the total amount of the Project from the original contract amount for a final total not to exceed \$148,489.04, a 19.1% increase; 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 request from the Township Landscape Architect, dated December 7, 2023, said Landscape Architect recommends approving Change Order No. 1; and

WHEREAS, funds are available pursuant to certification # R-2023-0257-01;

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 amend the total contract amount for the 2023 – Columbus Park Gazebo, Bench, Litter Receptacle, and Table Replacements, with Ben Shaffer Recreation, Inc., Lake Hopatcong, NJ, from \$124,723.04, to a final total not to exceed \$148,489.04 and execute a Change Order in the amount of \$23,766.00, subject to all bid specifications and contract documents.

RESOLUTION #23-435

RESOLUTION offered by Mr. Espinosa, seconded by Ms. Carmichael:

WHEREAS the Board of Fire Commissioners of Fire District No. 2 and Fire District No. 3 authorized and approved the 2024 annual compensation for their Board of Fire Commissioners respectively; and

WHEREAS, N.J.S.A. 40A:14-88, requires the salaries of members of the Board of Commissioners of Fire Districts to be reviewed annually by the governing body; and

WHEREAS, the amount of the compensation is reflective of the time, work and dedication necessary to accommodate the rapid growth and expansion of not only the fire service, but the Township as a whole; and

WHEREAS, the Board of Fire Commissioners for Fire District No. 2 finds and determines that said compensation should be effective January 1, 2024 and that said compensation should be in the amounts of \$10,200.00 for Darryl Henry, \$10,200.00 for James Mosier, \$10,200.00 for Brian Agnew, Jr., \$10,200.00 for Peter Combates and \$10,200.00 for My Do, for each year served or pro rata for a portion of any year of service; and

WHEREAS, the Board of Fire Commissioners for Fire District No. 3 finds and determines that said compensation should be effective January 1, 2024 and that said compensation should be in the amounts of \$5,767.00 for Malcolm Brown, \$5,767.00 for Alan Williams, \$7,100.00 for Robert Kertes, \$7,800.00 for Joseph Decker and \$5,766.00 for Adam Scolnick, for each year served or pro rata for a portion of any year of service; and

WHEREAS, the Township Council has reviewed the proposed annual compensation for the Board of Fire Commissioners for Fire District No. 2 and Fire District No. 3 for 2024; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway, that the Township Council hereby approves the 2024 annual compensation for the Board of Fire Commissioners of the Township of Piscataway, Fire District No. 2, in the amounts of \$10,200.00 for Darryl Henry, \$10,200.00 for James Mosier, \$10,200.00 for Brian Agnew, \$10,200.00 for Peter Combates and \$10,200.00 for My Do, for each year served or pro rata for a portion of any year of service; and

BE IT FURTHER RESOLVED that the Township Council hereby approves the 2024 annual compensation for the Board of Fire Commissioners of the Township of Piscataway, Fire District No. 3, in the amounts of \$5,767.00 for Malcolm Brown, \$5,767.00 for Alan Williams, \$7,100.00 for Robert Kertes, \$7,800.00 for Joseph Decker and \$5,766.00 for Adam Scolnick, for each year served or pro rata for a portion of any

year of service.

On roll call vote Messrs. Carmichael, Espinosa, Shah and Uhrin answered yes. Councilwoman Lombardi abstained.

ANNOUNCEMENTS & COMMENTS FROM OFFICIALS:

- Councilwoman Carmichael thanked all who came out for the Christmas Tree Lighting.
- Councilman Espinosa echoed Councilwoman Carmichael and said that the event was a great time.
- Councilwoman Lombardi reminds residents about the upcoming Breakfast with Santa at the Volunteer Possumtown Fire Company.
- Township Attorney, Rajvir Goomer wishes the Township Clerk a Happy Birthday.

The Council considered the matters on the Agenda for December 19, 2023:

- ORDINANCE – SECOND READING – Amending Chapter XXI (21), Zoning – OPEN TO PUBLIC - RESOLUTION Adopting Ordinance.
- ORDINANCE – SECOND READING – An Ordinance Releasing, Extinguishing, and Vacating the Rights of the Public in Portions of Clawson Street, Brook Avenue and Field Avenue – OPEN TO PUBLIC - RESOLUTION Adopting Ordinance.
- ORDINANCE – SECOND READING – Amending and Supplementing Various Chapters of the Municipal Code – OPEN TO PUBLIC - RESOLUTION Adopting Ordinance.
- ORDINANCE – SECOND READING – Amending and Supplementing Chapter VII (7), Traffic, Section 40, Control for the Movement and Parking of Traffic on Public and Private Property, to Assert Title 39 Jurisdiction on 135 Fleming Street – OPEN TO PUBLIC - RESOLUTION Adopting Ordinance.
- ORDINANCE – SECOND READING – Granting Municipal Consent for the Operation of a Cable Television System in the Township of Piscataway to CSC TKR, LLC d/b/a Cablevision of Raritan Valley – OPEN TO PUBLIC - RESOLUTION Adopting Ordinance.
- RESOLUTION – Authorizing Award of Professional Services Contract – Smith Street from Carlton Avenue to Cumberland Road – Najarian Associates – Not to Exceed \$74,550.00.
- RESOLUTION – Authorizing Award of Contract Through State Contract for Two 2024 Ford F-250 Pickups with Plow & Sanders – Winner Ford – Cherry Hill – Not to Exceed \$143,334.00.
- RESOLUTION – Authorizing Award of Contract Through State Contract for One 2024 Ford F-450 Pickups with Plow & Liftgate – Winner Ford – Cherry Hill – Not to Exceed \$94,122.00.
- RESOLUTION – Authorizing Award of Contract Through ESCNJ for One Loadmaster Excel Packer Body – Detcon – Detachable container & Compactor Corp. – Not to Exceed \$114,995.32.
- MOTION – Accept Report of Clerk’s Account – November 2023.
- MOTION – Accept Report of the Division of Revenue – November 2023.
- MOTION – Receive and Enter into Minutes Disbursements for the Month of November 2023.

OPEN TO PUBLIC – REMOTE ATTENDEES:

David Akins, Ambrose Valley Lane, asks for the dollar amount regarding item 7E.

Business Administrator, Tim Dacey, tells Mr. Akins that the total amount was \$495,000.

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

OPEN TO PUBLIC – IN PERSON ATTENDEES:

There being no further business to come before the council, the meeting was adjourned at 7:45pm. Motion by Ms. Lombardi seconded by Mr. Espinosa, carried unanimously.

Respectfully submitted,

Accepted:

Kelly Mitch, Deputy Township Clerk

Frank Uhrin
Council President