

**A RESOLUTION DECLARING AN EMERGENCY SITUATION AFFECTING THE  
PUBLIC HEALTH, SAFETY AND WELFARE REGARDING 937 HERMANN ROAD  
AND 1270 SOUTH BARKLEY PLACE, AND AUTHORIZING AN AGREEMENT WITH  
K&A EXCAVATING CO., INC. TO REMEDIATE AND/OR ABATE THE  
EMERGENCY PURSUANT TO SECTION 243-32 OF THE  
CODE OF THE TOWNSHIP OF NORTH BRUNSWICK**

**WHEREAS**, a nuisance and hazardous condition exists in the form of extreme violations of the property maintenance and housing regulations of the Township of North Brunswick at the properties located at 937 Hermann Road, which is also known as Block 128 Lot 33, and 1270 South Barkley Place, which is also known as Block 271 Lot 20, both on the official Tax Map of the Township of North Brunswick (the “Properties”); and

**WHEREAS**, both the Construction Official and a Code Enforcement Officer have issued violation notices to the owners of the Properties and all parties with an interest in the property were put on notice of the intention of the Township of North Brunswick to exercise its Emergency Powers under Section 243-32 of the Code of the Township of North Brunswick to protect the public health and/or safety by formal Notice from the Township Attorney dated February 28, 2024 and February 29, 2024; and

**WHEREAS**, Section 243-32 of the Code of the Township of North Brunswick entitled “Property Maintenance, Enforcement Provisions” authorizes the Township to abate the nuisance as authorized under N.J.S.A. 40:48-2.14 with the costs incurred to be changed as a lien against the Properties; and

**WHEREAS**, the Township has received a proposal to abate the nuisance and danger to life, health and safety at these properties from K&A Excavating Co., Inc. in the Sixteen Thousand Three Hundred Fifty Dollars and Ninety-Nine Cents (\$16,350.99) for 937 Herman Road, and Eighteen Thousand Two-Hundred and Fifty Dollars (\$18,250.00) for 1270 South Barkley Place, for a total amount of Thirty-Four Thousand Six Hundred Dollars (\$34,600.00);

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of North Brunswick that an agreement with K&A Excavating Co., Inc. in the total amount of \$34,600.00 is authorized to remediate and/or abate the nuisance and emergency danger to life, health and/or safety at 937 Hermann Road (\$16,350.99), which is also known as Block 128 Lot 33, and 1270 South Barkley Place (\$18,250.00), which is also known as Block 271 Lot 20, both on the official Tax Map of the Township of North Brunswick, and the Tax Collector is hereby authorized to record a lien against the Properties in the amount of the costs incurred by the Township to abate the nuisance to be added to the taxes next to be assessed and revised, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same offices and in the same manner as taxes.

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Justine Progebin, Business Administrator

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Michael C. Hritz  
Department of Community Development

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Ronald H. Gordon, Township Attorney  
Approved as to Legal Form

**TITLE**

This Resolution shall be known and cited as the Resolution Authorizing an Emergency  
“Clean and Lien” contract for the properties located at 937 Hermann Road and  
1270 South Barkley Place.

**RECORDED VOTE:**

<b>COUNCIL MEMBER</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>NOTES</b>
MEHTA				
GUADAGNINO				
ANDREWS				
DAVIS				
SOCIO				
HUTCHINSON				
MAYOR WOMACK				

**CERTIFICATION**

I hereby certify that the above Resolution was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on September 3, 2024, 2024.

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Lisa Russo, Township Clerk