

MINUTES of the Special Meeting of the Council of the Borough of North Plainfield held on Thursday, **August 27, 2009** at 7:34 p.m. in the North Plainfield Community Center, 614 Greenbrook Road, North Plainfield, New Jersey.

PRESENT:

Council Members: Robert E. Hitchcock
Lawrence La Ronde
Everett J. Merrill
Frank Righetti
Frank "Skip" Stabile, Council President

Also Present: Michael Giordano Jr., Mayor
Phillip George, Esq., Associate Borough Attorney
Richard K. Phoenix, RMC, Borough Clerk

ABSENT:

Council Members: Mary H. Forbes
Douglas M. Singleterry

The Pledge of Allegiance to the Flag was led by Mr. Hitchcock.

Council President Stabile read the following Statement of Compliance:

"This is a Special Meeting of the Council of the Borough of North Plainfield. Adequate notice of this meeting was given pursuant to N.J.S.A. 10:4-6 et seq. by transmitting said notice to the *Courier News* and *The Star-Ledger* on August 18, 2009 and by posting a copy of this notice on the bulletin boards in the Municipal Building and the Memorial Library reserved for such purpose."

Mayor Giordano read the Call of the Meeting as follows:

"I, Michael Giordano Jr., Mayor of the Borough of North Plainfield, call for a Special Meeting of the North Plainfield Borough Council on Thursday, August 27, 2009 at 7:30 p.m. in the North Plainfield Community Center, 614 Greenbrook Road, North Plainfield, NJ. The purpose of this Special Meeting is to hold a Public Hearing and consider for adoption of an ordinance known as the "Sunshine Law" ordinance. Said ordinance is substantially similar to an ordinance recently submitted by petition by a group known as the North Plainfield Citizens for Community Rights."

APPROVAL OF COUNCIL MEETING MINUTES:

The following sets of minutes were submitted by the Clerk's Office for the acceptance and approval of the Governing Body:

Board Of Health, Agenda Conference and Regular Meeting of December 8, 2008;
Agenda Conference and Regular Meeting of December 22, 2008

Council President Stabile called for a Roll Call on the minutes:

Board Of Health, Agenda Conference and Regular Meeting of December 8, 2008;
Agenda Conference and Regular Meeting of December 22, 2008

Aye: La Ronde, Righetti, Stabile
Abstain: Hitchcock, Merrill

HEARING:

ORDINANCE NO. 09-10 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, TO ADD A NEW SECTION ENTITLED "BOROUGH OF NORTH PLAINFIELD SUNSHINE LAW"

The Clerk read the Ordinance by its title.

PUBLIC COMMENT:

Robert Gatto, 72 Willow Avenue, North Plainfield, complained that the Ordinance as legally advertised was not substantially similar to the ordinance submitted by the petitioners, that it had been eviscerated, did not meet Faulkner Act standards and did not reflect the document on which they had affixed signatures.

Mr. George replied that the question was whether or not it was substantially similar. Mr. Gatto retorted that they were the ones to determine similarity and it would have to be immediately challenged. He challenged that it should be subjected to the process of the ballot. Mr. George termed it contingent on a future act. Further colloquy resumed regarding the overall process and its validity.

Jack Fowler, 92 Westervelt Avenue, North Plainfield, questioned the amount of time being allowed public speakers, and Mr. Stabile replied that it would be decided by the chair but could be overridden by the Council. Mr. Fowler asked how specific the discussion could be, and Mr. George cautioned that some topics could have content appropriate to an executive session. This Ordinance is likely to increase the work load and call for the hiring of a new employee.

Mr. Stabile agreed with that as a concern. It might be too much for a volunteer, and ultimately falls on the Clerk's Office for compliance.

Antoinette Rinehart, Wilson Avenue, North Plainfield, was grieved, and said that the NPCCR group had endeavored to cooperate and communicate in all respects. She criticized that the Mayor had a full plate, but none of the council members had extended

the courtesy of a response, even though her committee had worked with the Governing Body to establish a "Sunshine Law." Registered voters numbering 458 signed the petition, and debate was encouraged regarding transparent government. It needs to be resolved, she said, by open discussion.

Hal Hirsch, 74 Mercer Avenue, North Plainfield, said that information should be more readily available, more specifically, recordings of the Council's meetings.

Mr. Stabile replied that perhaps Mr. Hirsch could obtain better recording quality than the town's equipment allows.

Mr. Hirsch termed the process ridiculously easy.

Frank N. D'Amore Sr., 40 Willow Avenue, North Plainfield, said that there had been the need for a sunshine-type ordinance for a long time. The Government Records Council has revealed that this is not privileged material, and the town's ordinance does not appear to achieve the goals. It should be a referendum on the ballot, and a time and motion study would disclose waste.

Eric Harriz, Myrtle Avenue, North Plainfield, questioned per-page costs and if committee members had been expected to pay in the past. Charging them for documents they had produced is unfair. Politics should not come into play.

Mr. Stabile asked Mr. George about fees being charged council members. Mr. George replied that a committee normally gets a package distributed. He was not aware of a committee member being charged directly for documents connected with their work. Some documents, he specified, are collected back or returned when certain forms of business are complete. Mr. Harriz replied that it was his experience in a particular committee, and that the process was made more difficult. Mr. George termed it a question of volume and whether it was personal or committee work that was involved. Mr. Harriz said that the chair of a commission should not be the one to decide, and that the process has been clouded by personal relationships.

Shelley Moore, 505 Oakridge Avenue, North Plainfield, a teacher of television production, said that being proactive and being heard is important. More information should be readily available via the Borough website. There should be more balanced communication and the talent bank should be utilized as a means of recruiting individuals wishing to join in enhancing communications in the Borough.

Mr. La Ronde reminded that there is not only the Borough website but Google Groups on line where agendas are posted.

Barbara Habeeb, 73 Mountain Avenue, North Plainfield, suggested videotaping meetings and making them available via cable and the internet. Mr. Stabile replied that the Council had been in touch with Comcast, and the production onus is essentially on the Borough. Cable has imposed an arbitrary two-hour limit to a Borough-originated

program. The Borough hopes to have further discussions with Comcast on this topic. Ms. Habeeb suggested that the schools get involved. Use their equipment and have pupils get extra credit by videotaping meetings.

Mark Williams, 7 Hurley Avenue, North Plainfield, suggested that aspirations on enhanced communications could be satisfied by Volkswagen as opposed to Cadillac technology, and that it would be worthwhile for the Borough to raise its own money and purchase equipment

Robert Gatto, 72 Willow Avenue, North Plainfield, called for the dedication of Comcast franchise fees to the costs involved in telecasting meetings of the Council. He added that the cable company is required to provide two hookups for feeding programming into the cable system.

RESOLUTION:

Mr. Hitchcock presented the following Resolution and moved its adoption:

RESOLUTION NO. 08-27-09-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that an Ordinance numbered 09-10 be adopted and advertised as required by statute.

Seconded by Mr. La Ronde and on Roll Call carried all five voting aye.

Dr. Lewis Thomas, 73 Watchung Avenue, North Plainfield, said when you take your will over the paper, that's anarchy. He challenged the Council to take its decision to the people.

COMMENTS BY COUNCIL MEMBERS:

Mr. Hitchcock commented that he is always available to meet with the public. All it takes is a phone call. Further, he feared that the proposals calling for video production would cause excessive costs.

Mr. La Ronde confirmed that he was familiar with the group's proposals, had responded to their meetings and that their proposals would definitely cause greater expense.

Mr. Merrill said that he appreciated the commitment and passion of the NPCCR group.

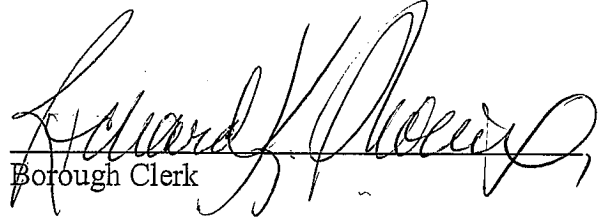
Regarding a potential meeting, Mr. Righetti said that no one had approached him personally.

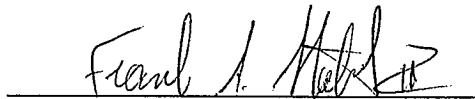
Mr. Stabile assured that it was not just a matter of council members' but documents' availability. Certain documents are and will be available on the website.

Many of the NPCCR issues are policy as opposed to legislation. Further, he advised that the turnaround expected by NPCCR was unrealistic and would essentially put a gun to the head of the Governing Body. Their initial proposal is not the answer.

Motion to adjourn by Mr. La Ronde, seconded by Mr. Hitchcock and carried unanimously.

Meeting adjourned at 8:49 p.m.


Borough Clerk


Council President