

DRAFT MINUTES

These are the Draft Minutes of the Regular Meeting of the Borough Council of North Plainfield, New Jersey held on Monday, 14 December 2015.

Every attempt has been made to make these as comprehensive and conclusive as possible. However, as it is a draft document, it is not to be construed as a formal depiction of the official conduct of business and is subject to revision up to and following the Governing Body's actual approval of same. If changes are necessary, revised minutes will be posted to the website.

MINUTES of the Regular Meeting of the Council of the Borough of North Plainfield held on Monday, **December 14, 2015** at 8:37 p.m. at the North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

PRESENT:

Council Members: Everett Merrill
 Keiona R. Miller
 Frank Righetti
 Wendy Schaefer
 Douglas M. Singleterry
 Frank "Skip" Stabile
 Lawrence La Ronde, Council President

Also Present: Michael Giordano, Jr., Mayor
 David E. Hollod, Business Administrator
 Eric Bernstein, Esq., Borough Attorney
 Richard K. Phoenix, RMC, Borough Clerk

The Council President read the following Notice of Compliance:

"This is a Regular Meeting of the Council of the Borough of North Plainfield, scheduled by resolution of the Council adopted on December 8, 2014. 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*, *The Star-Ledger* and *WKMB* Radio on December 10, 2014 by publication of the announcement in the *Courier News* of December 12, 2014 and by posting a copy of this notice on the bulletin boards in the Municipal Building and Memorial Library reserved for such purpose."

The Borough Clerk had submitted copies of the minutes of the Agenda Conference and Regular Meeting of November 23, 2015.

Agenda Conference and Regular Meeting of November 23, 2015:

Ayes: Merrill, Miller, Schaefer, Singleterry, Stabile, La Ronde

Abstain: Righetti

CONSENT AGENDA

Council President La Ronde stated that all matters listed on the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items. If any discussion is desired by Council, that particular item will be removed from the Consent Agenda and will be considered separately.

Mr. Merrill requested that item “c” be amended to reflect the year 2016. Mr. La Ronde requested that item “m” be removed for a separate vote. Mr. Bernstein requested items “m” and “o” be removed for separate votes.

Ms. Schaefer presented the following Resolution and moved its adoption:

RESOLUTION NO. 12-14-15-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

12-14-15-01a, b, c, d, e, f, g, h, i, j, k and *l*

having been placed on the Consent Agenda and there having been no objection thereto, the same are hereby approved.

Seconded by Mr. Righetti and on Roll Call carried all seven voting aye.

APPROVED RESOLUTIONS:

RESOLUTION NO. 12-14-15-01a RESOLUTION OF THE BOROUGH COUNCIL OF NORTH PLAINFIELD AUTHORIZING RELEASE OF CONSTRUCTION PERFORMANCE BOND

WHEREAS, a land use application made by Vornado Realty Trust (the “Owner”), for the property located at 1200 US 22 East, North Plainfield, was approved by the Borough of North Plainfield Planning Board by Resolution No. SPR-14-001 for a project on Owner’s site as Texas Roadhouse Restaurant; and,

WHEREAS, the Owner was approved to construct and did construct a Texas Roadhouse restaurant known as Lot 1 in Block 203.01 on the Tax Maps of the Borough of North Plainfield; and,

WHEREAS, on behalf of the Owner, Kelley Construction, Inc. (the “Builder”) has posted a Performance Bond (the “Bond”) guaranteeing its performance of its obligations, such Bond having been paid by the Builder and maintained by the Borough; and,

WHEREAS, the Borough Engineer, Grotto Engineering Associates, LLC, by Senior Project Manager David J. Testa, P.E., C.M.E., by e-mail correspondence to Business Administrator David E. Hollod, dated November 30, 2015, has recommended release of the Bond to the Builder; and,

WHEREAS, the Borough Engineer has reviewed the Builder’s submission for the one (1) year maintenance bond and has recommended that the Project is completed and the maintenance bond be accepted; and,

WHEREAS, the Borough Attorney/Director of Law, Eric M. Bernstein & Associates, LLC, has reviewed the letter from David J. Testa, P.E. and concurs with same; and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Bond referred to herein be and is hereby authorized to be released to Kelley Construction, Inc. and the Mayor and Borough Clerk are hereby authorized to execute any and all necessary documents so as to accomplish the release of the Bond.

RESOLUTION NO. 12-14-15-01b BE IT RESOLVED by the Council of the Borough of North Plainfield that it does hereby adopt the following schedule as a schedule of agenda conferences and regular council meetings for the year 2016.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to post copies of said Schedule on the bulletin board in Borough Hall reserved for said purpose, to forward copies of same to the *Courier News*, *The Star Ledger*, *WKMB Radio*, *The Alternative Press* (on-line) and the North Plainfield Memorial Library and to take such other steps as shall be required by law to comply with the Open Public Meetings Act.

COUNCIL MEETING SCHEDULE

Agenda Conferences and Regular Meetings of the Council of the Borough of North Plainfield for the year 2016 shall be held in the Council Chambers of the Municipal Building, 263 Somerset Street, North Plainfield, New Jersey. Agenda Conferences shall begin at 7:30 p.m., immediately followed by Regular Meetings. Executive Sessions and meetings of the Borough Council acting as the local Board of Health may be convened as announced. Said meetings shall be held on the following dates:

January	11	25
February	8	22
March	14	28
April	11	25
May	9	23
June	13	27
July	11	25
August	15	
September	12	26
October	11	24
November	14	28
December	12	27

RESOLUTION NO. 12-14-15-01c (as amended) RESOLUTION OF THE BOROUGH COUNCIL OF NORTH PLAINFIELD SUSPENDING THE BUSINESS HOUR RESTRICTION ON THE SALE OF ALCOHOLIC BEVERAGES AT CERTAIN PLENARY RETAIL CONSUMPTION LICENSEES' ESTABLISHMENTS

WHEREAS, the Borough of North Plainfield has an ordinance prohibiting the sale of alcoholic beverages on January 1, New Year's Day, between the hours of 2:00 a.m. and 7:00 a.m. unless January 1st is a Sunday; and,

WHEREAS, the Borough has received written requests from The Bridge, Plenary Retail Consumption License No. 1814-33-001-003, Dombar LLC, t/a International Club and Sports Bar, Plenary Retail Consumption License No. 1814-33-007-008 and 164 Somerset Street., LLC, t/a Top Shelf, Plenary Retail Consumption License No. 1814-33-004-003 to allow the extension of their hours of operation on January 1, 2016 to better enable them to serve their clientele and to improve their receipts during difficult financial times; and

WHEREAS, The Bridge, Plenary Retail Consumption License No. 1814-33-001-003, Dombar LLC, t/a International Club and Sports Bar, Plenary Retail Consumption License No. 1814-33-007-008 and 164 Somerset Street., LLC, t/a Top Shelf, Plenary Retail Consumption License No. 1814-33-004-003 have requested permission to close at 3:00 a.m. on Friday, January 1, 2016; and

WHEREAS, New Year's Eve generates a large amount of business for alcoholic beverage licensees in the Borough; and,

WHEREAS, the Borough wishes to grant the requests of The Bridge, International Club and Sports Bar and Top Shelf to remain open until a later hour on January 1, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that the business hours restriction on the sale of alcoholic beverages is hereby suspended on January 1, 2016 to allow The Bridge, International Club and Sports Bar and Top Shelf to sell alcoholic beverages until last call at 2:00 a.m. with non-alcoholic sales permitted until 3:00 a.m. closing at that time.

RESOLUTION NO. 12-14-15-01d RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH GROTTO ENGINEERING ASSOCIATES, LLC, FOR MUNICIPAL ENGINEERING SERVICES FOR CALENDAR YEAR 2016 FOR THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield is in need of a Borough Engineer to provide certain specified Engineering Services for the calendar year 2016; and,

WHEREAS, Grotto Engineering Associates, LLC, with a principal place of business located at 340 North Avenue, Cranford, New Jersey 07016, is in the business of providing Professional Engineering Services and previously submitted a proposal for Professional Services for the 2016 Municipal Engineering Services for the Borough of North Plainfield, Somerset County, New Jersey; and,

WHEREAS, the Borough of North Plainfield is desirous of obtaining the services of Grotto Engineering Associates, LLC, to perform all of those services contemplated in the afore-referenced proposal.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, that the Borough Council does hereby award said contract to Grotto Engineering Associates, LLC, 340 North Avenue, Cranford, New Jersey, and authorizes the Mayor and the Borough Clerk to sign and/or execute a Professional Services Agreement with Grotto Engineering Associates, LLC, without the need for any further action of this Borough Council.

BE IT FURTHER RESOLVED that the award of this Contract shall be subject to the Certification of the Borough's Chief Financial Officer as to the availability of funds for payment for same.

BE IT FURTHER RESOLVED that the award is made pursuant to and consistent with the Local Public Contracts Laws of the State of New Jersey.

RESOLUTION NO. 12-14-15-01e RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE CONTRACT CHANGE ORDER REQUEST NO. 1 – FOR PROJECT KNOWN AS WILSON AVENUE ROAD IMPROVEMENTS TO CIFELLI & SON GENERAL CONTRACTING, INC. AND APPROVING PAYMENT APPLICATION NO. 3 (FINAL) TO CIFELLI & SON GENERAL CONTRACTING, INC.

WHEREAS, the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, awarded a contract for the Project known as Wilson Avenue Road Improvements to Cifelli & Son General Contracting, Inc., located at 81 Franklin Avenue, Nutley, New Jersey, in the amount of Three Hundred Fifteen Thousand One Hundred Eighty Three Dollars and No Cents (\$315,183.00) and authorized the Mayor and the Borough Clerk to execute a contract with Cifelli & Son General Contracting, Inc., on behalf of the Borough, with respect to the above referenced Project; and,

WHEREAS, at the request of the Borough Council of the Borough of North Plainfield, due to an unanticipated change in the scope of work with respect to the above referenced Project, by way of Council Resolution # 09-28-15-03e, the Borough increased the costs associated with the provision of the construction contract and increased the total amount of Three Hundred Fifteen Thousand One Hundred Eighty-Three Dollars and No Cents (\$315,183.00) by an additional Twenty Thousand Dollars and No Cents (\$20,000.00) to a total amount of Three Hundred Thirty-Five Thousand One Hundred Eighty-Three Dollars and No Cents (\$335,183.00); and,

WHEREAS, at the request of the Borough of North Plainfield, Cifelli & Son General Contracting, Inc., has prepared Change Order Request No. 1, dated December 8, 2015, setting forth the revised total costs associated with the provision of the construction contract, reducing the revised total cost associated with the provisions the contract to Three Hundred Thirty-Four Thousand Seven Hundred Forty-Seven Dollars and Three Cents (\$334,747.03); and,

WHEREAS, at the request of the Borough Council of the Borough of North Plainfield, and in addition to Partial Payment No. 1, Partial Payment Application No. 2 was approved in the total amount of Two Hundred Thirty Thousand Twenty Eight Dollars and Fifty Four Cents (\$230,028.54), for a total partial payment of Three Hundred Eight Thousand Eight Hundred Seventy-Nine Dollars and Thirty-Four Cents (\$308,879.34); and,

WHEREAS, the Borough Engineer, by a report dated December 8, 2015, has reviewed the Contractor's submission of Payment Application No. 3 (Final) in the total amount of Twenty-Five Thousand Eight Hundred Sixty-Seven Dollars and Sixty-Nine Cents (\$25,867.69), for a total (final) payment of Three Hundred Thirty-Four Thousand Seven Hundred Forty-Seven Dollars and Three Cents (\$334,747.03); and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Council hereby authorizes the Mayor and the Borough Clerk, on behalf of the Borough, to sign and/or execute Change Order Request No. 1, dated December 8, 2015, with Cifelli & Son General Contracting, Inc., which Change Order Request is incorporated herein by reference as if same was fully set forth, without the need for any further action of this Borough Council.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that Partial Payment Application No. 3 (final) is approved in the total amount of Twenty-Five Thousand Eight Hundred Sixty-Seven Dollars and Sixty-Nine Cents (\$25,867.69) and payment for same is authorized to be made to the Contractor.

RESOLUTION NO. 12-14-15-01f WHEREAS, Coastal Title Agency, Inc. inadvertently paid \$500.00 for five duplicate tax sale certificates and only one was provided to them. Coastal Title has requested refund of that over-payment.

BE IT RESOLVED by the Council of the Borough of North Plainfield that the Chief Financial Officer is authorized to make the following refunds:

Refund Over-Payment:

Coastal Title Agency, Inc. 2 Paragon Way, Suite 400 B PO Box 740 Freehold, NJ 07728	\$ 400.00
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RESOLUTION NO. 12-14-15-01g BE IT RESOLVED by the Council of the Borough of North Plainfield that, pursuant to N.P.R.G.O. 4-1 et seq., it does hereby authorize the issuance of licenses for the owner/operation of limousines/taxicabs to the following for two years in accordance with the applications heretofore submitted:

Cesar V. Soria, t/a
Soria Taxi LLC
477 Somerset Street

Nathan Jones, t/a
San's Limousine Service LLC
186 Westervelt Avenue

North Plainfield, NJ 07060

North Plainfield, NJ 07060

RESOLUTION NO. 12-14-15-01h BE IT RESOLVED by the Council of the Borough of North Plainfield that the Tax Collector is hereby authorized and directed to create duplicate tax sale certificates as follows:

Block 4.04 Lot 2
460 Richard Way

Certificate #09-00202
Issued 10-07-09

RESOLUTION NO. 12-14-15-01i WHEREAS, on a property known as block 101, lot 51, a.k.a. 220 Grove St., a sewer payment totaling \$233.36 was made on 12/27/13 by lienholder Trade Money; and

WHEREAS; said payment was not refunded to the lienholder upon redemption; and,

WHEREAS, it has been determined that the sewer payment of \$233.36 and additional interest of \$34.15 should be returned to the lienholder, per their request.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of North Plainfield that the Treasurer is hereby authorized and directed to process the following refund and the records of the Tax Collector’s office be accordingly adjusted.

Trade Money \$267.51
29 Palisades Rd.
Old Bridge, NJ 08857

RESOLUTION NO. 12-14-15-01j PROVIDING FOR THE TRANSFER OF SURPLUS FUNDS

WHEREAS, N.J.S. 40A:4-58 provides for the transfer of surplus funds from one account to the other during the last two months of the calendar year:

NOW, THEREFORE, BE IT RESOLVED By the Council of the Borough of North Plainfield that transfers be made in the Borough’s 2015 budget appropriations in accordance with the following schedule:

BE IT FURTHER RESOLVED that this Resolution shall take effect upon adoption.

<u>A/C #</u>	<u>NAME</u>	<u>FROM</u>	<u>TO</u>
	<u>CURRENT FUND</u>		
31-460-200	Utilities-Gasoline	\$ 60,000.00	
20-130-100	Financial Administration-S&W		\$ 10,000.00
20-145-200	Tax Collector-OE		2,000.00
23-210-200	Liability Insurance		20,000.00
26-290-100	Streets & Roads-S&W		10,000.00

26-310-200 Building & Grounds-OE		10,000.00
27-330-100 Board of Health-S&W		5,000.00
43-490-200 Municipal Court-OE		3,000.00
Totals	<u>\$ 60,000.00</u>	<u>\$ 60,000.00</u>

RESOLUTION NO. 12-14-15-01k RESOLUTION AUTHORIZING TREATMENT WORKS APPROVAL PERMIT APPLICATION BY THE BOROUGH OF NORTH PLAINFIELD FOR THE GROVE STREET PUMP STATION AND SANITARY SEWER IMPROVEMENTS PROJECT

WHEREAS, The Borough of North Plainfield is planning to construct a sanitary sewer pump station, force main, gravity line, and manholes in order to maintain the uninterrupted flow of sewage through the municipal sewer system (the "Project"); and,

WHEREAS, The Borough of North Plainfield must apply for a Treatment Works Approval Permit from the New Jersey Department of Environmental Protection for the Project; and,

WHEREAS, the New Jersey Department of Environmental Protection requires a Statement of Consent from the municipality in which the Project is located as part of the Treatment Works Approval Permit process; and,

WHEREAS, the Borough of North Plainfield must give its consent to obtain a Treatment Works Approval Permit and the Project to go forward because the Project is located in the Borough of North Plainfield.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield that the Borough of North Plainfield hereby grants its consent to submit a Treatment Works Approval Permit application to the New Jersey Department of Environmental Protection for the Project and hereby authorizes the Mayor and Borough Clerk to execute the Statement of Consent form and any and all necessary documents to complete said application.

RESOLUTION NO. 12-14-15-01l RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2015 YEAR END HOLIDAY CRACKDOWN

Whereas, impaired drivers on our nation's roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and

Whereas, 22% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over Year End Holiday Crackdown; and

Whereas, the project will involve increased impaired driving enforcement from December 11, 2015 through January 2, 2016; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be is resolved that the Council of the Borough of North Plainfield declares its support for the Drive Sober or Get Pulled Over 2015 Year End Holiday Crackdown from December 11, 2015 through January 2, 2016 and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION NO. 12-14-15-01n

*(It was determined that tonight's 12-14-15-01n was
Duplicative of Resolution No. 12-14-15-01f)*

Hence, it is omitted in these minutes.

Ms. Schaefer presented the following Resolution and moved its adoption:

RESOLUTION NO. 12-14-15-01m BE IT RESOLVED by the Council of the Borough of North Plainfield that the attached bills of the accounts named and for the amounts stated, having been duly audited and found to be correct as of this 14th day of December, 2015 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

Seconded by Mr. Singleterry with Roll Call as follows:

Ayes: Merrill, Miller, Righetti, Schaefer, Singleterry, Stabile
Abstain: La Ronde

Resolution carried 6-0-1.

Ms. Schaefer presented the following Resolution and moved its adoption:

RESOLUTION NO. 12-14-15-01o RESOLUTION OF THE BOROUGH COUNCIL APPROVING FINAL PAYMENT TO PALMA INC. AND THE CLOSING OUT OF THE PROJECT KNOWN AS THE FIRE STATION GARAGE RESINOUS FLOORING

WHEREAS, the Borough of North Plainfield previously resolved to award a contract for certain construction services with regard to a project known as "Fire Station Garage Resinous Flooring," said contract having been awarded to Palma Inc. with an address of 14 Salter Place, Bloomfield, New Jersey (hereinafter referred to as the "Contractor"); and,

WHEREAS, Douglas Marsan, of Suburban Consulting Engineers, Inc., on behalf of the Borough, has reviewed the Contractor's submission for Final Payment in the total amount of Thirty-Five Thousand Nine Hundred Dollars and No Cents (\$35,900.00); and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq., and the offices of Eric M. Bernstein & Associates, LLC has reviewed the Engineer's and the Contractor's submission and accepts same based on the recommendations of the Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that Final Payment and Closeout is approved in the total amount of Thirty-Five Thousand Nine Hundred Dollars and No Cents (\$35,900.00) and payment for same is authorized to be made to the Contractor; and,

BE IT FURTHER RESOLVED that this Resolution shall be subject to the Certification of the Borough's Chief Financial Officer as to the availability of funds for payment for same.

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute all necessary documents to close out the project and issue final payment.

Seconded by Mr. Merrill and on Roll Call carried all seven voting aye.

COMMUNICATIONS:

Somerset County Office of Public Information Somerville, NJ	Various Communications, Advisories and News Releases
Richard K. Phoenix, RMC – Borough Clerk & Chief Operator, WPQJ970 – 1630-AM Radio	Calendar Updates and Advisories; Time-Sensitive Radio Scripts
Tri-County Chamber of Commerce South Plainfield, NJ	Newsletters & Advisories
NJ State League of Municipalities Trenton, NJ	Newsletters & Advisories
PSE&G Newark, NJ	Newsletters and Hearing Notices
NJ Highlands Coalition Boonton, NJ	Newsletters
Betsy Ramos, Esq. Capehart & Scatchard, P.A. Mount Laurel, NJ	NJ Public Entity Law Monthly Newsletter
Green Brook Flood Control Commission Green Brook, NJ	Invoice and Report
Somerset County Planning Board Somerville, NJ	Proposed Wastewater Management Planning Requirements
Luis Penaloza The Bridge Tavern	Request for extended New Year's Opening Hours
Association of NJ Environmental Commissioners Metuchen, NJ	What is a TMDL?
Plainfield Area Humane Society Plainfield, NJ	Invoice and Report

REQUESTS FOR AGENDA ITEMS:

Mr. Stabile requested discussion of the noise ordinance in January.

Responding to Mr. Singleterry's inquiry, Mr. Bernstein advised that the Council was in possession of two revised draft ordinances for their review.

PUBLIC COMMENT:

Gary Lewis, 110 Jackson Avenue, North Plainfield, expressed his interest in the energy aggregation bid package as his company provides this service.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor Giordano commented on the success of the tree lighting which was enjoyed by all in attendance. He wished everyone a Merry Christmas and a Happy New Year.

All Council members offered their best wishes to one and all for a very merry Christmas and a happy New Year.

Motion to adjourn by Ms. Miller, seconded by Mr. Merrill and carried unanimously.

Meeting adjourned at 8:52 p.m.

Borough Clerk

Council President