

DRAFT MINUTES

These are the Draft Minutes of the Regular Meeting of the Borough Council of North Plainfield, New Jersey held on Monday, 23 May 2016. 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, **May 23, 2016** at 7:33 p.m. at the North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

n.b.: Agenda Conference for this date was cancelled.

PRESENT:

Council Members: Everett Merrill
 Keiona R. Miller
 Frank Righetti (absent – excused)
 Wendy Schaefer
 Douglas M. Singleterry
 Frank “Skip” Stabile
 Lawrence La Ronde, Council President

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

Council President La Ronde 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 14, 2015. 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*, *The Alternative Press* and *WKMB* Radio on December 15, 2015 by publication of the announcement in the *Courier News* of December 17, 2015 and by posting a copy of this notice on the bulletin boards in the Municipal Building and Memorial Library reserved for such purpose."

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

Council President La Ronde requested a moment of silence for the men and women serving in our Armed Forces.

The Clerk had submitted copies of the minutes of the Regular Meeting and Executive Session of May 9, 2016.

Council President La Ronde called for a Roll Call on the minutes:

Regular Meeting and Executive Session of May 9, 2016: All in favor.

APPOINTMENT BY MAYOR TO BOARDS, COMMITTEES AND COMMISSIONS REQUIRING COUNCIL CONFIRMATION:

LIBRARY ADVISORY COMMITTEE:

Jane Thoner

Unexpired Three-year term

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

RESOLUTION NO. 05-23-16-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance entitled: **ORDINANCE NO. 16-10, BOND ORDINANCE PROVIDING FOR VARIOUS 2016 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPROPRIATING \$2,065,000 THEREFOR (INCLUDING NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$175,000) AND AUTHORIZING THE ISSUANCE OF \$1,966,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**, heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 13th day of June, 2016 at 7:30 o'clock, p.m., or as soon thereafter as the matter can be reached, at the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Ms. Schaefer and on Roll Call carried all six voting aye.

The Clerk read the ordinance by its title as follows:

ORDINANCE NO. 16-10 BOND ORDINANCE PROVIDING FOR VARIOUS 2016 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPROPRIATING \$2,065,000 THEREFOR (INCLUDING NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$175,000) AND AUTHORIZING THE ISSUANCE OF \$1,966,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

RESOLUTION NO. 05-23-16-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance entitled: **ORDINANCE NO. 16-11, BOND ORDINANCE PROVIDING FOR**

VARIOUS 2016 SEWER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPROPRIATING \$786,000 THEREFOR (INCLUDING COMMUNITY DEVELOPMENT BLOCK GRANTS IN THE AMOUNT OF \$300,000) AND AUTHORIZING THE ISSUANCE OF \$761,425 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 13th day of June, 2016 at 7:30 o'clock, p.m., or as soon thereafter as the matter can be reached, at the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Ms. Schaefer and on Roll Call carried all six voting aye.

The Clerk read the ordinance by its title as follows:

ORDINANCE NO. 16-11 BOND ORDINANCE PROVIDING FOR VARIOUS 2016 SEWER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPROPRIATING \$786,000 THEREFOR (INCLUDING COMMUNITY DEVELOPMENT BLOCK GRANTS IN THE AMOUNT OF \$300,000) AND AUTHORIZING THE ISSUANCE OF \$761,425 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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.

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

RESOLUTION NO. 05-23-16-03 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

05-23-16-03a, b, c, d, e, f, g and h

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

Seconded by Ms. Miller and on Roll Call carried all six voting aye.

APPROVED RESOLUTIONS:

RESOLUTION NO. 05-23-16-03a REQUESTING APPROVAL OF INSERTION OF \$15,459.02 FOR THE 2016 BUDGET REVENUE AVAILABLE FROM THE MUNICIPAL ALLIANCE GRANT

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

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Borough of North Plainfield 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 2016 in the sum of \$15,459.02 which item is now available as a revenue from the Municipal Alliance Grant.

BE IT FURTHER RESOLVED that a like sum of \$15,459.02 be and the same is hereby appropriated under the caption of:

Municipal Alliance Grant

BE IT FURTHER RESOLVED that the matching funds in the amount of \$4,355.00 appears in the 2016 Adopted Municipal Budget under the Municipal Alliance-matching funds line item (Sheet 24)

RESOLUTION NO. 05-23-16-03b RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH T.R. WENIGER, INC. FOR THE GROVE STREET PUMP STATION AND SANITARY SEWER IMPROVEMENTS FOR THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield is in need of certain improvements on the Grove Street pump station and sanitary sewers connected thereto (hereinafter referred to as the “Project”); and,

WHEREAS, the Borough of North Plainfield solicited public bids for the Project and received three (3) bids, were received and opened on the due date of May 17, 2016:

<u>Bidding Entity</u>	<u>Total Amount</u>
T.R. Weniger, Inc.	\$314,115.00
Kyle Conti Construction LLC	\$357,312.49
CCM Contracting, Inc.	\$448,126.00

WHEREAS, Hatch Mott MacDonald, the Borough’s consulting engineer supervising on this Project, has reviewed the bid submissions and has recommended the award of the bid and contract for the Project to T.R. Weniger, Inc., whose main offices are located at 1900 New Brunswick Avenue, Piscataway, New Jersey 08854 (hereinafter referred to as the “Contractor”); and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq., and the offices of Eric M. Bernstein & Associates, LLC, have reviewed the bid submissions and find no material defect with the bid proposal for the Contractor; and,

WHEREAS, the Borough of North Plainfield is desirous of obtaining the services of the Contractor to perform all those services contemplated in the Borough’s bid documents and the bid proposal submitted by the Contractor; and,

WHEREAS, the Borough of North Plainfield finds that the Contractor is the lowest responsible bidder for the Project pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

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 awards the following Bid and Contract:

Project: Grove Street Pump Station and Sanitary Sewer Improvements
 Successful Bidder: T.R. Weniger, Inc.
 Total Bid: In the Amount of Three Hundred Fourteen Thousand One Hundred Fifteen Dollars and Zero Cents (\$314,115.00).

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute the contract and all necessary documents to engage the construction services of T.R. Weniger, Inc. for the Project; and,

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; and,

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 and that the contract and its performance shall be consistent with all applicable laws, the Borough’s bid documents and the bid proposal of T.R. Weniger, Inc. for the Project known as the Grove Street Pump Station and Sanitary Sewer Improvements.

RESOLUTION NO. 05-23-16-03c RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH TOP LINE CONSTRUCTION CORP. FOR THE AWARD OF THE 2016 CAPITAL ROAD IMPROVEMENTS FOR THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield is in need of certain capital road improvements on various streets throughout the Borough (hereinafter referred to as the “Project”); and,

WHEREAS, the Borough of North Plainfield solicited public bids for the Project and received ten (10) bids, including the following three (3) submissions, which appear to be the three (3) lowest responsible bids as were received and opened on the due date of May 12, 2016:

<u>Bidding Entity</u>	<u>Base Bid</u>	<u>Add Alternate A Amount</u>	<u>Total Amount</u>
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Top Line Construction Corp.:	\$535,697.70	\$38,011.68	\$573,697.70
Kyle Conti Construction LLC:	\$581,034.53	\$18,901.35	\$599,935.88
CCM Contracting, Inc.	\$577,055.45	\$24,477.56	\$601,533.01

WHEREAS, Grotto Engineering Associates, LLC, the Borough’s consulting engineer supervising this Project, has reviewed the bid submissions and has recommended the award of the bid and contract for the Project to Top Line Construction Corp., with its main offices located at 22 Fifth Street, Somerville, New Jersey 08876 (hereinafter referred to as the “Contractor”); and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq., and the offices of Eric M. Bernstein & Associates, LLC have reviewed the bid submissions and find no material defect with the bid proposal for the Contractor; and,

WHEREAS, the Borough of North Plainfield is desirous of obtaining the services of the Contractor to perform all those services contemplated in the Borough’s bid documents and the bid proposal submitted by the Contractor; and,

WHEREAS, the Borough of North Plainfield finds that the Contractor is the lowest responsible bidder for the Project.

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 awards the following Bid and Contract:

Project:	2016 Capital Road Improvements
Successful Bidder:	Top Line Construction Corp.
Total Bid:	In the amount of Five Hundred Thirty Five Thousand Six Hundred Eighty-Six Dollars and Two Cents (\$535,686.02) with an Add Alternate A amount of Thirty Eight Thousand Eleven Dollars and Sixty-Eight Cents (\$38,011.68) for a Total Bid of Five Hundred Seventy-Three Thousand Six Hundred Ninety-Seven Dollars and Thirty-Seven Cents (\$573,352.50).

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute the contract and all necessary documents to engage the construction services of Top Line Construction Corp. for the Project; and,

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; and,

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 and that the contract and its performance shall be consistent with all applicable laws, the Borough’s bid documents and the bid proposal of Top Line Construction Corp. for the Project known as the 2016 Capital Road Improvements.

RESOLUTION NO. 05-23-16-03d BE IT RESOLVED by the Council of the Borough of North Plainfield that upon nomination by the Mayor and with the advice and consent of this Council that JANE THONER be and is hereby appointed to the LIBRARY ADVISORY COMMITTEE of this Borough to serve for the balance of an unexpired term expiring on January 1, 2019, and until her successor shall have been appointed and qualified.

RESOLUTION NO. 05-23-16-03e 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

Nathan Jones, t/a
San's Limousine Service LLC
186 Westervelt Avenue
North Plainfield, NJ 07060

RESOLUTION NO. 05-23-16-03f RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AMENDMENT TO AN AGREEMENT WITH DOCUSAFE RECORDS MANAGEMENT LLC FOR THE STORAGE OF DOCUMENTS FOR THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield is required by law to store and maintain certain documents as permanent by the State of New Jersey (hereinafter referred to as the "Documents"); and,

WHEREAS, on May 27, 2015, the Borough of North Plainfield entered into an agreement with DocuSafe Records Management LLC, to store its Documents at its primary location with an address of 3 Applegate Drive, Robbinsville, New Jersey 08961 (hereinafter referred to as the "Agreement"); and,

WHEREAS, the Borough of North Plainfield and DocuSafe Records Management LLC desire to enter into an amendment to the Agreement as the Schedule of Rates has been changed (hereinafter referred to as the "Amendment"); and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq., and the offices of Eric M. Bernstein & Associates, LLC have reviewed the Amendment to the Agreement and the revised Schedule of Rates and find no material defects therein; and,

WHEREAS, the Borough of North Plainfield desires to retain the services of DocuSafe Records Management LLC to perform all those services contemplated in the Agreement; and,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute the Amendment and all necessary documents to engage DocuSafe Records Management LLC for the continued storage of North Plainfield's Documents; and,

BE IT FURTHER RESOLVED that the execution of the Amendment shall be subject to the certification of the Borough's Chief Financial Officer as to the availability of funds for payment for same; and,

BE IT FURTHER RESOLVED that the execution of the Amendment is made pursuant to and consistent with the Local Public Contracts Laws of the State of New Jersey and that the Amendment and its performance shall be consistent with all applicable laws and the Agreement.

RESOLUTION NO. 05-23-16-03g 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 43	Lot 3	92 Brook Avenue	Cert. #12-00071	Issued 10-23-12
Block 178	Lot 20	566 Rockview Ave.	Cert. #13-00265	Issued 12-04-13

RESOLUTION NO. 05-23-16-03h 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 23rd day of May, 2016 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

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

RESOLUTION NO. 05-23-16-04 AUTHORIZING THE ENTERING INTO A LOCAL SHARED SERVICES AGREEMENT AND AUTHORIZING PAYMENT FROM THE BOROUGH AFFORDABLE HOUSING TRUST FUND IN THE AMOUNT OF \$1,500.00 FOR JOINT VICINAGE 13 DEFENSE COSTS IN THE MATTER OF THE MT. LAUREL DECLARATORY JUDGMENT ACTIONS FILED IN HUNTERDON, SOMERSET AND WARREN COUNTIES, STATE OF NEW JERSEY PURSUANT TO IN RE ADOPTION OF N.J.A.C. 5:96, 221 N.J. 1 (2015) SUPERIOR COURT OF HUNTERDON, SOMERSET AND WARREN COUNTIES (THE "LITIGATION")

WHEREAS, the Borough of North Plainfield wishes to enter into a local shared services agreement with various municipalities in Vicinage 13 to share joint defense costs and attorney's fees in the Litigation presently before the Honorable Thomas C. Miller, P.J.Cv.; and,

WHEREAS, Judge Miller has entered an Amended Omnibus Order Case Management and Consolidated Hearing on Determination of Fair Share Obligation dated February 17, 2016 (the "Omnibus Order"), of which the Borough of North Plainfield is party thereto pursuant to Docket No. SOM-L-935-15; and,

WHEREAS, the Chief Financial Officer of the Borough has certified funds are available in the Affordable Housing Trust Fund.

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 is hereby authorized to enter into a local shared services agreement for joint defense costs to be reviewed and approved by the Borough Attorney and payment to the attorney trust account of Lavery, Selvaggi, Abromitis & Cohen is authorized relating thereto in an amount of One Thousand Five Hundred (\$1,500.00) Dollars; and,

BE IT FURTHER RESOLVED by the Borough Council of the Borough of North Plainfield that the Mayor and Borough Clerk are hereby authorized to execute the local shared services agreement and any other document(s) to effectuate the intent of this herein Resolution.

Seconded by Mr. Singleterry and on Roll Call carried all six voting aye.

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

RESOLUTION NO. 05-23-16-05 WHEREAS, East End School PTO, 170 Oneida Avenue, North Plainfield, New Jersey, has applied for licenses to conduct an on-premise 50-50 cash raffle and an on-premise merchandise raffle on June 4, 2016; and

WHEREAS, East End School PTO has been issued Identification No. 352-5-39102 by the New Jersey Legalized Games of Chance Control Commission; and

WHEREAS, investigation has shown that said applicant meets the requirements for the issuance of a raffle license;

NOW, THEREFORE, BE IT RESOLVED that the Clerk be and is hereby authorized to issue licenses to East End School PTO for an on-premise 50-50 cash raffle (RL-1139) and an on-premise merchandise raffle (RL-1140) to be held on June 4, 2016 at 170 Oneida Avenue, North Plainfield, New Jersey.

Seconded by Mr. Stabile and on Roll Call carried all six voting aye.

COMMUNICATIONS:

<p>Somerset County Office of Public Information Somerville, NJ Richard K. Phoenix, RMC – Borough Clerk & Chief Operator, WPQJ970 – 1630-AM Radio Tri-County Chamber of Commerce South Plainfield, NJ NJ State League of Municipalities Trenton, NJ NJ Dept. of Environmental Protection Trenton, NJ Division of Taxation, State of New Jersey Trenton, NJ Betsy G. Ramos, Esq., Capehart & Scatchard, P.C. Mount Laurel, NJ Information Station Specialists Zeeland, Michigan</p>	<p>Various Communications, Advisories and News Releases Calendar Updates and Advisories; Time-Sensitive Radio Scripts Newsletters and Advisories Newsletters and Advisories Various Newsletters and Advisories Municipal Hotel and Motel Occupancy Tax Distribution NJ Public Entity Law Monthly The Source Newsletter</p>
<p>Antea Group Moorestown, NJ Sustainable Raritan River</p>	<p>NJDEP Public Notification and Outreach Form Newsletter</p>

New Brunswick, NJ DocuSafe Robbinsville, NJ Arcadis Design & Consulting Branchburg, NJ	Amended Agreement Unrestricted Use – 535 Somerset Street – Remediation Complete
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REQUESTS FOR AGENDA ITEMS: None.

PUBLIC COMMENT:

Frank D'Amore, Sr., 40 Willow Avenue, commenting on his participation in the Clean Communities Day event, the speaker recognized the significant decrease in trash on the streets thanks to the alternate side of the street parking ordinance. Mr. D'Amore suggested that flags be hung in and around Memorial Park. He then questioned the status of the court decision awarding a police officer \$97,000 for his legal fees.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor Giordano announced that the annual Memorial Day Services would be held on Monday, May 30 and a community service health fair would be held on June 4 at the Watchung Avenue Presbyterian Church. Advising that the annual Street Fair would not be held due to limited vendor traffic and increased operating costs, he further noted that the Fourth of July fireworks and concert to be held on Saturday, July 9 would include aspects of the street fair.

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

Meeting adjourned at 7:50 p.m.

Borough Clerk

Council President