

DRAFT MINUTES

*These are the Draft Minutes of the Regular Meeting
of the North Plainfield Borough Council held on Monday, 26 September 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, **September 26, 2016** at 8:22 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 Hollod, Business Administrator
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 Clerk had submitted copies of the minutes of the Board of Health, Agenda Conference and the Regular Meeting of September 12, 2016.

Council President La Ronde called for a Roll Call on the minutes of the Board of Health, Agenda Conference and the Regular Meeting of September 12, 2016:

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

HEARING:

ORDINANCE NO. 16-13 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE BY REMOVING SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE AS TO CHAPTER IV, GENERAL LICENSING MOST NOTABLY DELETING SECTION 4-15, ENTITLED “MASSAGE, BODYWORK AND SOMATIC THERAPY”

The Clerk read the Ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Ms. Miller, seconded by Mr. Stabile and on Roll Call carried all seven voting aye.

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

RESOLUTION NO. 09-26-16-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 16-13 be adopted and advertised as required by statute.

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

HEARING:

ORDINANCE NO. 16-14 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE BY REMOVING CERTAIN SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE AS TO CHAPTER V, ANIMAL CONTROL MOST NOTABLY DELETING SECTION 5-4, ENTITLED “ANIMAL WASTE DEPOSITED ON PRIVATE PROPERTY PROHIBITED; CLEANUP REQUIRED”

The Clerk read the Ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Mr. Righetti, seconded by Mr. Stabile and on Roll Call carried all seven voting aye.

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

RESOLUTION NO. 09-26-16-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 16-14 be adopted and advertised as required by statute.

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

HEARING:

ORDINANCE NO. 16-15 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER VII ENTITLED, "TRAFFIC", SECTION 7-7 ENTITLED, "LOADING ZONES", MOST NOTABLY, SCHEDULE XI, ENTITLED "SCHEDULE XI LOADING ZONES."

The Clerk read the Ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Mr. Righetti, seconded by Ms. Miller and on Roll Call carried all seven voting aye.

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

RESOLUTION NO. 09-26-16-03 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 16-15 be adopted and advertised as required by statute.

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

HEARING:

ORDINANCE NO. 16-16 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER XIX ENTITLED, "FIRE PREVENTION," SECTION 19-2 ENTITLED, "LOCAL ENFORCEMENT," SPECIFICALLY, SECTION 19-2.4A ENTITLED, "NONREGISTERED LIFE HAZARD USE FEE"

The Clerk read the Ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Mr. Righetti, seconded by Ms. Schaefer and on Roll Call carried all seven voting aye.

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

RESOLUTION NO. 09-26-16-04 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 16-16 be adopted and advertised as required by statute.

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

HEARING:

ORDINANCE NO. 16-17 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER XIX, ENTITLED “FIRE PREVENTION,” SECTION 19-4 ENTITLED, “PERMITS,” SPECIFICALLY, SECTION 19-4b ENTITLED “MULTIPLE FAMILY PERMIT FEES” AND ADDING 19-4c ENTITLED, “GENERAL PERMIT FEES”

The Clerk read the Ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Mr. Righetti, seconded by Ms. Schaefer and on Roll Call carried all seven voting aye.

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

RESOLUTION NO. 09-26-16-05 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 16-17 be adopted and advertised as required by statute.

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

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. Singleterry presented the following Resolution and moved its adoption:

RESOLUTION NO. 09-26-16-06 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

09-26-16-06a, b, c and d

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. 09-26-16-06a RESOLUTION APPROVING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1814-33-004-003 FROM 164 SOMERSET STREET, LLC TO TOSON FOOD & BEVERAGES NORTH PLAINFIELD, LLC, d/b/a AROOGA’S GRILLE HOUSE AND SPORTS BAR AS A POCKET LICENSE

WHEREAS, 164 Somerset Street, L.L.C. (hereinafter “Owner”) is the present holder of Plenary Retail Consumption License 1814-33-004-003 (hereinafter the “License”) situated at premises located at 164 Somerset Street, in the Borough of North Plainfield, County of Somerset and State of New Jersey (hereinafter the “Licensed Premises”); and,

WHEREAS, the Owner has entered into a contract to sell the License to Toson Food & Beverages North Plainfield LLC, a New Jersey limited liability company d/b/a Arooga’s Grille House and Sports Bar (“Purchaser”), with its principal place of business located at 1200 Route 22 East, North Plainfield, New Jersey 07060; and,

WHEREAS, the Owner has consented to transfer the License person to person under Title 33 of the Alcoholic Beverage Control Law; and,

WHEREAS, the Purchaser of the License has submitted its License application for transfer as a person to person, pocket license, in due and complete form and has caused the due and required notices to be published; and,

WHEREAS, the Purchaser has applied to have the License transferred to it as a “pocket” license; and,

WHEREAS, the location for the activation of the License has not yet been completed and inspected; and,

WHEREAS, the Purchaser has acknowledged that it will be required to apply to the Borough of North Plainfield before activating and operating the License at its physical location that will utilize the License; and,

WHEREAS, the Borough Council of North Plainfield conducted a hearing for the person to person transfer of the License as a pocket license on September 12, 2016 at its regular meeting of the Borough Council; and,

WHEREAS, the Council having considered the application submitted by the Purchaser and the Borough Police Department reports of investigation in this matter; and,

WHEREAS, upon all due consideration and evaluation of the application, the Borough Council of the Borough of North Plainfield has determined that the Purchaser qualifies for transfer person to person of the License to it as a pocket license.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of North Plainfield that Resolution No. 09-12-16-07a be and is hereby partially rescinded to delete the reference to “place-to-place”; and,

BE IT FURTHER RESOLVED, that License No. 1814-33-004-003 be and is hereby APPROVED FOR TRANSFER to Toson Food & Beverages North Plainfield LLC, a New Jersey limited liability company d/b/a Arooga’s Grille House and Sports Bar as a person to person transfer as a pocket license,

upon condition of approval of the transfer by the State of New Jersey, Department of the Treasury, Division of Alcoholic Beverage Control, duly required publication, and presentation of the same to the Borough Clerk.

RESOLUTION NO. 09-26-16-06b REQUESTING APPROVAL OF INSERTION OF \$10,000.00 FOR THE 2016 BUDGET REVENUE AVAILABLE FROM THE BODY WORN CAMERA (BWC) ASSISTANCE PROGRAM

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 \$10,000.00 which item is now available as a revenue from the Body Worn Camera Assistance Program Grant.

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 be and the same is hereby appropriated under the caption of:

Body Worn Camera Assistance Program Grant

RESOLUTION NO. 09-26-16-06c GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations," and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations,” as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of North Plainfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 09-26-16-06d 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 26th day of September, 2016 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

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 Plainfield Area Humane Society Plainfield, NJ Sustainable Raritan River Coalition</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 Report and Invoicing Newsletter</p>
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<p>New Brunswick, NJ NJ Dept. of Environmental Protection, Trenton, NJ NJ Highlands Coalition Boonton, NJ Sandra G. Jones, Borough Clerk Borough of Bernardsville Nick Ciampa, Fleetwood Camera Museum Adrienne Graubard North Plainfield</p>	<p>Podcast Advisory Newsletters Thin Blue Line Act resolution Lights of Washington Park book Littering</p>
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REQUESTS FOR AGENDA ITEMS:

Mr. Singleterry requested the Master Plan ordinances.

PUBLIC COMMENT:

Frank D’Amore, Sr., 40 Willow Avenue, North Plainfield, offered praise of the telephone emergency alert system, explaining that residents had been made aware of a door-to-door scam in town.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor Giordano reported that the Borough-wide garage sale was well received. He announced that the Senior picnic would be held October 1 from 12:00 p.m. to 4:00 p.m. and a domestic violence candlelight vigil would be held October 6 at the Community Center.

Announcing that the Borough had received their best practices checklist from Trenton, Mr. Hollod confirmed its presentation at the next meeting.

Mr. Singleterry congratulated and thanked the police officers for their service to the Borough. Mr. Righetti, Ms. Schaefer, and Ms. Miller echoed his sentiments.

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

Meeting adjourned at 8:36 p.m.

Borough Clerk

Council President