

DRAFT MINUTES

*These are the Draft Minutes of the Regular Meeting
of the North Plainfield Borough Council held on Monday, 12 December 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, **December 12, 2016** at 8:38 p.m. at the North Plainfield Community Center, 614 Greenbrook Road, North Plainfield, New Jersey.

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
David Hollod, Business Administrator
John Kaplan, 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 7, 2016, 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 Agenda Conference and the Regular Meeting of November 28, 2016.

Council President La Ronde called for a Roll Call on the minutes of the Agenda Conference and the Regular Meeting of November 28, 2016:

Ayes: Schaefer, Singleterry, Stabile, La Ronde

Abstain: Merrill, Miller

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. Stabile asked if item “b” was withdrawn for tonight and the Council President replied in the affirmative.

Mr. Merrill requested that item “d” be removed for a separate vote.

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

RESOLUTION NO. 12-12-16-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

12-12-16-01a, c, 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 five voting aye.

APPROVED RESOLUTIONS:

RESOLUTION NO. 12-12-16-01a WHEREAS, Joseph Pisaniello inadvertently paid \$2,078.12 that was not due on the tax bill for 29 Glen Court, and has requested refund of that payment.

BE IT RESOLVED by the Council of the Borough of North Plainfield, that the Tax Collector is authorized to make the following refund:

Refund Real Estate Erroneous Tax Payment:

Joseph Pisaniello \$2,078.12
29 Glen Court
North Plainfield, NJ 07060

RESOLUTION NO. 12-12-16-01b *The Resolution awarding the bid for the Community Center Generator Project was withdrawn.*

RESOLUTION NO. 12-12-16-01c Resolution Supporting the *Drive Sober or Get Pulled Over 2016 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, 29% of motor vehicle fatalities in New Jersey in 2014 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 9, 2016 through January 1, 2017; 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 North Plainfield Borough declares its support for the Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown from December 9, 2016 through January 1, 2017 and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION NO. 12-12-16-01e WHEREAS, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund as permitted by the Chapter 372 Laws of 1983 (40A:10-36); and

WHEREAS, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and

WHEREAS, the Governing Body of the Borough of North Plainfield, has determined that membership in the Garden State Municipal Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens; and

WHEREAS, the Governing Body of the Borough of North Plainfield has previously executed a resolution to join the Garden State Municipal Joint Insurance Fund subject to the acceptance of its assessment;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of North Plainfield (hereinafter referred to as the "Municipality") does hereby resolve and agree to renew its membership in the Fund for a period not to exceed three (3) years beginning January 1, 2017 to December 31, 2019 for the purpose of establishing the following types of coverage:

- Workers' Compensation and Employer's Liability;

- General Liability including law enforcement and public officials liability;
- Motor vehicle liability;
- Property damage (buildings, contents, equipment, and motor vehicle);

BE IT FURTHER RESOLVED, that the Municipality has never defaulted on claims and has not been canceled for nonpayment of insurance premiums for a period of at least two years prior to the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the Mayor and the Municipal Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective only upon approval by the New Jersey Department of Insurance and the Department of Community Affairs.

RESOLUTION NO. 12-12-16-01f 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 Boroughs' 2016 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>			
25-265-101	Fire-S&W	\$7,000.00	
25-269-299	EMS-Miscellaneous		\$ 2,000.00
26-315-222	Vehicle Maintenance-Fire		5,000.00
23-220-299	Group Insurance	1,500.00	
25-240-299	Police-Miscellaneous	<u> </u>	<u>1,500.00</u>
Totals		<u>\$8,500.00</u>	<u>\$8,500.00</u>

RESOLUTION NO. 12-12-16-01g RESOLUTION OF THE BOROUGH COUNCIL APPROVING FINAL PAYMENT #4 AND CHANGE WORK ORDER #1 TO TOP LINE CONSTRUCTION CORP. AND THE CLOSING OUT OF THE CONTRACT FOR THE PROJECT KNOWN 2016 CAPITAL ROAD IMPROVEMENTS – VARIOUS ROADS.

WHEREAS, the Borough of North Plainfield previously awarded a contract for certain road improvements with regard to a project known as “2016 Capital Road Improvements – Various Roads” (hereinafter referred to as the “Project”), with said contract having been awarded to Top Line Construction Corp., with an address of 22 Fifth Street, Somerville, New Jersey 08876 (hereinafter referred to as the “Contractor”); and,

WHEREAS, David J. Testa, P.E., C.M.E., C.P.W.M., of Grotto Engineering Associates, LLC (hereinafter referred to as the “Engineer”), on behalf of the Borough, has reviewed the Contractor’s submission for Final Payment #4 in the total amount of Eleven Thousand One Hundred Fifty-Eight Dollars and Sixty-One Cents (\$11,158.61) and for the total closeout of the Project, which includes the release of any of the Contractor’s retained funds held by the Borough for the Project; and,

WHEREAS, the Engineer, on behalf of the Borough, has reviewed the Contractor’s request for Change Work Order No. 1-Final, reducing the net amount of the completed project in the total amount of Fifteen Thousand Seven Hundred Sixty-Seven Dollars and Twenty-Eight Cents (\$15,767.28); and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq., and the offices of Eric M. Bernstein & Associates, LLC have reviewed the Engineer’s and the Contractor’s submissions 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 the request for Final Payment #4, dated November 23, 2016, and Closeout of the Project known as 2016 Capital Road Improvements – Various Roads, is approved in the total amount of Eleven Thousand One Hundred Fifty-Eight Dollars and Sixty-One Cents (\$11,158.61), which Final Payment Request and Closeout request is incorporated herein by reference as if same was fully set forth within, and payment for same is authorized to be made to the Contractor, without the need for any further action of this Borough Council; and,

BE IT FURTHER RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, Change Work Order Request No. 1-Final, dated November 23, 2016, with Top Line Construction Corp., is approved reducing the net amount of the completed project in the total amount of Fifteen Thousand Seven Hundred Sixty-Seven Dollars and Twenty-Eight Cents (\$15,767.28), which Change Work Order Request is incorporated herein by reference as if same was fully set forth within, without the need for any further action of this Borough Council.

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, issue Final Payment #4 and approve Change Work Order #1.

RESOLUTION NO. 12-12-16-0h RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE ACCEPTANCE OF A DONATION OF A MOTOR VEHICLE FOR USE BY THE BOROUGH OF NORTH PLAINFIELD POLICE DEPARTMENT FOR THE BENEFIT OF THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, VIP Honda, located in the Borough of North Plainfield, has offered to donate a motor vehicle to the Borough of North Plainfield, County of Somerset, State of New Jersey Police Department; and,

WHEREAS, the Borough of North Plainfield wishes to accept the above referenced donation of a motor vehicle to be used by the North Plainfield Police Department for transportation and other services, and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq., and the offices of Eric M. Bernstein & Associates, LLC have reviewed VIP Honda's proposal and approve of same.

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 accepts the donation of the motor vehicle from VIP Honda to the Borough of North Plainfield for use by the North Plainfield Police Department.

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 transfer title to the motor vehicle to that of the Borough of North Plainfield.

RESOLUTION NO. 12-12-16-01i WHEREAS, David E. Hollod, Administrator of the Borough of North Plainfield declared an emergency condition for a repair at NJSH 22 and North Drive; and

WHEREAS, Kathleen Intravartolo, QPA has submitted Certification of Request for Emergency Purchase; and

WHEREAS, Kyle Smith, Project Engineer has issued said request (attached hereto) indicating the reasons said emergency exists; and

WHEREAS, Kyle Smith, Project Engineer, has obtained a quote from Fred Devens Construction to repair said emergency dated November 30, 2016; and

WHEREAS, the governing body is in agreement that said emergency contract must be awarded without public bidding pursuant to N.J.S.A. 40A:11-6.

BE IT RESOLVED that the Council of the Borough of North Plainfield does hereby authorize the contract with Fred Devens Construction for the repair of said emergency in the amount of \$23,250.00.

RESOLUTION NO. 12-12-16-01j AUTHORIZATION TO SUBMIT AN APPLICATION FOR AN HISTORIC PRESERVATION GRANT UNDER THE CERTIFIED LOCAL GOVERNMENT PROGRAM

WHEREAS the governing body of the Borough of North Plainfield desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$24,999 to fund the following project: preparation of an historic district survey.

NOW, THEREFORE, BE IT RESOLVED by the governing body of North Plainfield Borough that David E. Hollod, Borough Administrator, or the successor to the title of Borough Administrator, is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the

State in an amount not more than \$24,999, and (c) to execute any amendments thereto which do no increase the Grantee’s obligations.

BE IT FURTHER RESOLVED that the Borough of North Plainfield agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

RESOLUTION NO. 12-12-16-01k 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 12th day of December, 2016 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

RESOLUTION NO. 12-12-16-01l 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 41 Lot 1	86 Westervelt Avenue	Cert. #06-00029	Issued 06/29/06
		#12-00070	Issued 10/23/12

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

RESOLUTION NO. 12-12-16-01d BE IT RESOLVED by the Council of the Borough of North Plainfield that it does hereby authorize the issuance of a license to drive a taxicab for two years, pursuant to N.P.R.G.O. 4-1 et seq., to the following in accordance with the applications heretofore submitted:

Sylvia M. Zuniga-Cardenas
 128 East 7th Street, Apr. 108
 Plainfield, NJ 07060

Seconded by Mr. Stabile with Roll Call as follows:

Aye: Miller, Schaefer, Singleterry, La Ronde
 Nay: Merrill, Stabile

Resolution carried 4-2.

COMMUNICATIONS:

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	Various Communications, Advisories and News Releases Calendar Updates and Advisories; Time-Sensitive Radio Scripts Newsletters and Advisories Newsletters and Advisories
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NJ Dept. of Environmental Protection Trenton, NJ	Various Newsletters and Advisories
Plainfield Area Humane Society Plainfield, NJ	Report and Invoicing
Sustainable Raritan River Coalition New Brunswick, NJ	Newsletters
NJ Highlands Coalition Boonton, NJ	Newsletters
Nick Ciampa, Fleetwood Camera Museum NJ State Treasurer Trenton, NJ	Lights of Washington Park book Report of Hotel/Motel Tax Revenue
Cathy Reese, Township Clerk Warren Twp., NJ	Local ABC fee questionnaire
Plainfield Area Regional Sewerage Authority Middlesex, NJ	Meeting minutes and agenda
Green Brook Flood Control Commission Green Brook, NJ	Meeting notice
NJ Department of Transportation Trenton, NJ	Access Management Survey
Mark T. Williams North Plainfield	Mental Health Stigma Free Zone
Schenck Price Smith & King, LLP Florham Park, NJ	Notice of Hearing to Property Owners re: Arooga's
Hon. Denise Szabo, President, Municipal Clerks' Association of New Jersey, Bernards Township	Memo re: Open Public Records Act Disclosures from Police Records

REQUESTS FOR AGENDA ITEMS:

Mr. Merrill questioned the planned naming of a street, and Mr. La Ronde explained that it would be done when the honoree's family was available for the ceremony.

Mr. Stabile asked for a scheduled discussion on cats in the Borough. The Council President replied that the discussion would be agendaized for the Council's January 23, 2017 meeting.

Ms. Miller asked about the frequency of joint meetings with the Board of Education, and Mr. La Ronde commented that future such meetings might be biennial, as mutually agreed by the two bodies to which Mr. Stabile agreed, saying that much information from the schools could be conveyed to the Council through the Mayor's office.

Mr. Phoenix interjected that if you looked at the history of joint meetings between the Board and the Council that they were more frequent in the days when there were April school elections, and joint meetings were required to deal with failed school budgets. Mr. Merrill affirmed that he found joint meetings of value, and that they added to the community *esprit du corps*. Mr. Stabile rejoined that Mr. Merrill and Mrs. Forbes before him had served as highly effective School Board liaisons to the Council, and had provided a wealth of accurate information. "We never felt like we were in the dark," he assured. Ms. Miller termed it a community partnership and worthwhile on-going conversation.

PUBLIC COMMENT:

Gary Lewis, 110 Jackson Avenue, North Plainfield, commented on the sidewalks under construction along Route 22, asking who would be responsible for cleaning them after snowfall. Mr. Hollod replied that keeping sidewalks clean would be the responsibility of property owners. The Mayor rejoined that when the sidewalks were planned fifteen years previously, the owners' cleaning responsibilities were part of the deal. Federal money has funded the sidewalks.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor Giordano wished a Merry Christmas, Happy Holidays and New Year to all present.

Messrs. Hollod and Merrill replied in agreement.

Ms. Miller reminded of a community tribute to Rev. Dr. Martin Luther King Jr. planned for January 16th with a special gathering at Trinity Church. She added that this would be the third consecutive such celebration, that the past occasions were memorable and well done. For those desiring further information, she suggested calling 908-857-2125. Further, she recommended that details of the celebration be placed on Facebook and the Borough's website, with which Mr. La Ronde agreed.

Ms. Schaefer reiterated holiday wishes to one and all, then commented that joint meetings should be topic-driven. Ms. Miller emphasized that the joint meetings amounted to positive community engagement.

Mr. Stabile also conveyed warmest holiday wishes while Mr. Singleterry concluded, "May God bless every one of us."

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

Meeting adjourned at 9:05 p.m.

Borough Clerk

Council President