

DRAFT MINUTES

These are the Draft Minutes of the Regular Meeting of the North Plainfield Borough Council held on Tuesday, 9 October 2018.

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 Tuesday, **October 9, 2018** at 8:36 p.m. at the North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

PRESENT:

Council Members: Aimee Corzo
Everett Merrill
Keiona R. Miller
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 M. 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 November 27, 2017. 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 November 28, 2017 by publication of the announcement in the *Courier News* of December 1, 2017 and by posting a copy of this notice on the bulletin boards in the Municipal Building and Memorial Library reserved for such purpose."

Mayor Giordano read the following Mayoral Proclamation:

I, Michael Giordano, Jr., Mayor of the Borough of North Plainfield, New Jersey, do hereby proclaim that Halloween will be celebrated in the Borough of North Plainfield on Wednesday, October 31, 2018. Door-to-door Trick or Treating shall begin no earlier than 3:00 p.m. on this date and end no later than 8:00 p.m.

The Clerk had submitted copies of the minutes of the Regular Meeting of September 24, 2018.

The Council President called for a Roll Call on the minutes: All in favor.

HEARING:

ORDINANCE NO. 18-15 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER XXII ENTITLED, "LAND DEVELOPMENT" TO ADD MARIJUANA RECREATIONAL AND MEDICAL USE RETAIL OUTLETS AS A PROHIBITED USE IN ALL RESIDENTIAL AND BUSINESS ZONES WITHIN THE BOROUGH.

The Clerk read the Ordinance by its title.

Mr. Bernstein advised that the proposed Ordinance is a Land Use Ordinance, and that input must be heard from the Planning Board before a hearing or other further actions can be taken, whether or not the government moves to legalize marijuana. He said that a motion to table would be appropriate.

Mr. Stabile so moved, seconded by Ms. Schaefer and on Roll Call carried unanimously.

The Ordinance was ordered tabled.

Mr. Bernstein said that in order to allow 45 days to elapse, the hearing on the ordinance should be agendaized for the Council's first meeting in November, which will be held on the 19th. The Council President called for the proposed ordinance to be shared with the Planning Board.

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. 10-09-18-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

10-09-18-02 a, b, c, d, e, f, g, h and i

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 seven voting aye.

APPROVED RESOLUTIONS:

RESOLUTION NO. 10-09-18-02a HONORING COUNCILMAN FRANK RIGHETTI FOR OVER TWENTY YEARS' SERVICE TO THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, FRANK RIGHETTI, Senior Member of the North Plainfield Borough Council has served in a variety of capacities in the local municipal government since 1995; and

WHEREAS, FRANK RIGHETTI initially served as member of the North Plainfield Planning Board since 1995, and continues in that capacity. He also serves as a functional historian of the Borough of North Plainfield; and

WHEREAS, FRANK RIGHETTI also served on the Property Maintenance Committee from 1997 through 2000 where he also served a term as Chairman; and

WHEREAS, FRANK RIGHETTI, as the result of a resignation by an incumbent elected as a nominee of the Democratic Party was appointed by the Borough Council in September 2000 to fill the vacancy for the remainder of the unexpired term. He has been subsequently re-elected to the present day by the voters; and

WHEREAS, COUNCILMAN RIGHETTI, in his multiple terms on the Governing Body has continued to serve the Borough of North Plainfield in multiple capacities – on the Sewer Usage Charge Board of Appeals from 2009 to the present; with multi-year terms on the Green Brook Flood Control Commission; from 2010 till the present on the Environmental Commission; on the Somerset County Solid Waste Advisory Committee from 2011 until the present; on the Parking Authority from 2003 to 2009; on the Krausche Field Turf Committee and on the body convened for the expansion/renovation of the North Plainfield Borough Hall and on the Local Assistance Board; and

WHEREAS, throughout his distinguished years in service to the Borough of North Plainfield, COUNCILMAN RIGHETTI has remained a steadfast fount of information, significant Borough history and guiding source of intuitive good sense.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of North Plainfield does hereby honor and thank COUNCILMAN FRANK RIGHETTI for his selfless dedication to the Borough of North Plainfield and its residents in countless capacities over the years of service to this, his “hometown.” On behalf of all the people of this community, this Governing Body commends and expresses its sincere appreciation for his tireless efforts and faithful service over the years; and

AND, BE IT FURTHER RESOLVED that the Borough of North Plainfield extends most sincere thanks to COUNCILMAN FRANK RIGHETTI, with special gratitude to his family for sharing his many gifts with Borough’s residents through his efforts on the Borough Council and many other public bodies in our town.

RESOLUTION NO. 10-09-18-02b APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GRANDVIEW AVENUE ROAD IMPROVEMENT PROJECT.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of North Plainfield formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Grandview Avenue Improvements-2019-N-00450 to the New Jersey Department of Transportation on behalf of the Borough of North Plainfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of North Plainfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

RESOLUTION NO. 10-09-18-02c BE IT RESOLVED, by the Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Treasurer is hereby authorized to refund the following:

Refund of Dumpster Permit:

Galo Guerrero \$ 200.00
70 Willow Avenue
North Plainfield, NJ 07060

Property at:

70 Willow Avenue
North Plainfield, NJ 07060

RESOLUTION NO. 10-09-18-02d WHEREAS, various accounts within the Borough have credits from tax years prior to 2018; and,

WHEREAS, many of these credits are thought to be unidentifiable, erroneous or as a result of initial conversion; and,

WHEREAS, in an effort to improve the financial integrity of the Borough it is recommended that said credit amounts be transferred to surplus for any future claims.

BE IT RESOLVED, by the Council of the Borough of North Plainfield, that the Tax Collector is hereby directed to transfer said credits totaling up to \$ 45,916.66 to surplus and the Chief Financial Officer is authorized to make the necessary corresponding entries.

RESOLUTION NO. 10-09-18-02e RESOLUTION AUTHORIZING THE NORTH PLAINFIELD FIRE DEPARTMENT TO FILE A JOINT APPLICATION WITH THE PLAINFIELD FIRE DIVISION FOR FY 2018 ASSISTANCE TO FIREFIGHTER GRANTS ON BEHALF OF THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield Fire Department (hereinafter referred to as the "NPF") uses mobile and portable emergency two-way radios (hereinafter referred to as "Emergency Radios") to, among other things, communicate when responding to or coordinating the fighting of fires for operational safety; and,

WHEREAS, the existing Emergency Radios are a mix/match of four (4) different models with the programming and channel frequency layout different on each radio type, which is an operational safety issue that would be resolved with new Emergency Radios, all of the same model type; and,

WHEREAS, the NPF's current Emergency Radios are between ten (10) and twelve (12) years old and in need of replacement; and,

WHEREAS, new Emergency Radios would be P25 compliant, a current FCC regulation, as well as fully interoperable with all applicable mutual aid departments, including the Somerset County Communications Center's digital trunked system; and,

WHEREAS, the NPF is desirous of entering into a joint application with the

City of Plainfield Fire Division to upgrade their Emergency Radios by applying for FY 2018 Assistance to Firefighter Grants (hereinafter referred to as the “AFGs”) to obtain funding for the purchase of new Emergency Radios; and,

WHEREAS, should the AFGs be granted, the NPFd’s share of the AFGs with the City of Plainfield Fire Division would be approximately Two Hundred Eighty-Eight Thousand Two Hundred Twenty-Four Dollars and Zero Cents (\$288,224.00), of which the Borough would be responsible for approximately Twenty-Six Thousand Two Hundred Two Dollars and Zero Cents (\$26,202.00); and,

WHEREAS, the Borough wishes to authorize the NPFd to take any necessary action to file a joint application with the City of Plainfield Fire Division for the AFGs in order to provide the necessary funding to replace the NPFd’s current emergency radio system.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the North Plainfield Fire Department is authorized to enter into a joint application with the City of Plainfield Fire Division for FY 2018 Assistance to Firefighter Grants and execute any and all agreements and/or take any other action on behalf of the Borough that becomes necessary during the application for the AFGs and accept the AFGs should they be granted without any further action by this Council.

NOW, THEREFORE, BE IT FURTHER RESOLVED that should the NPFd be granted the AFGs, the Borough of North Plainfield shall be responsible for approximately Twenty-Six Thousand Two Hundred Two Dollars and Zero Cents (\$26,202.00).

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.

RESOLUTION NO. 10-09-18-02f RESOLUTION OF THE BOROUGH OF NORTH PLAINFIELD AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE FRIENDS OF THE CARPENTER

WHEREAS, the Borough of North Plainfield has an obligation pursuant to applicable law to provide two hundred sixty-six (266) rehabilitation units in the Borough; and,

WHEREAS, the Borough has a need for assistance in connection with the planning, administration and implementation of its housing rehabilitation program; and,

WHEREAS, Friends of the Carpenter, a non-profit entity of the State of New

Jersey (hereinafter referred to as the “Friends”), has expressed a desire to assist the Borough with the planning, administration and implementation of its housing rehabilitation program; and,

WHEREAS, the Friends have offered to enter into a contract with the Borough wherein the Friends shall be responsible for assisting with the administration of the Borough’s affordable housing rehabilitation program, for which the Borough will make available to the Friends a total amount of funding not to exceed Forty Thousand Dollars (\$40,000.00), including administrative fees, for the completion of rehabilitation of residential structures through a deferred loan process, a copy of said agreement being maintained in the Office of the Borough Clerk and incorporated herein by reference as if same was fully set forth within; and,

WHEREAS, the Borough of North Plainfield is desirous of obtaining the assistance of the Friends to perform all of those services contemplated in the afore-referenced agreement.

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 to sign and/or execute an agreement with the Friends of the Carpenter, a copy of said agreement being maintained in the Office of the Borough Clerk and 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 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 this agreement is entered into pursuant to and consistent with the Local Public Contracts Laws of the State of New Jersey.

RESOLUTION NO. 10-09-18-02g RESOLUTION OF THE BOROUGH COUNCIL APPROVING FINAL PAYMENT AND THE CLOSE OUT OF THE CONTRACT WITH BARTON ROSS & PARTNERS, LLC FOR PROFESSIONAL SERVICES FOR THE NORTH PLAINFIELD WASHINGTON PARK HISTORIC DISTRICT INTENSIVE LEVEL SURVEY.

WHEREAS, the Borough of North Plainfield previously awarded a contract for certain professional services for the North Plainfield Washington Park Historic District Intensive Level Survey (hereinafter referred to as the “Project”) located in the Borough of North Plainfield, with said contract having been awarded to Barton Ross & Partners, LLC, whose main offices are located at 184 South Livingston Avenue, Livingston, New Jersey 07039 (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, L.L.C. have reviewed the Contractor's submission of an invoice for the complete billing and close out for the Project on behalf of the Borough in the total amount of Twenty-Four Thousand Four Hundred Fifty-Nine Dollars and Zero Cents (\$24,459.00); 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 request for the final payment and close out for the Project known as the North Plainfield Washington Park Historic District Intensive Level Survey, dated September 21, 2018, is approved in the total amount of Twenty-Four Thousand Four Hundred Fifty-Nine Dollars and Zero Cents (\$24,459.00), which final payment request and closeout is incorporated herein by reference as if same was fully set forth within this resolution 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 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 the final payment for the same.

RESOLUTION NO. 10-09-18-02h WHEREAS, the Borough of North Plainfield desires to authorize the sale of various surplus equipment no longer in use by the Borough at public sale pursuant to *N.J.S.A. 40A:11-36* to the highest bidder. They are two patrol rifles described as:

Ruger AC556 Model 1907 Serial # 192-00162
Ruger AC556 Model 1907 Serial # 192-00163

1. The Borough of North Plainfield hereby declares that the above-described surplus equipment is no longer needed for public use.

2. The Borough of North Plainfield, its officers and attorney are hereby authorized and directed to take any and all steps necessary to proceed with a public sale of said surplus equipment. These are law enforcement only weapons and may only be sold to certain qualified buyers. Potential bidders must possess the appropriate Federal Firearms Dealer's License to purchase.

NOW, THEREFORE, BE IT RESOLVED, that the Police Department be and hereby is authorized and directed to sell said surplus equipment through a bidding

announcement appearing on HYPERLINK "<http://www.gunbroker.com>" www.gunbroker.com.

BE IT FURTHER RESOLVED that any monies received as a result of said auction shall be paid into the general municipal treasury in accordance with the provisions of *N.J.S.A.* 40A:11-36; and

BE IT FURTHER RESOLVED that the Borough Clerk shall cause a notice of said auction, designating the time and place therefore, to be published in an official newspaper of the Borough not less than 10 days prior to the date of said public auction.

RESOLUTION NO. 10-09-18-02i 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 9th day of October, 2018 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

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

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

NJ State League of Municipalities Trenton, NJ	Newsletters & Advisories
Plainfield Area Humane Society Plainfield, NJ	Invoices and Reports
Plainfield Area Regional Sewerage Authority, Middlesex, NJ	Agenda and Minutes
Frank N. D'Amore Sr. North Plainfield	Property Maintenance Reports
Tri-County Chamber of Commerce South Plainfield, NJ	Newsletters
NJ Dept. of Environmental Protection Trenton, NJ	Weekly Updates
FEMA Washington, DC	Newsletters
Highlands Coalition Boonton, NJ	Newsletters
Sustainable City Network Dubuque, Iowa	Newsletters
NJ Local Technical Assistance Program New Brunswick, NJ	Training Opportunities
Somerset Co. Business Partnership Somerville, NJ	Meeting Advisory
PSE&G, Newark, NJ	Rate Hearings
NJ Dept. of Transportation Trenton, NJ	Municipal Aid 2019 Application
FEMA Washington, DC	Electronic Briefings
Tina Totten, North Plainfield, NJ	Green Brook Flood Control Meeting
Somerset-Union Soil Conservation Distr. Bridgewater, NJ	Final Report of Compliance: College Achieve Central
Betsy G. Ramos, Esq. Capehart-Scatchard, Mt. Laurel, NJ	NJ Public Entity Law Monthly
NJ Cannabis Weekly Monroe, NJ	Newsletter
Bd. of Public Utilities Newark, NJ	Comcast/FIOS Franchise Agreements: Free Borough Drop

REQUESTS FOR AGENDA ITEMS: None.

PUBLIC COMMENT:

Frank D'Amore, 40 Willow Avenue, North Plainfield, voiced his support of Ordinance No. 18-15. Explaining that he believes recreational marijuana to be a

gateway drug, he suggested amending the ordinance so as to permit the sale of medical marijuana. He then thanked the Mayor for the annual Senior Picnic.

Nathan Rudy, 184 Sandford Avenue, North Plainfield, reminded that the Clerk's office emails the meeting agendas and posts them to the Borough website. Mr. D'Amore also emails the meeting agendas to any resident interested in receiving same.

Elizabeth Brumbaugh, 116 Farragut Road, North Plainfield, requested that more information be made available to the public. Residents shouldn't have to wait for matters to appear on Facebook.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor Giordano announced the upcoming flu shot clinic to be held at Vermeule on October 23. He thanked those that spoke about Ordinance No. 18-15, noting that he would not sign it until the State enacts their legislation.

Mr. Hollod thanked the Council for their support of the grant applications.

Ms. Miller thanked the residents that spoke about Ordinance No. 18-15.

Ms. Schaefer reminded that the Borough website contains all meeting agendas and it is up to residents to stay informed.

Mr. Singleterry thanked the residents that shared their thoughts and concerns. He reiterated that he believes the ordinance to be premature and favored waiting on the State.

Mr. Stabile noted that he wore a pink tie in support of breast cancer awareness month.

Council President La Ronde stressed that although he remains opposed to the legalization of recreational marijuana, he understands medical marijuana to be a beneficial treatment for many.

RESOLUTION NO. 10-09-18-03 BE IT RESOLVED by the Council of the Borough of North Plainfield that prior to the adjournment of this meeting it shall convene in executive session from which the public will be excluded for the purpose of discussion on:

AFFORDABLE HOUSING

Exclusion of the public for this purpose is specifically permitted by N.J.S.A.

10:4-6 et seq. The contents of this discussion will not be disclosed until such time as the disclosure of same will not adversely affect the public interest and upon resolution of the Council. Formal action may be taken following end of executive session.

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

Council recessed for the Executive Session at 9:10 p.m.

Mr. Stabile moved that the Governing Body return from Executive Session to Open Session, seconded by Ms. Schaefer and on Roll Call carried unanimously.

The meeting reconvened with all seven council members present as before at 9:31 p.m.

Mr. Bernstein explained that the Executive Session consisted of a further update on the ongoing litigation re its Affordable Housing obligations. No formal action will be taken at this time.

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

Meeting adjourned at 9:32 p.m.

Borough Clerk

Council President

