

# ***DRAFT MINUTES***

*These are the Draft Minutes of the Regular Meeting  
of North Plainfield Borough Council held on Monday, 15 August 2022.*

*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 Council'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, **August 15, 2022** at 9:25 p.m. at the North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

## **PRESENT:**

Council Members: Aimee Corzo  
Suzette Given  
Steven McIntyre  
Everett Merrill, Council Vice President  
Keiona R. Miller  
Wendy Schaefer  
Frank "Skip" Stabile, Council President

Also Present: Lawrence La Ronde, Mayor  
Phil George, Esq., Associate Borough Attorney  
Richard K. Phoenix, RMC, Borough Clerk  
Michele Garry, CMR, Deputy Borough Clerk

Council President Stabile read the following Notice of Compliance:

"This meeting is being held in compliance with N.J.S.A. 10:4-6 et seq. Adequate notice of this meeting was provided by transmitting notice to the official newspapers of the Borough, The Courier News, WKMB Radio, WJLP-TV, the Alternative Press and also to the Star Ledger on December 15, 2021 and by posting a copy of this notice on the bulletin boards in the Municipal Building and the Memorial Library reserved for such purpose."

## **APPROVAL OF COUNCIL MEETING MINUTES:**

The Clerk had submitted copies of the minutes of the Agenda Conference and Regular Meeting of July 11, 2022.

The Council President called for a roll call on the minutes:

All seven in favor.

Minutes ordered approved 7-0.

**RESOLUTIONS:**

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

**RESOLUTION NO. 08-15-22-01** BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 22-06 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing September 12, 2022 at 7:30 p.m. or as soon thereafter as the matter can be heard, as the time and the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey as the place for hearing and final adoption.

Seconded by Ms. Schaefer and on Roll Call carried unanimously.

The Clerk read the Ordinance by its title as follows:

**ORDINANCE NO. 22-06** AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER II ENTITLED "ADMINISTRATION, "MOST NOTABLY SECTION 2-3.2, ENTITLED "MEETINGS," AND CHAPTER III ENTITLED "POLICE REGULATIONS," MOST NOTABLY SECTION 3-3.2, ENTITLED "POSSESSION OF WEAPONS PROHIBITED."

Ms. Given presented the following resolution and moved its adoption:

**RESOLUTION NO. 08-15-22-02** BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 22-07 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing September 12, 2022 at 7:30 p.m. or as soon thereafter as the matter can be heard, as the time and the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey as the place for hearing and final adoption.

Seconded by Ms. Miller and on Roll Call carried unanimously.

The Clerk read the ordinance by its title as follows:

**ORDINANCE NO. 22-07** AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, MORE SPECIFICALLY CHAPTER II, ADMINISTRATION, MORE PARTICULARLY SECTION 2-16, "DIVISION OF HEALTH, HOUSING AND PROPERTY," AND MORE SPECIFICALLY CHAPTER XI, PROPERTY MAINTENANCE, MORE PARTICULARLY SECTION 11-6, "ADMINISTRATIVE PROVISIONS"

Seconded by Ms. Miller and on Roll Call carried unanimously

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

**RESOLUTION NO. 08-15-22-03** BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 22-08 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing September 12, 2022 at 7:30 p.m. or as soon thereafter as the matter can be heard, as the time and the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey as the place for hearing and final adoption.

Seconded by Ms. Miller and on Roll Call carried unanimously.

**CONSENT AGENDA**

Council President Stabile 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 presented the following resolution and moved its adoption:

**RESOLUTION NO. 08-15-22-04** BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

08-15-22-04a, b, c, d, e, f, g, h, i, j & k

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

Seconded by Mr. McIntyre and on roll call carried unanimously.

**APPROVED CONSENT AGENDA RESOLUTIONS:**

**RESOLUTION NO. 08-15-22-04a** RESOLUTION AUTHORIZING AN EXTENSION TO PAY TAXES TO AUGUST 24, 2022

WHEREAS, the Borough of North Plainfield adopted its 2022 Municipal Budget on March 28, 2022, and

WHEREAS, because of the late adoption of the New Jersey State Budget and calculation of the Tax Rate by the County Board of Taxation and the corresponding late printing of the tax bills, third quarter tax bills will not be mailed by the deadline of July 15, 2022; and

WHEREAS, the Borough Council believes that the residents of the Borough are entitled to a reasonable time to receive their tax bills for the third quarter and to pay the same without being delinquent and subject to the payment of interest; and

NOW THEREFORE, BE IT RESOLVED that pursuant to N.J.S. 54:4-66.5 interest at a rate of \$.00000001% shall be charged on unpaid third quarter 2022 taxes provided same are paid on or before August 24, 2022, and provided further that interest thereafter shall be payable at the rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 to be calculated from August 1, 2022 until the date of actual payment.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Finance and Tax Collector's Offices forthwith.

**RESOLUTION NO. 08-15-22-04b** WHEREAS, the following applicant has filed application for an Outdoor Sidewalk Café license for the period ending December 31, 2022:

Healthy Juice for You  
75 Somerset Street  
North Plainfield, NJ 07060

WHEREAS, review of the application and investigations of the site by appropriate Borough Officials discloses that the granting of said application would be in order;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that an Outdoor Sidewalk Café license be issued to the applicant in accordance with the filed application, subject to all requirements set forth in N.P.R.G.O. 14-10 and the following conditions:

1. Restaurant management shall keep the outdoor dining area clear of litter, food scraps and soiled dishes and utensils at all times.
2. Trash receptacles shall be provided in outdoor dining areas used for consuming take-out items unless public trash receptacles are located nearby.
3. At the end of each business day, the establishment is to clean and sweep the entire sidewalk in and around the outdoor dining area.
4. No debris shall be swept, washed, or blown into the sidewalk, gutter or street.
5. Trash receptacles shall be emptied daily.
6. If awnings or umbrellas are used, they shall be washed whenever they become dirty.
7. Applicant must not block adjacent doorway with any tables, chairs or planters, and must maintain six (6) feet of clear space between tables/planters and curb and/or structures to ensure A.D.A. compliance.

**RESOLUTION NO. 08-15-22-04c** 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 a license for the owner/operation of a limousine to the following for one year in accordance with the applications heretofore submitted:

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Wilson Ndangatha  
1300 Rock Avenue, C-4  
North Plainfield, NJ 07060

**RESOLUTION NO. 08-15-22-04d** RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO ACCEPT A PROPOSAL OF AN AGGREGATE AMOUNT NOT TO EXCEED \$97,000.00 FROM GROTTO ENGINEERING RELATED TO THE 2022-2023 CAPITAL ROAD IMPROVEMENT PROGRAM AND EXECUTE ANY AND ALL DOCUMENTS ON BEHALF OF THE BOROUGH TO EFFECTUATE SAME

WHEREAS, the Borough of North Plainfield is in need of certain improvements to roadways throughout the Borough as part of the 2022-2023 Capital Road Improvement Program; and,

WHEREAS, the Borough of North Plainfield has received a proposal from Grotto Engineering Associates, LLC to provide professional services, including, but not limited to, preparation of public bid design documents for said road improvements, as well as providing bid support and construction administration/observation services related to the project; and,

WHEREAS, Grotto Engineering Associates, LLC has recommended that the following streets be included in the Borough's 2022-2023 Capital Road Improvement Program in the following order:

1. Arnold Avenue
2. Barbara Drive
3. Clinton Avenue (Vermeule Place to Warfield Rd)
4. Graybar Drive
5. Harrington Avenue
6. Howard Street
7. Jennings Lane
8. Judges Lane
9. Maple Avenue
10. Maple Terrace
11. Martins Way
12. Redfield Road
13. Steiner Place (Howard Street to Dupont Street)
14. Somerset Street (Howard Street to Mountain Ave.)

This list is subject to change based upon available funding and road conditions; and,

WHEREAS, the scope of the 2022-2023 Capital Road Improvements is anticipated to incorporate approximately Nine Thousand Seven Hundred Twenty (9,720) linear feet (1.84 miles) of roadway resurfacing at an estimated total project cost of Nine Hundred Eighty-one Thousand (\$981,000.00) Dollars; and,

WHEREAS, Grotto Engineering Associates, LLC will obtain field data in order to determine that the physical features of the roadways will be gathered (as required) to develop location mapping and unit price quantities for the roadway improvements. The Borough's tax maps will be used, as

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needed, to develop any base mapping needed and to assist in establishing existing features such as pavement limits, driveways, and utilities, etc., in order to ensure that the proposed improvements are accurately designed. Field mapping data information collected for base mapping will be compiled using AutoCAD. The production of these design documents will not exceed a total amount of Fifty Four Thousand (\$54,000.00) Dollars; and,

WHEREAS, following the completion of the bid documents, Grotto Engineering Associates, LLC will coordinate bid dates with the Borough and will provide assistance through the entire bidding process. Bid Packages will be sold by Grotto from their Cranford, New Jersey Office location. Following the receipt of bid proposals, Grotto Engineering will review all bids submitted and provide a recommendation of award to the Borough; and,

WHEREAS, following award of contract by the Borough, Grotto Engineering Associates, LLC will prepare all contract documents and conduct a pre-construction meeting with the successful contractor, all appropriate Borough personnel and any affected utility companies. During the course of construction, Grotto Associates, LLC will further provide construction observation and administrative services to ensure that the contractor is performing all construction in full accordance with the contract documents; and,

WHEREAS, Grotto Engineering Associates, LLC will also review and approve all payment applications submitted by the contractor before they are presented to the Borough for payment. As the project approaches completion, Grotto Engineering Associates, LLC will provide the contractor with a detailed punch list of any and all items requiring repair and/or correction. Grotto Engineering Associates, LLC will also prepare the final payment and closeout documents, and,

WHEREAS, the aforementioned services related to Bid Support, Contract Administration and Inspection will not exceed an additional amount of Forty Three Thousand (\$43,000.00) Dollars; 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 accepts the proposal submitted by Grotto Engineering Associates LLC in an amount not to exceed Fifty Four Thousand (\$54,000.00) Dollars for services related to Design Documents, as well as an additional amount not to exceed Forty Three Thousand (\$43,000.00) Dollars for services related to Bid Support, Contract Administration and Inspection for an aggregate amount not to exceed Eighty Nine Thousand (\$97,000.00) Dollars.

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute a contract and all other necessary documents to engage the services of Grotto Engineering Associates LLC, for the 2022-2023 Capital Road Improvement Program; 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 and the contract and its performance shall be consistent with all applicable laws, the Borough's bid documents and the bid proposal of Grotto Engineering Associates, LLC dated July 7, 2022 for the Project known as the 2022-2023 Capital Road Improvement Program.

**RESOLUTION NO. 08-15-22-04e** RESOLUTION OF THE BOROUGH COUNCIL  
AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A PROFESSIONAL  
SERVICES AGREEMENT WITH GROTTO ENGINEERING ASSOCIATES, LLC FOR 2023-  
2024 ON-CALL EMERGENCY REPAIR CONTRACT BID DOCUMENTS FOR THE BOROUGH  
OF NORTH PLAINFIELD

**WHEREAS**, the Borough of North Plainfield is in need of a professional engineer to provide certain engineering services for the On-Call Emergency Repair Contract Bid Documents for calendar years 2023 and 2024; 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 engineering services and has submitted a proposal for 2023-2024 On-Call Emergency Repair Contract Bid Documents for the Borough of North Plainfield, Somerset County, New Jersey, dated July 12, 2022, for a fixed fee in the amount of Two Thousand Six Hundred Dollars (\$2,600.00) for certain services, all of which are contemplated and set forth in the afore-referenced proposal, a copy of said proposal being maintained in the Office of the Borough Clerk, and the contents of which are incorporated herein; and,

**WHEREAS**, the Borough of North Plainfield is desirous of obtaining the engineering 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 authorize the Mayor and the Borough Clerk to sign and/or execute a Professional Services Agreement with Grotto Engineering Associates, LLC, 340 North Avenue, Cranford, New Jersey 07016, as contemplated in the afore-referenced proposal, without the need for any further action of this Borough Council.

**BE IT FURTHER RESOLVED** that the award of this Contract in the amount above 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. 08-15-22-04f** RESOLUTION OF THE BOROUGH  
COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO ACCEPT A  
PROPOSAL FROM GROTTO ENGINEERING ASSOCIATES, L.L.C., RELATED TO  
PROFESSIONAL ENGINEERING WORK FOR PROPOSED SIDEWALK

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REPLACEMENT AND TREE REMOVAL IN AN AGGREGATE AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND DOLLARS AND NO CENTS (\$18,000.00).

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**WHEREAS**, the Borough of North Plainfield is in need of certain improvements to sidewalks throughout the Borough as part of the Borough's maintenance of its street trees and sidewalks; and,

**WHEREAS**, the Borough is also in need of tree removal services for maintenance of its street trees and as part of the sidewalk repairs which may require certain trees to be removed; and,

**WHEREAS**, the Borough of North Plainfield has received a proposal from Grotto Engineering Associates, L.L.C. to provide professional services, including bid design documents for sidewalk repairs and street tree removal, field observation, bidding support, construction observation and contract administration; and,

**WHEREAS**, the scope of this project will include sidewalks throughout the Borough and related street tree removal; and,

**WHEREAS**, upon completing the field observations, Grotto Engineering Associates, L.L.C., will develop mapping, detailed design drawings, technical specifications, and bid documents to provide sidewalk repairs and street tree removal at the identified Borough locations through the field observations. The specifications and construction plans will be compiled in the public bid format and follow the *NJDOT Standards for Road and Bridge Construction*, latest edition. Design drawings will be presented to the Borough for review and comments prior to bidding. Bid Packages will be sold by Grotto Engineering Associates, L.L.C. from their Cranford office; they will then review all bids and provide recommendation of award to the Borough; and,

**WHEREAS**, Grotto Engineering Associates, L.L.C., has submitted a proposal in the amount of Five Thousand Dollars and No Cents (\$5,000.00) as a fixed fee for bid design documents and Thirteen Thousand Dollars and No Cents (\$13,000.00) for the aforementioned field survey, bidding observation and construction observation services, for an aggregate price of Eighteen Thousand Dollars and No Cents (\$18,000.00); and,

**WHEREAS**, upon an award of contract(s) by the Borough, Grotto Engineering Associates, L.L.C. will prepare the contract documents and conduct a pre-construction meeting with the contractor, all appropriate Borough personnel and any affected utility companies. During the course of construction, Grotto Engineering Associates, L.L.C. will provide construction observation and administration services to insure that the contractor is performing all construction in full accordance with the project plans and specifications; and,

**WHEREAS**, Grotto Engineering Associates, L.L.C. will review and approve all payment vouchers submitted by the contractor before they are presented for the Borough for payment. Prior to completion, Grotto Engineering Associates, L.L.C. will also provide the contractor with a detailed punch list of the items requiring repair and/or correction:



**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 proposal submitted by Grotto Engineering Associates, L.L.C. on August 1, 2022 as to sidewalk repair and tree removal in an amount not to exceed the amount of Five Thousand Dollars and No Cents (\$5,000.00) as a fixed fee for bid design documents and Thirteen Thousand Dollars and No Cents (\$13,000.00) for the aforementioned field survey, bidding observation and construction observation services, for an aggregate price of Eighteen Thousand Dollars and No Cents (\$18,000.00); and,

**BE IT FURTHER RESOLVED** that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute a contract and all other necessary documents to engage the services of Grotto Engineering Associates, L.L.C., for sidewalk repair and street tree removal; 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 and the contract and its performance shall be consistent with all applicable laws, the Borough’s bid documents and the bid proposal of Grotto Engineering Associates, L.L.C., dated August 1, 2022.

**RESOLUTION NO. 08-15-22-04g RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH TOP LINE CONSTRUCTION CORP. FOR THE 2022 CAPITAL ROAD IMPROVEMENT PROGRAM FOR VARIOUS ROAD IMPROVEMENTS.**

**WHEREAS**, the Borough of North Plainfield (hereinafter referred to as the “Borough”) is in need of certain road improvements for the 2022 Capital Road Improvements For Various Road Improvements (hereinafter referred to as the “Project”); and,

**WHEREAS**, the Borough solicited bids for the Project, eight (8) bid packages were purchased and the following seven (7) bids were received:

<b><u>Bidding Entity</u></b>	<b><u>Base Bid</u></b>
Top Line Construction Corp.	\$957,301.29
Riverview Paving	\$983,245.27
Crossroads Paving	\$988,323.00
Black Rock Enterprises, L.L.C.	\$1,075,498.75
S. Brothers, Inc.	\$1,082,470.96
Schifano Construction Corp.	\$1,083,286.66
Capital Paving & Contracting	\$1,097,142.21

**WHEREAS**, the estimate of Grotto Engineering Associates, L.L.C., the Borough’s Engineer on the Project, was Eight Hundred and Ninety One Thousand Sixty Two Dollars and No Cents (\$891,062.00) for the Project; and,

**WHEREAS**, the review of the bid of Top Line Construction Corp. was approximately seven percent (7%) over the Engineer's estimate, but higher prices were attributed to the price of oil, which is reflected in the price of asphalt, as well as increased trucking costs, indicating that the low bid is favorable and that, upon review, the low bid price is reasonable; and,

**WHEREAS**, Director of Law/Borough Attorney Eric M. Bernstein, Esquire and the offices of Eric M. Bernstein & Associates, L.L.C., as well as Grotto Engineering Associates, L.L.C., the Borough's Engineer on the Project, have reviewed the bid submissions and recommend the award of the bid and contract for the Project to the lowest responsive and responsible bidder, Top Line Construction Corp. , whose main offices are located at 22 Fifth Street, Somerville, New Jersey 08876 (hereinafter referred to as the "Contractor") as there are no material defects with the bid proposal; 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 responsive and 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:	2022 Capital Road Improvements for Various Roads
Successful Bidder:	Top Line Construction Corp.
Base Bid:	In the Amount Not to Exceed Nine Hundred Fifty-Seven Thousand Three Hundred and One Dollars and Twenty Nine Cents (\$957,301.29)

**BE IT FURTHER RESOLVED** that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute a contract and all other 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 and 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 2022 Capital Road Improvement Program For Various Roads.

**RESOLUTION NO. 08-15-22-04h RESOLUTION OF THE BOROUGH COUNCIL APPROVING PAYMENT NO. 2 (FINAL) TO YOUR WAY CONSTRUCTION, INC., AND THE CLOSING OUT OF THE CONTRACT AND**

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RELEASE OF RETAINAGE FOR THE 2019 GLENSIDE PLACE SANITARY  
SEWER REPLACEMENT PROJECT.

**WHEREAS**, the Borough of North Plainfield previously awarded a contract for the 2019 Glenside Avenue Sanitary Sewer Replacement Project (hereinafter referred to as the “Project”) to Your Way Construction, Inc. (hereinafter referred to as the “Contractor”); and,

**WHEREAS**, Bryan Oakes Jr., P.E. of Mott MacDonald, the Borough’s Engineer for the Glenside Place Sanitary Sewer Replacement Project (hereinafter referred to as the “Engineer”), on behalf of the Borough, by letter dated July 8, 2022, a copy of which is on file in the Office of the Borough Clerk and made a part hereof, has reviewed the Contractor’s submission for Payment No. 2 (Final) and Final Change Order 1 (Final); and,

**WHEREAS**, the original contract price was One Hundred Sixty Two Thousand One Hundred and Fifty Five Dollars and Four Cents (\$162,155.04), which has been adjusted by Final Change Order 1, reducing the overall contract amount by Seventeen Thousand Four Hundred Twenty Six Dollars and Seventy Nine Cents (-\$17,426.79) for a final Contract Price of One Hundred Forty Four Thousand Seven Hundred Twenty Eight Dollars and Twenty Four Cents (\$144,728.24); and,

**WHEREAS**, the Contractor has submitted the said Final Payment No. 2, adjusted by Final Change Order 1 in the total amount of Sixty One Thousand One Hundred Ninety Seven Dollars and Fifty Four Cents (\$61,197.54) plus the release of any and all of the Contractor’s retained funds held by the Borough for the Project; and,

**WHEREAS**, in accordance with the Contract, the Contractor has submitted a one (1) year Maintenance Bond in the amount of One Hundred Forty-Four Thousand Seven Hundred Twenty Eight Dollars and Twenty Four Cents (\$144,728.24), with an effective date of June 27, 2022; 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 Engineer’s and the Contractor’s submissions and accept 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 Partial Payment No. 2 (Final) and the Closeout of the 2019 Glenside Avenue Sanitary Sewer Replacement Project is approved with Your Way Construction, Inc., whose main offices are located at 404 Coit Street, Irvington, NJ 07111, in the total amount of Sixty One Thousand One Hundred Ninety Seven Dollars and Fifty Four Cents (\$61,197.54) plus the release of any and all of the Contractor’s retained funds held by the Borough for the Project, 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** that the Final Change Order 1 reduced the amount of the overall Contract by Seventeen Thousand Four Hundred Twenty Six Dollars and Seventy Nine Cents (-\$17,426.79), which has reduced the original Contract Sum from One Hundred Sixty Two Thousand

One Hundred and Fifty Five Dollars and Four Cents (\$162,155.04) to One Hundred Forty Four Thousand Seven Hundred Twenty Eight Dollars and Twenty Four Cents (\$144,728.24) is hereby approved; 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; and,

**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 Payment No. 2 (Final).

**RESOLUTION NO. 08-15-22-04i RESOLUTION OF THE BOROUGH COUNCIL REJECTING THE SOLE BID OF A-TECH CONCRETE CO. FOR A NEW PUBLIC COURTYARD.**

**WHEREAS**, the Borough of North Plainfield (hereinafter referred to as the “Borough”) is in need of certain capital improvements for the construction of a new public courtyard (hereinafter referred to as the “Project”); and,

**WHEREAS**, the Borough solicited bids for the Project and the following one (1) bid was received:

<b><u>Bidding Entity</u></b>	<b><u>Base Bid</u></b>
A-Tech Concrete Co.	\$832,000.00

**WHEREAS**, upon review of the bid of A-Tech Concrete Co., by CTS Group Architecture & Planning, P.A., the Borough’s Architect on the Project (the “Architect”), by letter dated July 28, 2022, a copy of which is on file in the office of the Borough Clerk, some clerical mathematical errors were noted; and,

**WHEREAS**, the review of the base bid of A-Tech Concrete Co. in the amount of Eight Hundred Thirty Two Thousand Dollars and No Cents (\$832,000.00) was found to be approximately two hundred and nineteen percent (219%) over the Architect’s estimate for the Project; and,

**WHEREAS**, the Architect noted that while volatile market conditions may have resulted in higher prices which may be reflected in the prices set forth in the bid of A-Tech Concrete Co., the fact is the that the sole bid is over two hundred percent (200%) higher than the Architect’s estimate and that, upon review, the base bid price is not fair nor reasonable and should be rejected; and,

**WHEREAS**, Director of Law/Borough Attorney Eric M. Bernstein, Esquire and the offices of Eric M. Bernstein & Associates, L.L.C., as well as CTS Group Architecture & Planning, P.A., the Borough’s Architect on the Project, have reviewed the bid submission and recommend rejection of the bid and proposed contract for the Project by A-Tech Concrete Co., 11 Taylor Road, Edison, New Jersey 08817 because the bid proposal is over two hundred percent (200%) higher than the Architect’s estimate; and,

**WHEREAS**, the Borough of North Plainfield finds that the bid proposal is not responsive to the Architect's estimate for the Project, contrary 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 rejects the sole bid received for the Project in the amount of Eight Hundred Thirty-Two Thousand Dollars (\$832,000.00) submitted by A-Tech Concrete Co., 11 Taylor Road, Edison, New Jersey 08817 be rejected; and,

**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 memorialize the rejection of the sole bid for the Project by A-Tech Concrete Co.; and,

**BE IT FURTHER RESOLVED** that the rejection of such bid shall be consistent with all applicable laws, the Borough's bid documents and the bid proposal of A-Tech Concrete Co. for the Project known as the construction of a new public courtyard.

**RESOLUTION NO. 08-15-22-04j RESOLUTION OF THE BOROUGH COUNCIL SUPPORTING THE APPLICATION OF CLOUD NINE DISPENSARY, L.L.C., FOR CANNABIS CLASS 5 RETAIL SALES AT PREMISES LOCATED AT 513-527 ROUTE 22, LOT 6.04, BLOCK 7 IN THE BOROUGH OF NORTH PLAINFIELD**

**WHEREAS**, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least twenty-one (21) years of age; and,

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (hereinafter referred to as the "Act"), which legalizes the recreational use of marijuana by adults twenty one (21) years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational adult use cannabis operations, use and possession; and,

**WHEREAS**, the Borough Council of the Borough of North Plainfield has adopted a new section of the Borough Code of the Borough of North Plainfield, § 22-115.33, entitled "Commercial Recreational Adult Use Cannabis Operations," to amend the Borough of North Plainfield's zoning regulations to permit certain adult recreational cannabis-related uses to be licensed within the geographic boundaries of Borough of North Plainfield, including but not limited to Cannabis Class 5 Retail Sales without limit in the B-3 Business and Commercial Zones; and,

**WHEREAS**, the Borough Council has considered that the proposed cannabis business to be located at premises at 513-527 Route 22, Block 6.04, Lot 7 conforms to B-3 Business and Commercial municipal zoning requirements based on the nature of the Applicant's primary business operations pursuant to *N.J.A.C.* 17:30-5.1(f)(1); and,

**WHEREAS**, the Borough of North Plainfield Zoning Officer has certified that the property located at 513-527 U.S. Route 22, also known as Block 6.04, Lot 7, in the Borough of North Plainfield, County of Somerset, State of New Jersey, is located in the B-3 Commercial and Business District wherein Cannabis Class 5 Retail Sales businesses are a permitted use under North Plainfield Borough Ordinance 22-115.33(a-b); and,

**WHEREAS**, the Borough Council has determined that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed Cannabis Class 5 businesses because they are located in commercial and business zones, not residential zones, and in commercial buildings suited to re-purposing in accordance with odor, security and other strict regulations of the Cannabis Regulatory Commission and other State regulatory agencies; and,

**WHEREAS**, the Borough Council of the Borough of North Plainfield wishes to insure that such licensed recreational adult use cannabis operations provide the maximum local opportunity for enterprises to all residents as well as minority and other businesses as provided for in the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”:

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the proposed location of a Cannabis Class 5 Retail Sales business at 513-527 Route 22, Block 6.04, Lot 7 conforms to municipal zoning requirements allowing for activities related to the operations of the proposed cannabis business to be conducted at the location, that no limit has been established for the same in the B-3 Zone, that no variances appear to be required concerning the operation of a cannabis business, subject to final application for occupation and/or site plan approval under *N.J.A.C. 17:30-5.1(f)*, and that the Borough Council of the Borough of North Plainfield hereby states its support and evidence of municipal preference for a Cannabis Class 5 Retail Sales business at the proposed location by Cloud Nine Dispensary, L.L.C.

**RESOLUTION NO. 08-15-22-04k** 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 15<sup>th</sup> day of August 2022 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

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

**RESOLUTION NO. 08-15-22-05** 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:

Attorney/Client Privilege (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. Corzo and on Roll Call carried unanimously. After twelve-minute recess, Executive Session convened at 9:48 p.m.

EXECUTIVE SESSION

COMMUNICATIONS:

NJ League of Municipalities Trenton, NJ	Various Newsletters and Communications
Somerset County Bd. of Commissioners Somerville	Various Newsletters and Communications
Plainfield Area Humane Society Plainfield, NJ	Invoice and Reports
NJ American Water Co., Voorhees, NJ	Newsdrop Newsletter
NJ Poison Control Center New Brunswick	Newsletter
Tina Totten, North Plainfield Kimberly Cowart, Director	Green Brook Flood Control Meeting
Somerset County Community Development Somerville	Urban County Cooperation Agreement

RECONVENE REGULAR MEETING:

The Regular Meeting convened with all seven Council Members present as before at 11:25 p.m.

The Council President stated that Mr. George had called for the balance of the items appearing on the evening’s agenda to be tabled.

Ms. Miller so moved, seconded by Ms. Schaefer and on voice vote carried unanimously.

The following items were thereby ordered tabled:

**08-15-22-06 ORDINANCE NO. 22-09 ORDINANCE APPROVING APPLICATION FOR A LONG TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH NORTH PLAINFIELD UAW URBAN RENEWAL HOUSING CORPORATION**

**RESOLUTION NO. 08-15-22-07**  
*Authorizing the Execution of a Financial Agreement and a Redevelopment Agreement with North Plainfield UAW Urban Renewal Housing Corporation*

**RESOLUTION NO. 08-15-22-08**  
*Supporting North Plainfield UAW Urban Renewal Housing Corporation’s Application for Funds from the State of New Jersey Department of Community Affairs New Jersey Affordable Housing Trust Fund Progra*

**REQUEST FOR AGENDA ITEMS:**

Ms. Miller requested discussion on illegal soliciting during the scheduled Agenda Conference of September 12, 2022.

Ms. Corzo requested a resolution in honor of Hispanic Heritage Month for the Regular Meeting of September 12, 2022, while the Mayor requested the inclusion of a Mayoral Proclamation on the same topic.

**PUBLIC COMMENT:**

No one appeared.

**COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS**

The Mayor advised of construction progress on the Apgar cottage which will soon serve as the new Food Bank headquarters on Vermeule Place. He added his thanks to council members who had taken time to attend the recent Aristacare give-away in Plainfield, and first-hand findings that the program appealed equally to all interested residents. He finally reminded of the School Board's Fall Festival which would be held shortly.

The Mayor then advised of the recent Ecuadorean Festival held in the City of Plainfield, where North Plainfield received recognition. The Ecuadorean Ambassador was in attendance, and even neighboring Union County took notice of North Plainfield's steadfast advocacy.

Mr. Hollod reported on communications from Chief Edwards of the Somerset County Business Partnership.

Ms. Corzo congratulated the Mayor, who recently received a Social Consciousness Award.

Mr. Merrill reported favorably on his recent attendance at Recreation's end-of-year picnic, and the mature relationships developed between the participants of all ages and counsellors. It was an all-round win-win for all – praiseworthy in every way. The Council President lauded Ms. DeJesso's expertise and how very well choreographed it all had been.

Mr. Merrill concluded with apologies to the attorneys and his colleagues, saying that his behavior was out of line, that he was working on it and would appreciate their patience.

Ms. Miller offered a warm welcome to Michele Garry, the newly appointed Deputy Borough Clerk. There was applause from all present.

**ADJOURNMENT:**

Motion to adjourn by Ms. Miller, seconded by Mr. McIntyre and on voice vote carried unanimously.



Meeting adjourned at 11:49 p.m.

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Borough Clerk

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Council President