

DRAFT MINUTES

*These are the Draft Minutes of the North Plainfield Borough Council
Regular Meeting held on Monday, 12 September 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, **September 12, 2022** at 8:46 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 Board of Health, Agenda Conference, Regular Meeting and Executive Session of August 15, 2022.

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

All seven in favor.

Minutes ordered approved 7-0.

HEARING:

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."

The Clerk read the ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Ms. Miller, seconded by Mr. McIntyre and on roll call carried unanimously.

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

RESOLUTION NO. 09-12-22-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 22-06 be adopted and advertised as required by statute.

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

HEARING:

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."

The Clerk read the ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Ms. Schaefer, seconded by Mr. McIntyre and on roll call carried unanimously.

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

RESOLUTION NO. 09-12-22-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 22-07 be adopted and advertised as required by statute.

Seconded by Ms. Schaefer and on roll call carried unanimously.

HEARING:

ORDINANCE NO. 22-08 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 2 OF THE BOROUGH CODE, ENTITLED "ADMINISTRATION," MOST NOTABLY ARTICLE I ENTITLED "ADMINISTRATIVE CODE," AND MORE SPECIFICALLY SECTION 2-4 ENTITLED "BOROUGH CLERK," TO AMEND, REVISE AND SUPPLEMENT SECTION 2-4.1 ENTITLED "APPOINTMENT."

The Clerk read the ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Ms. Schaefer, seconded by Ms. Miller and on roll call carried unanimously.

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

RESOLUTION NO. 09-12-22-03 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 22-08 be adopted and advertised as required by statute.

Seconded by Mr. Merrill 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. McIntyre presented the following resolution and moved its adoption:

RESOLUTION NO. 09-12-22-04 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

09-12-22-04a, b, c, d, e, g, h, i & j

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 unanimously.

APPROVED CONSENT AGENDA RESOLUTIONS:

RESOLUTION NO. 09-12-22-04a RESOLUTION OF THE BOROUGH COUNCIL APPROVING PAYMENT NO. 4 (FINAL) TO CIFELLI & SON GENERAL CONSTRUCTION, INC. AND THE CLOSING OUT OF THE CONTRACT AND RELEASE OF RETAINAGE FOR THE 2020 NJDOT SUMMIT AVENUE ROAD IMPROVEMENTS.

WHEREAS, the Borough of North Plainfield previously awarded a contract for the 2020 NJDOT Summit Avenue Road Improvements (hereinafter referred to as the “Project”) to Cifelli & Son General Construction, Inc. (hereinafter referred to as the “Contractor”); and,

WHEREAS, David Testa, P.E., C.M.E., C.P.W.M., of Grotto Engineering Associates, L.L.C., the Borough’s Engineer for the Project, on behalf of the Borough, by letter dated August 12, 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. 4 (Final) and Final Change Order No. 1 (Final); and,

WHEREAS, the original contract price was Three Hundred Eighty-Three Thousand Two Hundred and Ninety-Seven Dollars and Thirty Cents (\$383,297.30), which has been adjusted by Final Change Order No. 1 increasing the final contract amount by Three Hundred Fifty-Three Dollars and Eighteen Cents (+\$353.18) for a final Contract Price of Three Hundred Eighty-Three Thousand Six Hundred and Fifty Dollars and Forty-Eight Cents (\$383,650.48); and,

WHEREAS, the Contractor has submitted the said Final Payment No. 4, adjusted by Final Change Order No. 1 in the total amount of Thirty Thousand Five Hundred and Fifty-Eight Dollars and Twelve Cents (\$30,558.12), 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 Thirty-Eight Thousand Three Hundred and Sixty-Five Dollars and Five Cents (\$38,365.05), with an effective date of July 1, 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 Borough Engineer’s and the Contractor’s submissions and accept same based on the recommendations of the Borough 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. 4 (Final) and Change Order No. 1 (Final) and the Closeout of the 2020 NJ DOT Summit Avenue Road Improvement Project is approved with Cifelli & Son General Construction, Inc., whose main offices are located at 81 Franklin Avenue, Nutley, New Jersey 07110 in the total amount of Thirty Thousand Five Hundred and Fifty-Eight Dollars and Twelve Cents (\$30,558.12), 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 Final Change Order No. 1 increased the amount of the overall Contract by Three Hundred Fifty-Three Dollars and Eighteen Cents (+\$353.18) for a final Contract Price of Three Hundred Eighty-Three Thousand Six Hundred and Fifty Dollars and Forty-Eight Cents (\$383,650.48), which final contract price 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 any and all necessary documents to close out the Project and issue Payment No. 4 (Final).

RESOLUTION NO. 09-12-22-04b WHEREAS, the following applicant has filed application for an Outdoor Sidewalk Café license for the period ending December 31, 2022:

La Fonda de la Tia Rosa
115 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. 09-12-22-04c WHEREAS, the following organization has been issued identification number 352-5-42611 by the New Jersey Legalized Games of Chance Control Commission and has submitted application (RA-1198) to conduct raffles; and

WHEREAS, investigation has shown that this organization meets the requirements for the issuance of raffles licenses;

NOW, THEREFORE, BE IT RESOLVED that the Clerk be and is hereby authorized to issue raffles licenses to the following:

On-Premises 50-50 Raffle
September 24, 2022 – 11:00 a.m. – 4:00 p.m.
Rain: October 1, 2022 – 11:00 a.m. – 4:00 p.m.
34 Wilson Avenue, North Plainfield, NJ

RESOLUTION NO. 09-12-22-04d RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON THE ONLINE PUBLIC AUCTION SITE KNOWN AS MUNICIBID.

WHEREAS, *N.J.S.A.* 40A:11-36 of the Local Public Contracts Law provides that any public contracting unit by resolution of the governing body may authorize by sealed bid or public auction the sale of its personal property not needed for public use; and,

WHEREAS, *N.J.S.A.* 40A:11-4.11(b) of the Local Unit Electronic Procurement Act further provides that a local unit is authorized to use electronic procurement practices including an online auction for the sale of surplus personal property that shall otherwise comply with the provisions of *N.J.S.A.* 40A:11-36; and,

WHEREAS, the Borough of North Plainfield has determined that the personal property described in Schedule “A” attached hereto and incorporated as if more fully set forth herein is no longer needed for public use; and,

WHEREAS, the Borough of North Plainfield intends to utilize the online auction platform of Municibid, with its offices and principal place of business at 1635 Market Street, Suite 1600, Philadelphia, PA 19103, and located online at <https://munici bid.com/>; and,

WHEREAS, the sales are being conducted pursuant to *N.J.S.A.* 40A:11-36 and the guidelines set forth in the Department of Community Affairs, Division of Local Government Services Local Finance Notice 2019-15:

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 of North Plainfield is hereby authorized to sell the surplus personal property as indicated on the attached schedule “A” on the public surplus online auction website at <https://munici bid.com/>; and,

BE IT FURTHER RESOLVED that any reserve price, if applicable, shall be set forth as indicated on Schedule “A”; and,

BE IT FURTHER RESOLVED that pursuant to *N.J.S.A.* 40A:11-36(5), the Borough of North Plainfield reserves the right to reject all bids, including when the minimum price has not been met for a particular item; and,

BE IT FURTHER RESOLVED that the terms and conditions of the agreement entered into between Municibid and the Borough of North Plainfield are available for inspection during regular business hours in the Office of the Borough Clerk and at <https://municibid.com/>; and,

BE IT FURTHER RESOLVED that the online sale shall be advertised in accordance with *N.J.S.A.* 40A:11-36 of the Local Public Contracts Law in conjunction with this Resolution.

RESOLUTION NO. 09-12-22-04e BE IT RESOLVED by the Council of the Borough of North Plainfield that, pursuant to N.P.R.G.O. 4-1 et seq., it does hereby authorize the issuance of licenses for the owner/operation of taxicabs to the following for two years in accordance with the applications heretofore submitted:

Silvita Nunez, t/a
Gray Taxi Inc.
63 Watchung Avenue
North Plainfield, NJ 07060

RESOLUTION NO. 09-12-22-04g 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 certificate(s) as follows:

Block 200 Lot 5.06 1300 Rock Avenue E6 # 12-00230 issued 10/23/12

RESOLUTION NO. 09-12-22-04h 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 certificate(s) as follows:

Block 125 Lot 1 59-61 Wilson Avenue # 11-00126 issued 09/20/11

RESOLUTION NO. 09-12-22-04i 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 2021 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. 09-12-22-04j 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 September 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:

09/12/2022

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

REPORTS:

POLICE DEPARTMENT:

July, 2022 Report

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
Plainfield Area Regional Sewerage Authority Middlesex, NJ	Newsdrop Newsletter
Somerset County Business Partnership Somerville	Newsletter
NJ Dept. of Environmental Protection Trenton	Newsletter
NJ American Water Co., Voorhees, NJ Hon. Maureen Coxwell, Deputy County Clerk, Somerville	Odd/Even Watering Restrictions County Clerk’s Mobile Office
Edward Zimmerman, Somerset County Governing Officials, Somerville	Governing Officials’ Dinner Meeting
Bill Baker, The Radio Source, Zeeland, Michigan	TIS Stations for Fire Emergencies
Jamie Albert, Somerset Co. Health Department, Somerville	LINCS Notification
Capehart Scatchard, Esq.	NJ Public Entity Law Monthly

Mount Laurel, NJ PKF O'Connor Davies, Auditors, Cranford Richard K. Phoenix, RMC, Borough Clerk North Plainfield Christian Penaloza, t/a Somerset 375 LLC North Plainfield	Municipal Audit Signed 2022 Capital Road Improvement Document Person-to-Person transfer application

RECONVENE REGULAR MEETING:

The Regular Meeting reconvened with all seven Council Members present as before at 9:28 p.m. Mr. Bernstein briefly discussed the Executive Session Affordable Housing topic under Council deliberation. There will be no resolutions before the governing body this evening with respects to the discussions.

REQUEST FOR AGENDA ITEMS:

None.

PUBLIC COMMENT:

No one appeared.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS

Mr. Merrill commented favorably on the series of Mayor's Summer Concerts, that they were well-received and appreciated. Mr. Irovando, he said, deserves particular credit for his efforts that assured a great well-attended community event. Further, the Councilman reminded of tickets available for the Commissioners' box at the Patriots' games. Please see the Mayor or Recreation Director Jackson.

Ms. Corzo, referencing the Police Report, asked for clarification on a non-reportable accident. Mr. George said that he would e-mail a reply to her, and Mr. Hollod termed it a minor accident that does not generate a report while Ms. Schaefer interjected that it could be an accident in a private parking lot that is not reported to the state.

Mr. Hollod replied to an earlier question regarding street repairs in town. He recalled sending the report to the Council through Mr. Phoenix's office in August. The repairs also appear in the Capital Budget.

The Council President echoed Mr. Merrill's enthusiasm for the summer concerts, saying that they had been fabulous, while the Mayor invited him to join in helping out behind the concession stand.

The Mayor announced that the Food Bank has now officially moved to the newly renovated cottage on Vermeule Place. It will likely become known as the “Apgar House” named after the long-time caretaker, Ed Apgar. Mr. La Ronde also praised Bill Crosby and Somerset County for their efforts with paving and an ADA ramp at the house.

He also reminded of Clean Community Day on Saturday which will be accompanied by a ceremony at the Vermeule Cemetery where a new marker will be installed at the gravesite of Dr. John Vermeule. The stone is being provided by the Green Brook Historical Society who will be in attendance with representatives from North Plainfield and the City of Plainfield. The School Board’s Fall Festival will be held on Saturday the 24th, while the Hispanic Fest and Parade are due on October 1st. The Governor and County Commissioners have been invited with the Parade to step off from Borough Hall at 10:00 a.m. to conclude at 11:00 a.m. at Vermeule with the festival to run until 3:00 p.m. Christal Blue, Memorial Library Branch Manager has been promoted and is leaving her position. A recruitment drive is in progress for a new manager.

Business Administrator Hollod reported on other projects of interest. One is sewer repairs at Jefferson and Walnut with repaving to follow, the first repair job in eighteen (18) years for that intersection. An electronic variable message sign will soon be installed opposite Borough Hall on Somerset Street, and work continues on the traffic signal at Somerset Street and Craig Place. Four electric vehicles will soon join the North Plainfield fleet with charging stations. Ms. Schaefer asked if the stations would be public, and Mr. Hollod explained that these first charging stations would be located behind Borough Hall. The electric vehicle initiative is being part-funded by the Board of Public Utilities (BPU) and PSE&G.

ADJOURNMENT:

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

Meeting adjourned at 9:32 p.m.

Borough Clerk

Council President