

**MINUTES** of the Regular Meeting of the Council of the Borough of North Plainfield held on Monday, **April 10, 2023** at 8:26 p.m. via Zoom.

**PRESENT:**

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

Also Present: Lawrence La Ronde, Mayor  
David E. Hollod, Business Administrator  
Brian Hak, Esq., Associate Borough Attorney  
Michele Irby-Garry, CMR, Acting 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 12, 2022 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 Council President called for a roll call on the Agenda Conference and Regular Meeting minutes of March 27, 2023: All in favor.

**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. 04-10-23-01** BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

04-10-23-01 a, b, c, d, e, f, g

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

Seconded by Ms. Schaefer and on roll call carried all seven voting aye.

**APPROVED CONSENT AGENDA RESOLUTIONS:**

**RESOLUTION NO. 04-10-23-01a** RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND ACTING BOROUGH CLERK TO ACCEPT CHANGE ORDER # 1 IN THE AMOUNT OF A NET CREDIT OF TWENTY-TWO THOUSAND EIGHT HUNDRED ELEVEN DOLLARS (\$22,811.00) RELATED TO THE VERMEULE COMMUNITY CENTER PUBLIC COURTYARD PROJECT WITH WHIRL CONSTRUCTION, INC. AND TO EXECUTE ANY AND ALL DOCUMENTS ON BEHALF OF THE BOROUGH TO EFFECUTATE SAME.

WHEREAS, the Borough of North Plainfield was in need of certain improvements to the Vermeule Community Center and previously entered into a contract with Whirl Construction, Inc., to construct the Vermeule Community Center Public Courtyard Project in due course; and,

WHEREAS, the Borough of North Plainfield has received a request for Change Order #1, dated March 17, 2023, from Whirl Construction, Inc., per drawings received on Friday, March 21, 2023, eliminating the need to trench along Vermeule Place, removing the need for ductile iron pipe and fittings, etc. and asphalt repairs along Vermeule Place, for a credit of Twenty-Seven Thousand Twenty-Five Dollars and No Cents (\$27,025.00) against the total contract price; and,

WHEREAS, under this Change Order #1, Whirl Construction, Inc. shall be compensated for additional work, including adding nyloplast inlet with frame and grate, and adding thirty-three (33) feet of perforated pipe, stone and geotex fabric, with excavation to locate the proper elevation. The total cost of additional materials and excavation is Four Thousand Two Hundred Fourteen Dollars and No Cents (\$4,214.00); and,

WHEREAS, the Borough Engineer, Grotto Engineering Associates, L.L.C., recommends accepting the credit and paying the additional material and excavation costs specified in Change Order # 1, which will result in a net credit of Twenty-Two Thousand Eight Hundred Eleven Dollars and No Cents (\$22,811.00) against the total contract price.

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 Change Order No. 1 to the contract between Whirl Construction, Inc. and the Borough of North Plainfield for the Public Courtyard Project at the Vermeule Community Center removing certain work for a credit of Twenty Seven Thousand Twenty Five Dollars and No Cents (\$27,025.00) against the total contract price and adding the cost of additional materials and excavation in the amount of Four Thousand Two Hundred Fourteen Dollars and No Cents (\$4,214.00), resulting in a total credit in the amount of Twenty Two Thousand Eight Hundred and Eleven Dollars and No Cents (\$22,811.00) in accordance with the request made by Whirl Construction, Inc., dated March 17, 2023; and,

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Acting Borough Clerk to sign and/or execute any and all other necessary documents related to the payment for the services of Whirl Construction, Inc. for the Public Courtyard Project at the Vermeule Community Center; and,

BE IT FURTHER RESOLVED that the payment for these services 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 payment for said services shall be consistent with all applicable laws, the Borough's bid documents and the recommendation of Grotto Engineering Associates, L.L.C., pertaining to the Project known as the Public Courtyard Project at the Vermeule Community Center.

**RESOLUTION NO. 04-10-23-01b** RESOLUTION OF THE BOROUGH COUNCIL ACCEPTING CERTAIN IMPROVEMENTS AND AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE, BONDS AND ESCROW POSTED BY THE DEVELOPER OF BLOCK 204.0, LOT 3, 7-ELEVEN, INC., DOING BUSINESS AS 7-ELEVEN CONVENIENCE STORE & FUELING STATION.

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Borough of North Plainfield to accept certain improvements and to release performance guarantees, bonds and/or escrows posted by developers when said improvements have been certified as complete by the Borough Engineer; and,

WHEREAS, 7-Eleven, Inc., the developer of the 7-Eleven Convenience Store & Fueling Station (hereinafter referred to as the "Developer"), with a main business address of 1023 U.S. Route 22 West, North Plainfield, New Jersey 07060, has deposited with the Borough of North Plainfield a performance guarantee, bonds and escrows, which were used to guarantee the completion of certain improvements on the premises located at 1023 U.S. Route 22 West, North Plainfield, New Jersey 07060, also known as Block 204.3, Lot 3 as shown on the official Tax Map of the Borough of North Plainfield; and,

WHEREAS, David J. Testa, P.E., C.M.E., C.P.W.M. of Grotto Engineering Associates, LLC, representing the Borough as its engineer, has advised the Borough's Business Administrator, by letter dated March 29, 2023, a copy of which is on file in the office of the Borough Clerk and made a part of this Resolution hereof, that the improvements have been completed, all appropriate performance guarantees have been submitted and that the Borough Engineer recommends the acceptance of same and the release of the aforementioned performance guarantee, bonds and escrows; and,

WHEREAS, any remaining escrow fees shall not be released until such time as the Developer has submitted and the Borough has accepted a one (1) year Landscaping Maintenance Guarantee in the amount of Fourteen Thousand Six Hundred Fifty Five Dollars and No Cents (\$14,655.00) and any and all outstanding professional invoices have also been satisfied; 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 improvements referred to above are hereby accepted, as per the aforesaid correspondence of David J. Testa, P.E., C.M.E., C.P.W.M. and the full release of the performance guarantee, bonds and escrow for 7-Eleven, Inc., are hereby released, canceled and/or discharged, subject to the conditions set forth herein and the letter from David J. Testa, P.E., C.M.E., C.P.W.M., dated March 29, 2023 and attachments thereto, as well as the provisions set forth in this Resolution.

**RESOLUTION NO. 04-10-23-01c** 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 Road Opening Bonds

Ultimate Drain Cleaning & Service LLC.  
\$ 7500.00

23 Stockbridge Court  
Shamong, New Jersey 08088

Work done at:

74 Washington Avenue  
123 Sweetbriar Lane  
324 Jefferson Avenue  
349 Richard Way  
339 Harvey Avenue

**RESOLUTION NO. 04-10-23-01d** RESOLUTION OF THE BOROUGH COUNCIL AMENDING AND REVISING THE RULES OF ORDER OF THE BOROUGH OF NORTH PLAINFIELD COUNCIL TO ADD A NEW RULE, RULE 31 GOVERNING CANCELLATION AND REIMBURSEMENT FOR COUNCIL EVENTS.

WHEREAS, the Borough Council of the Borough of North Plainfield is authorized to adopt Rules of Order regarding the conduct of Borough Council meetings and the conduct of Borough Council business by and for the elected members of the Borough Council of the Borough of North Plainfield; and,

WHEREAS, the Borough Council supports the engagement of the Council members to attend for seminars, lectures, programs and other events in which the members of the Borough Council may participate and gather knowledge, information and ideas which may provide new methods for efficient governing or interaction with other elected and appointed officials; and,

WHEREAS, the Borough Council may from time to time authorize the payment of attendance fees at such events which provide such benefits, but such funds are public funds expended for public purposes and timely notice of cancellation can prevent the expenditure of funds if the member of the

Borough Council cannot attend, or which should be reimbursed to the Borough of North Plainfield if circumstances prevent such timely cancellations.

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 amends and revises its Rules of Order to insert a new Rule, Rule 31, as follows:

**RULE 31**

“When a member of Council requests that the Borough pay for an event related to the business of the Borough and the member of Council is unable to attend the event, the member of Council shall notify the Borough in sufficient time to cancel the member of Council’s attendance and obtain a refund for the cost of the event. Otherwise, the member of Council shall reimburse the Borough for the cost of the missed event.”

**RESOLUTION NO. 04-10-23-01e** A RESOLUTION OF THE NORTH PLAINFIELD, COUNTY OF SOMERSET SUPPORTING REVOLUTIONNJ

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey’s pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation’s past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and the Borough of North Plainfield; and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of North Plainfield hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that: 1. The Borough Council commemorates the 250th anniversary of the establishment of the United States as an independent Nation. 2. The Borough Council authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations. 3. The Borough Council further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

**RESOLUTION NO. 04-10-23-01f** WHEREAS, the following applicant has filed application for an Outdoor Sidewalk Café license for the period ending December 31, 2023:

La Tia Rosa Restaurant  
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. 04-10-23-01g** 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 10<sup>th</sup> day of April, 2023 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

**REQUESTS FOR AGENDA ITEMS:** None.

**PUBLIC COMMENTS:** None.

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

Ms. Miller reported that April 17 - 23 is nationally recognized as Earth Week giving us an opportunity to learn about the environment.

Ms. Given reported that April is Autism Awareness Month and National Poetry Month, encouraging everyone to share their favorite poems.

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

Meeting adjourned at 8:35 p.m.

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Acting Borough Clerk

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Council President