

MINUTES of the Regular Meeting of the Council of the Borough of North Plainfield held on Monday, **July 10, 2023** at 8:20 p.m. at North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

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
Phil George, 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.”

The Council President announced that an Executive Session on the topic of Labor Negotiations would be convened at the close of regular business of this meeting.

APPROVAL OF COUNCIL MEETING MINUTES:

The Council President called for a roll call on the Regular Meeting minutes of June 26, 2023: All in favor.

HEARING:

ORDINANCE NO. 23-08 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 10 OF THE BOROUGH CODE, ENTITLED “BUILDING AND HOUSING”, MORE SPECIFICALLY § 10-4, ENTITLED “CERTIFICATE OF MUNICIPAL CODE COMPLIANCE” AND MORE PARTICULARLY BY AMENDING, REVISING AND SUPPLEMENTING § 10-4.5, ENTITLED “FEES”.

The Acting 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.

RESOLUTION:

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

RESOLUTION NO. 07-10-23-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 23-08 be adopted and advertised as required by statute.

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

HEARING:

ORDINANCE NO. 23-09 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 11 OF THE BOROUGH CODE, ENTITLED "PROPERTY MAINTENANCE", MORE SPECIFICALLY ARTICLE I, ENTITLED "PROPERTY MAINTENANCE CODE," AND MORE PARTICULARLY BY AMENDING, REVISING AND SUPPLEMENTING § 11-6.22, ENTITLED "RENTAL CERTIFICATE OF OCCUPANCY".

The Acting 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.

RESOLUTION:

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

RESOLUTION NO. 07-10-23-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 23-09 be adopted and advertised as required by statute.

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

Motion to table **Resolution No. 07-10-23-03** by Ms. Miller, seconded by Ms. Schaefer and on roll call carried all seven voting aye.

***JORDINANCE NO. 23-10** AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 3 OF THE BOROUGH CODE, ENTITLED "POLICE REGULATIONS", MORE SPECIFICALLY, § 3-7.10, ENTITLED "DISORDERLY CONDUCT" AND EVEN MORE PARTICULARLY BY ADDING A NEW § 3-7.10.1, ET SEQ., ENTITLED "BEGGING AND SOLICITING".]*

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

RESOLUTION NO. 07-10-23-04 BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 23-11 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing July 24, 2023 at 7:30 p.m. or as soon thereafter as the matter can be heard, as the time and the North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey or Zoom as the place for hearing and final adoption.

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

The Acting Clerk read the ordinance by its title:

ORDINANCE NO. 23-11 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 4 OF THE BOROUGH CODE, ENTITLED “GENERAL LICENSING”, MORE SPECIFICALLY SECTION 4-6, ENTITLED “CANVASSERS,” BY REVISING SECTION 4-6 IN ITS ENTIRETY.

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. 07-10-23-05 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

07-10-23-05 a, b, c, d, e, f

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. 07-10-23-05a A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES

WHEREAS, the owner of 159 Manning Avenue also known as Block 37 Lot 13 was deemed as a 100 % Disabled Veteran effective January 01, 2023 and is now exempt from property taxes per the Assessor and;

WHEREAS, taxes had been billed and paid by Corelogic on this parcel for multiple quarters of 2023:

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of North Plainfield of Somerset County, State of New Jersey, that the Tax Collector is hereby authorized to refund overpayments on this parcel:

Refund Overpayments to:

Corelogic Refunds Department \$3,364.26
3001 Hackberry Road
Irving, TX 75063

RESOLUTION NO. 07-10-23-05b RESOLUTION OF THE BOROUGH COUNCIL APPROVING PAYMENT NO. 2 (FINAL) TO MESSERCOLA EXCAVATING CO., INC., CLOSING OUT THE BOROUGH'S CONTRACT WITH AND THE RELEASE OF RETAINAGE FOR THE 2020 JEFFERSON AVENUE SANITARY SEWER REPLACEMENT PROJECT

WHEREAS, the Borough of North Plainfield previously awarded a contract for the 2020 Jefferson Avenue Sanitary Sewer Replacement (hereinafter referred to as the "Project") to Messercola Excavating Co., Inc. (hereinafter referred to as the "Contractor"); and,

WHEREAS, Matthew Voekel, P.E., of Mott McDonald, the Borough's Engineer for this Project on behalf of the Borough, by letter, dated June 20, 2023, a copy of which is on file in the office of the Acting Borough Clerk and made a part hereof, has reviewed the Contractor's submission for Payment No. 2 (Final); and,

WHEREAS, the original contract price for the Project was Three Hundred Thirty Nine Thousand Nine Hundred Ninety Two Dollars and Twenty Cents (\$339,992.20), which was adjusted by Change Order No. 1, decreasing the final contract amount to a final Contract Price of Two Hundred Sixty Six Thousand Five Hundred Thirty Two Dollars and Forty Eight Cents (\$266,532.48); and,

WHEREAS, the Contractor has submitted said Final Payment No. 2 for a final Contract Balance due, adjusted by the above Change Order No. 1, in the total amount of Seventy Six Thousand Six Hundred and Fifty Two Dollars and Thirty Four Cents (\$76,652.34), 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 Two Hundred Sixty Six Thousand Five Hundred Thirty Two Dollars and Forty Eight Cents (\$266,532.48), with an effective date of June 16, 2023; and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esquire and the offices of Eric M. Bernstein & Associates, L.L.C. have reviewed the said Borough's Engineer final report on this Project and the Contractor's submissions and accept same based on the recommendations of the Borough Engineer for this Project.

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 Payment No. 2 (Final) and the Closeout of the 2020 Jefferson Avenue Sanitary Sewer Replacement Project is approved with Messercola Excavating Co., Inc., whose main offices are located at 539 East Third Street, North Plainfield, New Jersey 07060, in the total amount of Seventy Six Thousand Six Hundred and Fifty Two Dollars and Thirty Four Cents (\$76,652.34), 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 original contract price was Three Hundred Thirty Nine Thousand Nine Hundred Ninety Two Dollars and Twenty Cents (\$339,992.20), which was adjusted by Change Order No. 1, decreasing the final contract amount to a final Contract Price of Two Hundred Sixty Six Thousand Five Hundred Thirty Two Dollars and Forty Eight Cents (\$266,532.48), 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 the payment for same; 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 necessary documents to close out the Project and issue Payment No. 2 (Final) and release all retainage.

RESOLUTION NO. 07-10-23-05c RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH PLAINFIELD AUTHORIZING THE MAYOR AND/OR THE MAYOR AND BOROUGH CLERK AND/OR THE BOROUGH ADMINISTRATOR TO ACT ON AND/OR EXECUTE AGREEMENTS ON BEHALF OF THE BOROUGH DURING THE TIME THE BOROUGH COUNCIL IS NOT IN SESSION.

WHEREAS, there are certain periods of time when the North Plainfield Borough Council is not in session and no meetings are scheduled and/or held by the Borough Council; and,

WHEREAS, during such time when the Borough Council is not in session, or where otherwise appropriate and/or necessary, certain actions may need to be taken by the Borough of North Plainfield with respect to paying bills, executing agreements and other such items; and,

WHEREAS, during this period, from this date through September 11, 2023, the Borough Council has tentatively scheduled meetings for July 24, 2023, and August 14, 2023 only; and,

WHEREAS, the Borough wishes to authorize the Mayor and/or Mayor and Borough Clerk and/or the Borough Administrator to take any and all such necessary actions on behalf of the Borough during the time the Borough Council is not in session including, but not limited to, the paying of bills and executing agreements on behalf of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Mayor and/or the Mayor and Borough Clerk and/or the Borough Administrator are hereby authorized to pay bills, execute any and all agreements and/or take any other action on behalf of the Borough that becomes necessary during the time the Borough Council is not in session and no meetings are scheduled and/or held by the Borough Council.

RESOLUTION NO. 07-10-23-05d Cancel Credits 2021

WHEREAS, various accounts within the Borough have credits from tax years prior to 2021; 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 \$ 80,134.51 to surplus and the Chief Financial Officer is authorized to make the necessary corresponding entries.

RESOLUTION NO. 07-10-23-05e 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 10th day of July, 2023 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

RESOLUTION NO. 07-10-23-05f 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 license for the owner/operation of a limousine to the following for one year in accordance with the applications heretofore submitted:

Wilson M. Ndagatha
1300 Rock Avenue, C4
North Plainfield, NJ 07060

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

RESOLUTION NO. 07-10-23-06 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 – Labor Negotiations – IAFF Local 3983
Memorandum of Agreement

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 Mr. McIntyre and on roll call carried all seven voting aye.

REPORTS:

POLICE DEPARTMENT REPORT – MAY 2023
 BOARD OF HEALTH MONTHLY REPORT – JUNE 2023

COMMUNICATIONS:

NJ State League of Municipalities Trenton, NJ	Newsletters & Advisories: League Convention Details
State of New Jersey Board of Public Utilities Trenton, NJ	Newsletters & Communications Comcast of Plainfield, LLC. Cable Television Franchise Renewal
State of New Jersey Division of Taxation	Municipal Hotel & Motel Occupancy Tax Distribution

REQUESTS FOR AGENDA ITEMS:

Announcing July as Disability Pride Month, Ms. Miller requested a resolution or proclamation to honor those living with disabilities.

PUBLIC COMMENT: None.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor La Ronde reported on the wonderful turnout for the Fireworks and Community Day. The Mayor reported on a recent meeting with volunteers for the Hispanic Heritage Festival scheduled for September. He announced that the Borough and Watchung would receive a joint grant in the amount of \$400,000 to be used to purchase a ladder truck.

Mr. Merrill commented on the recent ordinances which help to improve the quality of life for Borough residents.

All council members shared their appreciation for those that attended the Fourth of July parade and fireworks.

EXECUTIVE SESSION

Motion to come out of Executive Session by Mr. McIntyre, seconded by Ms. Miller and carried unanimously.

Council President Stabile reconvened the meeting at 8:56 p.m. with all seven council members present.

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

RESOLUTION NO. 07-10-23-07 RESOLUTION AUTHORIZING MAYOR AND ACTING BOROUGH CLERK TO EXECUTE A MEMORANDUM OF AGREEMENT AND SUBSEQUENT COLLECTIVE BARGAINING AGREEMENT WITH IAFF LOCAL 2983

WHEREAS, the Borough of North Plainfield (“Borough”) has been in negotiations with IAFF Local 2983 for a new collective bargaining agreement; and,

WHEREAS, the Borough and IAFF Local 2983 have reached a tentative agreement which has been reduced to a Memorandum of Agreement (MOA) and ratified by IAFF Local 2983 and awaits ratification by the Borough (a copy of the MOA is attached).


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 approves the proposed MOA and that the Mayor and the Acting Borough Clerk of the Borough of North Plainfield are hereby authorized to execute the MOA between IAFF Local 2983 and the Borough, on behalf of the Borough, as well as being authorized to execute a collective bargaining agreement between the Borough and IAFF Local 2983, once IAFF Local 2983 executes same and the Borough Attorney is satisfied with and authorizes its execution by officials of the Borough.

Seconded by Ms. Miller and on roll call carried as follows:

Aye: Corzo, Given, McIntyre, Miller, Schaefer, Stabile
Absent: Merrill

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

Meeting adjourned at 9:00 p.m.


Acting Borough Clerk


Council President