

CONSENT AGENDA

September 22, 2020

RESOLUTION NOS. 09-22-20-04 a through l

RESOLUTION NO. 09-22-20-04

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

09-22-20-04 a, b, c, d, e, f, g, h, i, j, k, *l*

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

Council President

Council Member

Introduced: September 22, 2020

Adopted: September 22, 2020

RESOLUTION NO. 09-22-20-04a

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE
MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT
WITH CIFELLI & SON GENERAL CONSTRUCTION, INC. FOR 2019
NJDOT- GRANDVIEW AVENUE ROADWAY IMPROVEMENTS**

WHEREAS, the Borough of North Plainfield is in need of certain road improvements as it related to the 2019 NJDOT - Grandview Avenue Roadway Improvements (hereinafter referred to as the “Project”); and,

WHEREAS, the Borough of North Plainfield solicited bids for the Project and the following five (5) bids were received:

<u>Bidding Entity</u>	<u>Base Bid</u>
Cifelli & Son General Construction, Inc.	\$381,404.25
Top Line Construction Corp.	\$393,838.21
Diamond Construction	\$398,263.74
S. Brothers Inc.	\$402,477.95
Black Rock Enterprises	\$411,110.50

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq. and the offices of Eric M. Bernstein & Associates, LLC, as well as Grotto Engineering Associates, LLC, 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, Cifelli & Son General Construction, Inc., whose main offices are located at 4 Coppola Street, Nutley, New Jersey 07110 (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: 2019 NJDOT - Grandview Avenue Roadway Improvements
Successful Bidder: Cifelli & Son General Construction, Inc.
Base Bid: In the Amount Not to Exceed Three Hundred and Eighty-One
Thousand Four Hundred and Four Dollars and Twenty-Five Cents
(\$381,404.25)

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 Cifelli & Son General Construction, Inc. 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 Cifelli & Son General Construction, Inc. for the Project known as the 2010 NJ DOT – Grandview Avenue Roadway Improvement.

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: September 22, 2020
Adopted: September 22, 2020

CERTIFICATION

I, Richard K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a meeting of the Borough Council held on _____, 2020.

Richard K. Phoenix, R.M.C.
Borough Clerk
Borough of North Plainfield

Date signed:

RESOLUTION NO. 09-22-20-04b

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**RESOLUTION TERMINATING THE CONTRACT BETWEEN
THE BOROUGH OF NORTH PLAINFIELD AND MISKOVICH
CONSULTING ENGINEERS, LLC**

WHEREAS, on June 8, 2015, by Resolution No. 02-08-15-02f, the Borough retained the professional services of Miskovich Consulting Engineers, LLC to assist the Borough in the replacement of the existing traffic signal at the intersection of Somerset Street and Pearl Street in the Borough; and,

WHEREAS, Miskovich Consulting Engineers, LLC provided said engineering services to the Borough as consulting engineer on the project until it was halted by the Borough due to lack of funds; and,

WHEREAS, the Borough now has sufficient funding to continue/complete the project in question; however, Miskovich Consulting Engineers, LLC is no longer an existing entity to perform the services in question and thus the contract must be terminated.

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 terminate its contract with Miskovich Consulting Engineers, LLC, effective immediately.

NOW, THEREFORE, BE IT FURTHER RESOLVED that, by this Resolution and a letter of August 26, 2020, Miskovich Consulting Engineers, LLC acknowledges that they are not owed any further compensation by the Borough for their services and that their services are no longer required by the Borough.

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: September 22, 2020
Adopted: September 22, 2020

CERTIFICATION

I, Richard, K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a meeting of the Borough Council held on September 22, 2020.

Richard K. Phoenix, RMC
Borough Clerk, Borough of North Plainfield

Date signed: _____

RESOLUTION NO. 09-22-20-04c

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**RESOLUTION OF THE BOROUGH COUNCIL OF NORTH
PLAINFIELD AWARDING A CONTRACT FOR TRAFFIC SIGNAL
MODIFICATION AT THE INTERSECTION OF SOMERSET STREET
AND PEARL STREET TO KLEIN TRAFFIC CONSULTING, LLC**

WHEREAS, the Borough of North Plainfield is looking to complete an existing project regarding traffic signal modification at the intersection of Somerset Street and Pearl Street in the Borough of North Plainfield; and,

WHEREAS, Klein Traffic Consulting, LLC, with a principal place of business of 156 Walker Road, West Orange, New Jersey 07052 is in the business of providing professional design and engineering support services and submitted a proposal for the following scope of work:

Proposal dated September 3, 2020 for Design and Engineering Support Services during Construction Traffic Signal and Roadway Improvements, Somerset Street, Pearl Street and Craig Place, North Plainfield, Somerset County, New Jersey.

WHEREAS, the Borough of North Plainfield is desirous of obtaining the services of Klein Traffic Consulting, LLC to perform all of those services contemplated in the aforementioned Proposal in a total amount not to exceed Thirteen Thousand Five Hundred (\$13,500.00) Dollars.

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 award said contract to Klein Traffic Consulting, LLC, 156 Walker Road, West Orange, New Jersey and authorizes the Mayor and the Borough Clerk to sign and/or execute the Professional Services Agreement with Klein Traffic Consulting, LLC, without the need for any further action of this Borough Council, in a total amount not to exceed Thirteen Thousand Five Hundred (\$13,500.00) Dollars.

NOW, THEREFORE, 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the award is made pursuant to and consistent with the Local Public Contracts Law of the State of New Jersey.

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: September 22, 2020
Adopted: September 22, 2020

CERTIFICATION

I, Richard, K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a meeting of the Borough Council held on September 22, 2020.

Richard K. Phoenix, RMC
Borough Clerk, Borough of North Plainfield

Date signed: _____

RESOLUTION NO. 09-22-20-04d

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

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:

Arcadis Design \$ 1500.00
10 Friends Lane
Newton, Pa. 18940
Attn: Aimee Stoudt

Work done: Coddington Avenue

Council President

Council Member

Introduced: September 22, 2020

Adopted: September 22, 2020

RESOLUTION NO. 09-22-20-04e

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

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 166 Lot 3 448 Catalpa Avenue # 07-00106 issued 12/18/07

Council President

Council Member

Introduced: September 22, 2020

Adopted: September 22, 2020

RESOLUTION NO. 09-22-20-04f

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

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

Council President

Council Member

Introduced: September 22, 2020

Adopted: September 22, 2020

RESOLUTION NO. 09-22-20-04g

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

BE IT RESOLVED by the Council of the Borough of North Plainfield that it does hereby authorize the issuance of a license to drive a taxicab for two years, pursuant to N.P.R.G.O. 4-1 et seq., to the following in accordance with the applications heretofore submitted:

Wilson E. Gutierrez
71 Belmont Avenue
North Plainfield, NJ 07060

Council President

Council Member

Introduced: September 22, 2020

Adopted: September 22, 2020

RESOLUTION NO. 09-22-20-04h

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

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 limousines to the following for one year in accordance with the applications heretofore submitted:

Ramon D. Cruz-Nieves
2 Kennedy Court
North Plainfield, NJ 07062

Council President

Council Member

Introduced: September 22, 2020

Adopted: September 22, 2020

RESOLUTION NO. 09-22-20-04i

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

WHEREAS, currently active replacement plenary retail consumption and/or plenary retail distribution liquor licenses in the Borough of North Plainfield were, upon issuance, scheduled to expire at Midnight on June 30, 2020; and,

WHEREAS, on April 13, 2020 in issuing Order A-2020-02, James B. Graziano, Acting Director of the New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control, recognized the direct impact of the Governor's Executive Orders 103, 104, and 107, has had on the alcoholic beverage industry in this state and that the Covid-19 outbreak has affected each tier of the industry and has affected the Division's operations; and,

WHEREAS, Acting Director Graziano also recognized that many licensees would not be able to take all of the steps necessary to renew their licenses by June 30, 2020; and, that the holders of municipally-issued licenses would be unable to obtain *ad interim* permits from the Division pursuant to N.J.A.C. 13:2-2.10; and, that if licensees with municipally-issued licenses and were not able to timely renew their licenses, that these licenses and permits would expire, and all manufacturer, distribution, transportation, sales and/or service of alcoholic beverages authorized under those licenses and permits would cease immediately; and,

WHEREAS, in an effort to avoid the dire consequences aforesaid, Acting Director Graziano exercised his broad authority under N.J.S.A. 33:1-39 and extended the 2019-2020 license term for all municipally-issued licenses and State-issued licenses and permits to Municipally-issued licenses that expire on June 30, 2020 until Wednesday, September 30, 2020; and,

WHEREAS, consistent with A-2020-02 aforesaid, the Borough of North Plainfield wishes to extend to the Borough's plenary retail consumption and distribution liquor license holders, whose current active licenses are schedule to expire at Midnight on June 30, 2020, the opportunity to file complete applications to renew such licenses in accordance with applicable law, while affording the Borough Council sufficient time to review and approve such applications by way of Resolution on or before September 30, 2020; and,

WHEREAS, as a result of same, the following applicants have applied for renewal of Plenary Retail Consumption or Plenary Retail Distribution Licenses for the period October 1, 2020 through June 30, 2021 and the submitted application forms are complete in all respects; and,

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that the Borough Clerk is hereby authorized and directed to issue licenses in accordance with the filed applications to the following applicants for the period October 1, 2020 through June 30, 2021:

1814-32-011-011 J & N Wine and Spirits LLC, t/a Buy Rite
967 US Highway 22 West

1814-33-001-003 L Penaloza LLC, t/a The Bridge
50-54 Watchung Avenue

1814-33-003-004 El Salvador Inc, t/a Tesoro Salvadoreño Restaurant
64 Somerset Street

1814-33-004-005 Toson Food & Beverages North Plainfield LLC
1250 Route 22 East

1814-33-008-006 Mi Mundo Latino LLC, t/a Mi Mundo Latino
375 Somerset Street

1814-33-010-012 Texas Roadhouse Holdings LLC
1258 Route 22 Eastbound

1814-33-007-008 Dombar LLC – International Club and Sports Bar
403 Somerset Street

1814-44-005-009 Clinton Liquors of North Plainfield Inc., t/a Clinton Liquors
64 Watchung Avenue

1814-44-006-007 R&R Spirits Inc., t/a Star Discount Liquors
25 Greenbrook Road

1814-44-012-006 Shivaam LLC, t/a Herb's Liquor
194 Somerset Street

1814-44-013-013 NB Liquors Inc., t/a Rock Discount LLC
1290 US Highway 22

Council President

Council Member

Introduced: September 22, 2020
Adopted: September 22, 2020

By my hand, certified to be a true and complete copy of the Resolution adopted by the Council of the Borough of North Plainfield at its Regular Meeting of September 22, 2020.

Richard K. Phoenix, RMC
Borough Clerk

RESOLUTION NO. 09-22-20-04j

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**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 2018 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.

Council President

Council Member

Introduced: September 22, 2020

Adopted: September 22, 2020

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON September 22, 2020.

Richard K. Phoenix, RMC
Borough Clerk

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT

Group Affidavit Form

No photo copies of signatures

State of New Jersey
County of Somerset

We, members of the governing body of the Borough of North Plainfield in the County of Somerset being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Borough Council of the Borough of North Plainfield in the County of Somerset.
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2019;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Sworn to and subscribed before me this

_____ day of _____

Notary Public of State of New Jersey

Richard K. Phoenix, RMC
Borough Clerk

Reason for absence of signature of any governing body member:

(Certificate must be sent to Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, NJ 08625)

RESOLUTION NO. 09-22-20-04k

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

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 22nd day of September, 2020 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

Council President

Council Member

Introduced: September 22, 2020

Adopted: September 22, 2020

RESOLUTION NO. 09-22-20-04I

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

WHEREAS, the Borough of North Plainfield is required to conduct disciplinary hearings from time to time regarding Police Department employees pursuant to law; and,

WHEREAS, pursuant to Borough of North Plainfield Code § 2-21.2, the Chief of Police, or the Director of Law or their designee, serves as the Hearing Officer for such disciplinary matters for the North Plainfield Police Department; and,

WHEREAS, the Director of Law previously designated the Hon. Bradley Ferencz, J.S.C. (ret.) as Hearing Officer for North Plainfield Police Department disciplinary hearings, pursuant to Borough of North Plainfield Code § 2-21.2(e) in order to provide an independent Hearing Officer in disciplinary matters; and,

WHEREAS, the Director of Law has determined to provide for an Independent Hearing Officer to conduct disciplinary hearings for all disciplinary matters regarding its Police Department employees pursuant to law; and,

WHEREAS, the Director of Law has recommended that the Borough Council designate the Hon. Bradley Ferencz, J.S.C. (ret.) as Independent Hearing Officer for disciplinary hearings for Police Department matters.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Hon. Bradley Ferencz, J.S.C. (ret.) be designated as an Independent Hearing Officer for Police Department disciplinary matters.

Frank "Skip" Stabile, III, Council President

Council Member

Introduced: September 22, 2020
Adopted: September 22, 2020

By my hand, I hereby certify this to be a true and complete copy of the Resolution adopted by the Council of the Borough of North Plainfield at its meeting of September 22, 2020

Richard K. Phoenix, RMC
Borough Clerk