

DRAFT MINUTES

These are the Draft Minutes of the Regular Meeting of the Borough Council of North Plainfield, New Jersey held on Monday, 13 July 2015.

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 Governing Body'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, **July 13, 2015** at 7:46 p.m. at the North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

PRESENT:

Council Members: Everett Merrill
 Keiona R. Miller
 Frank Righetti
 Wendy Schaefer (absent – excused)
 Douglas M. Singleterry
 Frank “Skip” Stabile
 Lawrence La Ronde, Council President

Also Present: David E. Hollod, Business Administrator
 Anne Marie Rizzuto, Esq., Associate Borough Attorney
 Richard K. Phoenix, RMC, Borough Clerk

The Council President read the following Notice of Compliance:

"This is a Regular Meeting of the Council of the Borough of North Plainfield, scheduled by resolution of the Council adopted on December 8, 2014. Adequate notice of this meeting was given pursuant to *N.J.S.A. 10:4-6 et seq.* by transmitting said notice to the *Courier News*, *The Star-Ledger* and *WKMB* Radio on December 10, 2014 by publication of the announcement in the *Courier News* of December 12, 2014 and by posting a copy of this notice on the bulletin boards in the Municipal Building and Memorial Library reserved for such purpose."

The Borough Clerk had submitted copies of the minutes of the Board of Health and Regular Meeting of June 22, 2015.

Board of Health and Regular Meeting of June 22, 2015:

Ayes: Merrill, Miller, Righetti, Singleterry, La Ronde
 Abstain: Stabile

HEARING:

**PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL
CONSUMPTION LICENSE NO. 1814-33-010-011
BY TEXAS ROADHOUSE HOLDINGS, LLC TO NEW LOCATION**

No one appeared.

Motion to close public hearing by Mr. Righetti, seconded by Mr. Stabile and on Roll Call carried all six voting aye.

CONSENT AGENDA

Council President La Ronde 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. Singleterry presented the following Resolution and moved its adoption:

RESOLUTION NO. 07-13-15-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

07-13-15-01a, b, c, d, e, f, g, h, i, j, k and l

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

Seconded by Mr. Righetti and on Roll Call carried all six voting aye.

APPROVED RESOLUTIONS:

RESOLUTION NO. 07-13-15-01a RESOLUTION TO APPROVE PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1814-33-010-011 BY TEXAS ROADHOUSE HOLDINGS, LLC TO NEW LOCATION

WHEREAS, the Borough Council of the Borough of North Plainfield previously approved the liquor license transfer referred to herein as a pocket license, by person to person transfer by Resolution No. 01-01-15-05g adopted by the Borough Council on January 1, 2015; and,

WHEREAS, Texas Roadhouse Holdings, LLC (hereinafter referred to as the "Owner") with its principal place of business located at 6040 Dutchmans Lane, Suite 200, Louisville, Kentucky 40205, is the holder of Plenary Retail Consumption License 1814-33-010-011 (hereinafter referred to as the "License") as a pocket license in the Borough of North Plainfield, County of Somerset and State of New Jersey; and,

WHEREAS, the Owner seeks to transfer the license from its current location to premises located at 1258 Route 22, North Plainfield, New Jersey (hereinafter referred to as the “Licensed Premises”), where the Owner intends to conduct business with use of the License;

WHEREAS, the Owner of the License has submitted and amended its License application for a place-to-place transfer, in due and complete form, and has caused the due and required notices to be published; and,

WHEREAS, the Borough Council of North Plainfield conducted a hearing for the place to place transfer of the License on July 13, 2015 at the regular meeting of the Borough Council; and,

WHEREAS, the Council considered the application submitted by the Owner and the Borough Police Department’s investigation reports in this matter; and,

WHEREAS, upon all due consideration and evaluation of the application, the Borough Council of the Borough of North Plainfield has determined that the proposed location for the place to place transfer and activation of the License is acceptable.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of North that the Plenary Retail Consumption License No. 1814-33-010-011 be and is hereby APPROVED FOR TRANSFER from place to place, to 1258 Route 22, North Plainfield, New Jersey, upon condition of approval of the transfer by the State of New Jersey, Department of the Treasury, Division of Alcoholic Beverage Control, duly required publication, and presentation of the same to the Borough Clerk.

RESOLUTION NO. 07-13-15-01b 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 certificates as follows:

Block 41, Lot 1
86 Westervelt Ave.

Certificate #06-00029 issued 6/29/06
Certificate #12-00070 issued 10/23/12

RESOLUTION NO. 07-13-15-01c BE IT RESOLVED, by the Council of the Borough of North Plainfield, that the Treasurer is hereby authorized to make the following refunds:

Refund of Road Opening Bond:

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| GoldStar Environmental Services, Inc. 12 Fox Farm Road Phillipsburg, NJ 08865 | \$1,500.00 |
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Job: Coddington Avenue - Toresco

RESOLUTION NO. 07-13-15-01d WHEREAS, on a property known as block 75, lot 7, also known as 14 Coddington Ave., as a result of NJTC Docket #013215-2014 real estate taxes for the year 2014 have been reduced by a total of \$996.82; and

WHEREAS, real estate taxes for the year 2014 were paid so the reduction in assessed value leaves an overpayment totaling \$996.82; and

WHEREAS, it is recommended by the Tax Collector that a refund of said overpayment be made to Edwin Dewitt, property owner.

BE IT RESOLVED, by the Council of the Borough of North Plainfield, that the Chief Financial Officer is authorized to make the following refunds:

Refund Real Estate Tax Payments:

Edwin Dewitt \$996.82
14 Coddington Ave.
North Plainfield, NJ 07060

RESOLUTION NO. 07-13-15-01e WHEREAS, on a property known as block 203.04, lot 11, also known as 555-57 Oakridge Ave., a duplicate tax payment totaling \$2,475.64 was submitted by Associated Title Agency on 5/4/15; and

WHEREAS, in accordance with a request from Associated Title, said overpayment is to be refunded to Associated Title for proper distribution to the appropriate parties.

BE IT RESOLVED, by the Council of the Borough of North Plainfield, that the Chief Financial Officer is authorized to make the following refunds:

Refund Real Estate Tax Payments:

Associated Title Agency \$2,475.64
64 West Main St.
Freehold, NJ 07728

RESOLUTION NO. 07-13-15-01f WHEREAS, on 6/8/15 on a property known as block 16, lot 23, also known as 236 N. Jackson Ave., a sewer payment totaling \$248.64 was submitted by ERA Queen City Realty on behalf of the owner; and

WHEREAS, said payment covered the 1st & 2nd half of 2015 sewer charges; and

WHEREAS, ERA Queen City Realty has notified the sewer department that they only intended to pay the 1st half 2015 sewer installment; and

WHEREAS, in accordance with a request from ERA Queen City Realty, the overpayment is to be refunded to them for proper distribution to the appropriate parties.

BE IT RESOLVED, by the Council of the Borough of North Plainfield, that the Chief Financial Officer is authorized to make the following refunds:

Refund Sewer Payment:

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| ERA Queen City Realty | \$123.40 |
| 310 Park Ave. | |
| Scotch Plains, NJ 07076 | |

RESOLUTION NO. 07-13-15-01g 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 certificates as follows:

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| Block 125, Lot 19 | Certificate #04-47 |
| 2 Hurley Avenue | Issued 10/27/04 |

RESOLUTION NO. 07-13-15-01h 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 certificates as follows:

Block 173, Lot 26 528 Ayres Ave. Certificate #13-00260 issued 12-09-13

RESOLUTION NO. 07-13-15-01i RESOLUTION OF THE BOROUGH OF NORTH PLAINFIELD AUTHORIZING EXECUTION OF AGREEMENT AND GRANT OF TEMPORARY EASEMENT FOR ACCESS AND CONSTRUCTION

WHEREAS, a project known as the Costco Warehouse, located on Route 22 East, Block 203.01, Lot 1 on the Tax Maps of the Borough of North Plainfield, was approved by the Borough of North Plainfield Planning Board by Resolution as to Application No. SPR-12-001 signed on October 11, 2012; and,

WHEREAS, Costco Wholesale Corp., through its authorized contractor, Graham Contracting, Ltd. (“Costco”), has requested a temporary easement for access and construction to perform an installation pursuant to the requirements of the Planning Board Resolution; and,

WHEREAS, the Agreement and Grant of Temporary Easement for Access and Construction (the “Agreement”) provides for Costco’s access in, along, under and through Clinton Avenue, a public roadway of the Borough of North Plainfield (the “Borough”) and access and construction in, along, under and through real property known as 614 Warfield Road, Block 199.05, Lot 5, upon which is located a residential dwelling owned by Anthony Moglia (“Moglia”); and,

WHEREAS, the Agreement provides for the Borough and Moglia, as Grantors, to allow that temporary access and construction, to and by Costco, the Grantee; and,

WHEREAS, the Agreement provides for posting of performance and maintenance guarantees by Costco for the protection of the property of the Borough and Moglia; and,

WHEREAS, Costco has posted its performance guarantee with the Borough; and,

WHEREAS, the Borough Attorney/Director of Law Eric M. Bernstein & Associates, LLC, has drafted the Agreement in consultation with Costco and Moglia, containing terms pursuant to the requirements of the Planning Board Resolution; and,

WHEREAS, the Borough Engineer, Grotto Engineering Associates, LLC, by Senior Project Manager David J. Testa, P.E., C.M.E. has recommended execution of the Agreement by 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 of the Borough of North Plainfield is hereby authorized to enter into such Agreement and to take all necessary steps to effectuate such Agreement and the Borough Clerk is authorized to witness such execution of the Agreement.

BE IT FURTHER RESOLVED that the Agreement shall not take effect unless and until all parties execute same.

RESOLUTION NO. 07-13-15-01j 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/taxicabs to the following for two years in accordance with the applications heretofore submitted:

Zeeshan R. Ishfaq, t/a
Aero American Limousine, LLC
437 Oakridge Avenue
North Plainfield, NJ 07063

RESOLUTION NO. 07-13-15-01k RESOLUTION ENCOURAGING THE STATE TO RAISE THE TOBACCO PURCHASING AGE TO 21

WHEREAS, forty-two million Americans still smoke, resulting in tobacco use being responsible for nearly one in five deaths in the U.S.;

WHEREAS, because cigarette smoking and tobacco use are acquired behaviors, smoking is one of the most preventable causes of death in the U.S.;

WHEREAS, eighteen percent of adults place themselves and their families at risk for major and preventable health problems through tobacco use;

WHEREAS, eighty-five percent of daily smokers start smoking before age twenty one;

WHEREAS, there is an alarming increase in the use of e-cigarettes among teenagers and young adults;

WHEREAS, the Institute of Medicine found that increasing the tobacco purchasing age to 21 would reduce smoking by twelve percent, resulting in 249,000 fewer premature deaths, 45,000 fewer

lung cancer deaths, 4.2 million fewer total years of life lost among those born between 2000 and 2019, and fewer infants born prematurely;

WHEREAS, the journal, Tobacco Control, reports that underage smoking plummeted by nearly fifty percent after Needham, MA became the first municipality in the nation to raise the tobacco purchasing age to twenty one;

WHEREAS, the American Medical Association endorses raising the tobacco purchasing age to 21;

WHEREAS, municipalities across the country, including New York City and approximately eight New Jersey municipalities have raised the tobacco purchasing age to twenty one;

WHEREAS, Hawaii is the first state in the nation to raise the tobacco purchasing age to twenty one and other states, including California, have introduced similar legislation;

WHEREAS, on June 30, 2014 the New Jersey State Senate passed a bill raising the tobacco purchasing age to 21;

WHEREAS, the New Jersey State Assembly still has not yet passed the companion bill to raise the tobacco purchasing age, as the bill is still pending before the Assembly Health and Senior Services Committee;

WHEREAS, be it resolved by the North Plainfield Borough Council that we hereby request that the New Jersey State Assembly pass bill A3254 raising the tobacco purchasing age to 21, and establishing New Jersey as a public health leader in reducing underage smoking and preventable deaths.

RESOLUTION NO. 07-13-15-01/ 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 13th day of July, 2015 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

COMMUNICATIONS:

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| Somerset County Office of Public Information Somerville, NJ | Various Communications, Advisories and News Releases |
| Richard K. Phoenix, RMC – Borough Clerk & Chief Operator, WPQJ970 – 1630-AM Radio | Calendar Updates and Advisories; Time-Sensitive Radio Scripts |
| Tri-County Chamber of Commerce South Plainfield, NJ | Newsletters & Advisories |
| NJ State League of Municipalities Trenton, NJ Frank D’Amore Sr. North Plainfield Plainfield Area Humane Society Plainfield, NJ | Various advisories and reports Property Maintenance communications Report and Invoicing |

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| NJ Highlands Commission Boonton, NJ | Newsletters |
| Raritan River Initiative New Brunswick, NJ | Newsletters |
| Elaine Hiromasa, City Clerk Honolulu, HI | Tobacco Usage Age Restrictions |
| Sheridan Balmeo, PSE&G Newark, NJ | Gas Work in North Plainfield |
| Hoagland Longo et als New Brunswick, NJ | Bethlehem Twp. 3 rd Round COAH Waiver |
| Somerset County Recycling Somerville, NJ | Holiday Delay: Recycling Pickups |
| NJ Dept. of Community Affairs Trenton, NJ | Adopted 2015 Municipal Budget |
| NJ Dept. of Environmental Protection Trenton, NJ | Binsky & Snyder Remedial Action Status |
| Capehart & Scatchard Mount Laurel, NJ | NJ Public Entity Law Monthly |
| Linda Moss, Bergen Evening Record Woodland Park, NJ | Inquiry re: Smoking 21 |
| Thomas Minter, NTI Audio Liechtenstein | NTI precision Sound Level Meter |

REQUESTS FOR AGENDA ITEMS:

Mr. Righetti proposed moving the Farmer's Market to the Vermeule property in an effort to increase foot traffic. Mr. Stabile called for discussion of same at a future meeting.

Addressing Mr. Singleterry's request, the Council President called for discussion regarding Parkview Avenue residents' concerns with speeding and littering in their neighborhood. He also announced the implementation of tablets for all council members.

PUBLIC COMMENT:

Mr. Jerez, (address not intelligible) inquired after the evening's resolution authorizing a taxi/limousine owners' license. Mr. Phoenix offered clarification, noting that Mr. Ishfaq is a new applicant.

Frank N. D'Amore Sr., 40 Willow Avenue, North Plainfield, thanked those involved with the Fourth of July parade and commended the Police Department for their cell phone enforcement. The speaker concluded by voicing his concerns with the deliberate removal of a unique architectural feature from 51-53 Willow Avenue, further noting that the violation has yet to be corrected.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Speaking on behalf of Mayor Giordano, Mr. Hollod thanked all of the Fourth of July parade volunteers and commented on the success of the Farmer's Market festival. He announced the upcoming Somerset Street Car Cruise on July 20 at 6:00 pm and the Senior Picnic on October 3 at 12:00 Noon.

Mr. Merrill thanked all of the volunteers, specifically Joe Irovando, for their efforts with the Fourth of July parade and fireworks.

Mr. Righetti thanked those involved with the Fourth of July parade. Mr. Stabile offered accolades to everyone involved with the parade and the fireworks and noted the outstanding grand marshal of the parade, Mr. Righetti.

Council President La Ronde thanked Joe Irovando and the Special Events Committee members for their hard work on the Fourth of July events. He concluded by announcing the Borough-wide garage sale set for September 26 and 27.

Motion to adjourn by Ms. Miller, seconded by Mr. Singleterry and carried unanimously.

Meeting adjourned at 8:10 p.m.

Borough Clerk

Council President