

## ***DRAFT MINUTES***

*These are the Draft Minutes of the Regular Meeting of the Borough Council of North Plainfield, New Jersey held on Monday, 27 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 27, 2015** at 8:01 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 (absent – excused)  
                           Wendy Schaefer  
                           Douglas M. Singleterry  
                           Frank “Skip” Stabile  
                           Lawrence La Ronde, Council President

Also Present:       David E. Hollod, Business Administrator  
                           Dominic DiYanni, 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 Agenda Conference and Regular Meeting of July 13, 2015.

Agenda Conference and Regular Meeting of July 13, 2015:

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

Abstain: Schaefer

**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.

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

**RESOLUTION NO. 07-27-15-01** BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

07-27-15-01a, b, c, d, e, f, g, h and i

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

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

**APPROVED RESOLUTIONS:**

**RESOLUTION NO. 07-27-15-01a** RESOLUTION AUTHORIZING TREATMENT WORKS APPROVAL PERMIT APPLICATION BY THE BOROUGH OF NORTH PLAINFIELD FOR THE TEXAS ROAD HOUSE RESTAURANT, RETAIL BUILDING, AND LAZY BOY RETAIL STORE PROJECT.

WHEREAS, Urban Edge Properties is planning to install a new sanitary sewer service lateral and sanitary sewer lift station in order to construct a Texas Road House Restaurant, Retail Building, and Lazy Boy Retail Store (the "Project"); and,

WHEREAS, Urban Edge Properties must apply for a Treatment Works Approval Permit from the New Jersey Department of Environmental Protection for the Project; and,

WHEREAS, the New Jersey Department of Environmental Protection requires a Statement of Consent from the municipality in which the Project is located as part of the Treatment Works Approval Permit process; and,

WHEREAS, the Borough of North Plainfield must give its consent to obtain a Treatment Works Approval Permit and the Project to go forward because the Project is located in the Borough of North Plainfield.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield that the Borough of North Plainfield hereby grants its consent to submit a Treatment Works Approval Permit application to the New Jersey Department of Environmental Protection for the Project

and hereby authorizes the Borough Administrator and Borough Clerk to execute the Statement of Consent form and any and all necessary documents to complete said application.

**RESOLUTION NO. 07-27-15-01b** RESOLUTION AUTHORIZING MAYOR, BOROUGH ADMINISTRATOR AND BOROUGH CLERK TO ACT ON BEHALF OF THE BOROUGH DURING THE TIME THE BOROUGH COUNCIL IS NOT IN SESSION

WHEREAS, there are certain periods of time when the Borough Council is not in session and no meetings are scheduled and/or will be 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, the Borough Council will only be holding one (1) meeting during the time period between July 27, 2015 and September 14, 2015; and,

WHEREAS, the Borough wishes to authorize the Mayor, the Borough Business Administrator and, where applicable, the Mayor and Borough Clerk to take any necessary action on behalf of the Borough during the time the Borough Council is not in session including, but not limited to, paying 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, the Business Administrator and/or the Mayor and Borough Clerk are hereby authorized to pay bills, execute any and all agreements and/or take any other action on behalf of the Borough which 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. 07-27-15-01c** WHEREAS, St. Luke's Church, 300 Clinton Avenue, North Plainfield, New Jersey, has applied for a license to conduct an off-premises 50-50 cash draw raffle on October 18, 2015; and

WHEREAS, St. Luke's Church has been issued Identification No. 352-1-14479 by the New Jersey Legalized Games of Chance Control Commission; and

WHEREAS, police investigation is now underway to confirm that said applicant meets the requirements for the issuance of a raffle license;

NOW, THEREFORE, BE IT RESOLVED that contingent upon favorable findings of the above-mentioned investigation, the Clerk be and is hereby authorized to issue a license to St. Luke's Church for an off-premises 50-50 cash draw raffle to be held on October 18, 2015 at 300 Clinton Avenue, North Plainfield, New Jersey.

**RESOLUTION NO. 07-27-15-01d** WHEREAS, on a property known as block 31, lot 5, also known as 561 Delacy Ave., a duplicate tax payment totaling \$2,392.03 was submitted by Island Title Agency on 1/5/15; and

WHEREAS, said overpayment should be refunded to Island 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:

Island Title Agency	\$2,392.03
192 Riva Ave.	
Middletown, NJ 08850	

**RESOLUTION NO. 07-27-15-01e** WHEREAS, on a property known as block 64.02, lot 14, also known as Jennings Ln., an overpayment of 2015 real estate taxes, totaling \$1,440.74 has occurred due to a judgment of the Somerset County Tax Board; and

WHEREAS, said overpayment should be refunded to Robert Brotman, Esq. 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:

Robert Brotman, Esq	\$1,440.74
1139 E. Jersey St., #301	
Elizabeth, NJ 07201	

**RESOLUTION NO. 07-27-15-01f** WHEREAS, on a property known as block 154.03, lot 12, also known as 203 Glenside Pl., an overpayment of 2015 real estate taxes, totaling \$716.22 has occurred due to the application of a NJ Homestead Credit; and

WHEREAS, said overpayment should be refunded to the homeowners, Joseph A. & Gloria L. DeZuzio.

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:

Joseph A. & Gloria L. DeZuzio	\$716.22
203 Glenside Pl.	
North Plainfield, NJ 07060	

**RESOLUTION NO. 07-27-15-01g** RESOLUTION OF THE BOROUGH OF NORTH PLAINFIELD ACCEPTING THE PROJECT KNOWN AS MUNICIPAL COUNCIL CHAMBERS AND CONFERENCE ROOM RENOVATIONS AND AUTHORIZING FINAL PAYMENT, RELEASE OF PERFORMANCE BOND AND WAIVER OF MAINTENANCE BOND

WHEREAS, a municipal construction contract known as the Municipal Building Council Chambers and Conference Room Renovations (the "Project") was awarded pursuant to public bid to Pakis Tile Contractors, Inc. (the "Contractor") by Resolution approved by the Borough Council in August 2013; and,

WHEREAS, the Borough's Consulting Engineer, Suburban Consulting Engineers, Inc., by Project Manager Jonathan R. Tardiff, P.E., in a letter dated July 22, 2015, has recommended acceptance of the project as complete, payment of the final payment, release of the retainage and release of performance guarantee; and,

WHEREAS, the Borough Attorney/Director of Law Eric M. Bernstein Esq. has reviewed the correspondence of Jonathan R. Tardiff, P.E. and the Contractor's submissions included therewith and concurs with the recommendations of the Borough Consulting Engineer; and,

WHEREAS, during the course of the Project, several credits were issued to the Borough against Payment No. 7 made to the Contractor in June, 2014; and,

WHEREAS, the parties agreed that Payment No. 7 issued in June, 2014 was the date of substantial completion of the Project by the Contractor; and,

WHEREAS, the Contractor has signed waivers of lien and statement of final payment wherein the Contractor has agreed that there shall be no further claim presented or lien filed with respect to this matter; and,

WHEREAS, the Borough agrees to waive the Contractor's requirement to provide a one (1) year maintenance bond, since it has been more than one (1) year from the date of substantial completion; and,

WHEREAS, this approval of Final Payment (Payment No. 8) is the last transaction for this Project between the Contractor and 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 municipal construction project known as the "Municipal Building Council Chambers and Conference Room Renovations" be and is hereby accepted as complete; and,

BE IT FURTHER RESOLVED that the Borough Council authorizes the issuance of the final payment to the Contractor, and further authorizes the release of the retainage, and the release of the performance guarantee for the project; and,

BE IT FURTHER RESOLVED that the Borough Council authorizes the waiver of the maintenance bond from the Contractor.

**RESOLUTION NO. 07-27-15-01h** 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:

Edwin T. Gomez-Flores  
 343 Netherwood Avenue  
 Plainfield, NJ 07062

**RESOLUTION NO. 07-27-15-01i** 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 27<sup>th</sup> 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:**

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 NJ Highlands Commission Boonton, NJ Raritan River Initiative New Brunswick, NJ Division of Alcoholic Beverage Control Trenton, NJ	Various advisories and reports  Property Maintenance communications  Report and Invoicing  Newsletters  Newsletters
North Plainfield Planning Board  Richard Nasca, Amanda Taylor Skene Law Firm, P.C. Old Bridge, NJ Bob Williamson & Other Residents Parkview Avenue Tina Totten North Plainfield, NJ Board of Adjustment	Re: Dombar LLC, Notice of Final Determination (Offer in lieu of Suspension) and Notice of Disposition of <i>Prima Facie</i> Contraband Notice of 22 July Public Hearing re: La-Z-Boy Retail Store Re: Place-to-Place Transfer of 1814-33-010-011 Texas Roadhouse Holdings LLC  Vehicular Speeding and Littering  Notice of Green Brook Flood Control Commission Memorial Service Legal Notice: Hearing re: Display of Goods

Watchung, NJ Holly Dunbar North Plainfield, NJ	Display of 4H Fair Sign at Vermeule
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**REQUESTS FOR AGENDA ITEMS:**

Addressing Mr. Singleterry's inquiry, Mr. DiYanni advised that the Master Plan remains a work in progress.

Council President La Ronde proposed a review of the Alternate Side of the Street Parking Ordinance.

**PUBLIC COMMENT:**

Gary Lewis, 110 Jackson Avenue, North Plainfield, voiced his concerns with poison ivy growing along the sidewalks on the Route 22 Overpass.

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

Speaking on behalf of Mayor Giordano, Mr. Hollod noted the success of the Somerset Street Summer Car Cruise on July 20. Announcing the upcoming National Night Out scheduled for August 4, Mr. Hollod explained the evening would include free food, a cartoonist, t-shirts for children, and handouts as well as the shredder.

Mr. Merrill applauded the Parkview Avenue residents who organized and submitted their petition.

Council President La Ronde invited the Council to the Recreation's end of season picnic to be held on August 2 from 2:00 p.m. till 6:00 p.m.

Motion to adjourn by Mr. Stabile, seconded by Ms. Schaefer and carried unanimously.

Meeting adjourned at 8:13 p.m.

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Borough Clerk

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Council President