

DRAFT MINUTES

These are the Draft Minutes of the Regular Meeting of the Borough Council of North Plainfield, New Jersey held on Monday, 28 September 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, **September 28, 2015** at 7:48 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
 Douglas M. Singleterry
 Frank "Skip" Stabile
 Lawrence La Ronde, Council President

Also Present: Michael Giordano, Jr., Mayor
 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 September 14, 2015.

Agenda Conference and Regular Meeting of September 14, 2015: All in favor.

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

RESOLUTION NO. 09-28-15-01 BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 15-10 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing October 13, 2015 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 as the place for hearing and final adoption.

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

The Clerk read the ordinance by its title as follows:

ORDINANCE NO. 15-10 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE AS TO CHAPTER VII, TRAFFIC, MOST NOTABLY, TO ADD A NEW SECTION 7:2C AND TO AMEND, REVISE AND SUPPLEMENT SECTIONS 7-3.5 AND 7-15.1

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

RESOLUTION NO. 09-28-15-02 BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 15-11 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing October 13, 2015 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 as the place for hearing and final adoption.

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

The Clerk read the ordinance by its title as follows:

ORDINANCE NO. 15-11 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE AND ENACTING NEW SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE AS TO CHAPTER II, ADMINISTRATION, MOST NOTABLY ARTICLE 2-6, DEPARTMENT OF ADMINISTRATION, SECTION 2-6.4 ENTITLED "PARKS AND RECREATION DEPARTMENT" AND SECTION 2-6.5 ENTITLED "PARKS AND RECREATION COMMITTEE"

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. Merrill presented the following Resolution and moved its adoption:

RESOLUTION NO. 09-28-15-03 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

09-28-15-03a, b, c, d, e, f, g and h

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 seven voting aye.

APPROVED RESOLUTIONS:

RESOLUTION NO. 09-28-15-01a WHEREAS, the following applicants have been issued identification numbers by the New Jersey Legalized Games of Chance Control Commission, have applied for bingo licenses for calendar year 2016 and have submitted the required fees:

St. Luke's Church	ID No.	352-1-14479
St. Luke's Holy Name Society	ID No.	352-3-12672

WHEREAS, investigation has shown that said applicants meet the requirements for the issuance of bingo licenses;

NOW, THEREFORE, BE IT RESOLVED that the Clerk be and is hereby authorized to issue bingo licenses to the said applicants for games as listed on applications filed for calendar year 2016.

RESOLUTION NO. 09-28-15-03b RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO S. BROTHERS, INC. FOR PROJECT KNOWN AS 2015 CAPITAL ROAD IMPROVEMENTS - VARIOUS STREETS

WHEREAS, the Borough of North Plainfield is in need of a contractor for the project known as the "2015 Capital Road Improvements – Various Streets" (hereinafter, referred to as the "Project"), a public project; and,

WHEREAS, the Borough advertised for bids for the Project for response due before or on September 15, 2015; and,

WHEREAS, five (5) contracting entities picked up the bid package; and,

WHEREAS, two (2) contracting entities submitted bid proposals, which were received and opened as advertised on September 15, 2015; and,

WHEREAS, David J. Testa, P.E., C.M.E., and Grotto Engineering Associates, LLC, Borough Engineers, by a report dated September 16, 2015, has reviewed the bid proposals and has deemed S. Brothers, Inc. (hereinafter, referred to as the "Contractor"), with its principal place of business located at 16 Sobechko Road, Manalapan, New Jersey 07726 and its mailing address located at P.O. Box 317, South River, New Jersey 08882, to be the lowest reasonable and responsible bidder; and,

WHEREAS, Eric M. Bernstein, Esq., and Eric M. Bernstein and Associates, LLC, Borough Attorney, has reviewed the bid proposal of the Contractor and adopts the recommendation of the Borough Engineer; and,

WHEREAS, the Borough Council is satisfied with the proposal submitted by the Contractor, as the lowest responsible bidder, as being the proposal which satisfies the best interest of the Borough and being in conformance with the requirements promulgated 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 contract for the Project known as 2015 Capital Road Improvements – Various Streets is awarded to S. Brothers, Inc., with a principal place of business located at 16 Sobechecko Road, Manalapan, New Jersey and mailing address of P.O. Box 317, South River, New Jersey, in the amount of Seven Hundred Ninety Five Thousand Three Hundred Sixty Eight Dollars and Seventy Five Cents (\$795,368.75) and authorizes the Mayor and the Borough Clerk to execute a contract with the Contractor, on behalf of the Borough, with respect to the Project.

BE IT FURTHER RESOLVED that the award of this contract is subject to concurrence with all funding requirements.

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.

BE IT FURTHER RESOLVED that the award is made pursuant to and consistent with the Local Public Contracts Laws of the State of New Jersey and that the contract and its performance shall be consistent with all applicable laws, the Borough's bid request for the Project. and the bid proposal of the Contractor.

RESOLUTION NO. 09-28-15-03c RESOLUTION AUTHORIZING REJECTION OF BID FOR NEW 2016 GARBAGE TRUCK AND REAR LOADING BODY

WHEREAS, the Borough of North Plainfield desires to purchase a garbage truck and issued and publically advertised a request for bids, more particularly described as "Part One - New 2016 Garbage Truck Engine, Cab and Chassis and Part Two – New Body of Garbage Truck" (hereinafter collectively referred to as the "Garbage Truck"); and,

WHEREAS, the Borough advertised for bids for the Project for response on or before September 23, 2015, and one (1) bid proposal was received; and,

WHEREAS, the Borough Attorney, Eric M. Bernstein & Associates, LLC, has recommended rejection of the singular bid proposal and re-issuance of the bid package due to the failure to comply with either applicable law or the bid specifications or both by the one (1) bidder.

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 rejects the bid

proposal received by the Borough on September 23, 2015 in response to the bid solicitation for the Garbage Truck.

RESOLUTION NO. 09-28-15-03d RESOLUTION AUTHORIZING AWARD OF BID FOR NEW 2016 DUMP TRUCK TO CAMBRIA AUTOMOTIVE CO. INC.

WHEREAS, the Borough of North Plainfield desires to purchase a dump truck and issued and publically advertised a request for bids for same, more particularly described as “Part One – New 2016 Mack Model GU 432 and Part Two – New Dump Truck Body with Snowplow and Liftgate” (hereinafter collectively referred to as the “Dump Truck”); and,

WHEREAS, the Borough advertised for bids for the Dump Truck for response on or before September 23, 2015, and one (1) bid proposal was received from Cambria Truck Centers, located at 116 Talmadge Road, Edison, New Jersey 08817 (hereinafter, “Vendor”); and,

WHEREAS, Eric M. Bernstein, Esq., and Eric M. Bernstein & Associates, LLC, Borough Attorney, has reviewed the bid proposal of the Vendor and has recommended acceptance of the bid proposal and award of the contract to the Vendor as the lowest responsible bidder; and,

WHEREAS, the Borough Council is satisfied with the proposal submitted by the Vendor, as the lowest responsible bidder, as being the proposal which satisfies the best interest of the Borough and being in conformance with the requirements promulgated 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 contract for the manufacture and purchase of the 2016 Dump Truck be and is hereby awarded to Cambria Truck Centers, located at 116 Talmadge Road, Edison, New Jersey 08817, in the amount of One Hundred Thirty Three Thousand Six Hundred Dollars and No Cents (\$133,600.00) and authorizes the Mayor and the Borough Clerk to execute a contract with the Vendor, on behalf of the Borough, with respect to the Dump Truck.

BE IT FURTHER RESOLVED that the award of this contract is subject to concurrence with all funding requirements.

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.

BE IT FURTHER RESOLVED that the award is made pursuant to and consistent with the Local Public Contracts Laws of the State of New Jersey and that the contract and its performance shall be consistent with all applicable laws, the Borough’s bid request for the Dump Truck and the bid proposal of the Vendor.

RESOLUTION NO. 09-28-15-03e RESOLUTION OF THE BOROUGH COUNCIL APPROVING PARTIAL PAYMENT APPLICATION NO. 2 TO CIFELLI & SON GENERAL

CONTRACTING, INC. AND INCREASING THE AMOUNT OF THE CONTRACT FOR THE PROJECT KNOWN AS THE WILSON AVENUE ROAD IMPROVEMENTS

WHEREAS, the Borough of North Plainfield previously resolved to award a contract for certain construction services with regard to a project known as “Wilson Avenue Road Improvements” (hereinafter referred to as the “Project”), a public project approved for funding through the State Department of Transportation, said contract having been awarded to Cifelli & Son General Contracting, Inc. (hereinafter referred to as the “Contractor”); and,

WHEREAS, the Borough Engineer, by a report dated September 11, 2015, has reviewed the Contractor’s submission of Partial Payment Application No. 2 in the total amount of Two Hundred Thirty Thousand Twenty Eight Dollars and Fifty Four Cents (\$230,028.54); and,

WHEREAS, the Borough Engineer has recommended that the current total contract amount of Three Hundred Fifteen Thousand One Hundred Eighty Three Dollars and No Cents (\$315,183.00) be increased by the sum of Twenty Thousand Dollars and No Cents (\$20,000.000) to cover a change order, due to unanticipated additional costs for police personnel at the construction site, which change order will be submitted as part of a future payment application by the Contractor; and,

WHEREAS, the Borough Engineer has recommended that the total contract amount be increased to the total amount of Three Hundred Thirty Five Thousand One Hundred Eighty Four Dollars and No Cents (\$335,184.00); and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq., and the offices of Eric M. Bernstein & Associates, LLC has reviewed the Borough Engineer’s and the Contractor’s submission and accepts with the recommendations of the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that Partial Payment Application No. 2 is approved in the total amount of Two Hundred Thirty Thousand Twenty Eight Dollars and Fifty Four Cents (\$230,028.54) and payment for same is authorized to be made to the Contractor; and,

BE IT FURTHER RESOLVED that the total contract amount be and is hereby increased to the total amount of Three Hundred Thirty Five Thousand One Hundred Eighty Four Dollars and No Cents (\$335,184.00); 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.

RESOLUTION NO. 09-28-15-03f RESOLUTION OF THE BOROUGH COUNCIL APPROVING PARTIAL PAYMENT APPLICATION NO. 2 (FINAL) (INCLUDING CHANGE ORDER NO. 1) TO RALPH CHECCHIO, INC., INCREASING THE TOTAL CONTRACT AMOUNT, CLOSING OUT THE PROJECT KNOWN AS THE GREEN ACRES PARK MULTI-PURPOSE SPORTS COURT IMPROVEMENTS AND AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE DOCUMENTS EFFECTUATING SAME

WHEREAS, the Borough of North Plainfield previously resolved to award a contract for certain construction services with regard to a project known as Green Acres Park Multi-Purpose Sports Court Improvements (hereinafter referred to as the "Project") to Ralph Checchio, Inc. (hereinafter referred to as the "Contractor"); and,

WHEREAS, David J. Testa, P.E., C.M.E., of Grotto Engineering Associates, Borough Engineers, has previously reviewed the Contractor's submission of Change Order No. 1 in the amount of Nineteen Thousand Nine Hundred Sixteen Dollars and No Cents (\$19,916.00); and,

WHEREAS, the Borough Engineer, by a report dated September 9, 2015, has reviewed the Contractor's submission of Partial Payment Application No. 2 (Final), in the total amount of Forty Three Thousand Three Hundred Fifty Three Dollars and One Cent (\$43,353.01), which is inclusive of the additional sum for Change Order No. 1; and,

WHEREAS, the Final Adjusted Contract Amount is in the sum of Eighty Nine Thousand Two Hundred Sixty Six Dollars and Sixty One Cents (\$89,266.61); and,

WHEREAS, the Borough Engineer has reviewed the Contractor's submission for the one (1) year maintenance bond and has recommended that the Project be accepted as completed, final payment be issued and the maintenance bond be accepted; and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq., and the offices of Eric M. Bernstein & Associates, LLC has reviewed the Borough Engineer's and the Contractor's submissions and accepts the recommendations of the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the following is authorized:

The Project is accepted in its entirety;

The performance guarantees may be released;

The maintenance bond is accepted;

The Partial Payment Application No. 2 (Final), including Change Order No. 1, is approved in the total amount of Forty Three Thousand Three Hundred Fifty Three Dollars and One Cent (\$43,353.01) and payment for same is authorized to be made to the Contractor; and,

BE IT FURTHER RESOLVED that the total contract amount be and is hereby increased to the total amount of Eighty Nine Thousand Two Hundred Sixty Six Dollars and Sixty One Cents (\$89,266.61); 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 Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute all necessary documents to close out the project and issue final payment.

RESOLUTION NO. 09-28-15-03g 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 23 Lot 37
205 Rutledge Court

Certificate #07-00038
#04-15

RESOLUTION NO. 09-28-15-03h 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 28th day of September, 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	Newsletters & Advisories
PSE&G Newark, NJ	Newsletters and Hearing Notices
NJ American Water Company Voorhees, NJ	Advisories and Hearing Notices
NJ Highlands Coalition Boonton, NJ	Newsletter
Raritan River Initiative New Brunswick, NJ	Community Leaders Reception
Frank D'Amore Sr. North Plainfield	Property Maintenance report
nj.pipeline-awareness.com Somerset, NJ	Seminar Health Advisories
Somerset County Health Department Somerville, NJ	Governor's Environmental Excellence Awards
NJ Dept. of Environmental Protection Trenton, NJ	Ramapo Black Bear Warning National Preparedness Month
FEMA Washington, DC	Various North Plainfield-related articles
The Alternative Press	

North Plainfield, NJ
 Somerset County Planning Board
 Somerville, NJ
 Local & Tribal Technical Assistance Program
 Piscataway, NJ

Mayors' Roundtable:
 Housing as an Economic Catalyst
 Training Courses

REQUESTS FOR AGENDA ITEMS: None.

PUBLIC COMMENT:

Frank D'Amore, 40 Willow Avenue, North Plainfield, urging for the inclusion of the Historic Preservation element to the Master Plan, the speaker reminded that the Washington Park Historic District had been listed in State and National Registers of Historic Places for more than thirty years.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor Giordano commented on the success of the Borough-wide yard sale and noted plans for a sale next year. He announced two upcoming events including the annual senior picnic to be held on October 3 and the Halloween Parade to be held October 25. The Recreation Department has offered zumba and yoga classes and Texas Roadhouse will open mid-October, he concluded.

Noting that the Best Practices Inventory will be discussed at the October 13 meeting, Mr. Hollod assured that the Borough would receive all of its State aid.

Council President La Ronde reiterated the success of the Borough wide yard sale, adding that it would become an annual event.

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

Meeting adjourned at 8:02 p.m.

Borough Clerk

Council President