

# ***DRAFT MINUTES***

*These are the Draft Minutes of the Regular Meeting of the Borough Council of North Plainfield, New Jersey held on Monday, 28 March 2016.*

*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, **March 28, 2016** at 7:34 p.m. at the North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

## **PRESENT:**

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

Also Present: Michael Giordano, Jr., Mayor  
Dominic DiYanni, Esq., Associate Borough Attorney  
Richard K. Phoenix, RMC, Borough Clerk

The Pledge of Allegiance to the Flag was led by Ms. Schaefer.

Council President La Ronde requested a moment of silence for the men and women serving in our Armed Forces as well as a moment to recognize the passing of Beth Sobel, West End School Principal.

Council President La Ronde 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 14, 2015. 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*, *The Alternative Press* and *WKMB* Radio on December 15, 2015 by publication of the announcement in the *Courier News* of December 17, 2015 and by posting a copy of this notice on the bulletin boards in the Municipal Building and Memorial Library reserved for such purpose."

The Clerk had submitted copies of the minutes of the Agenda Conference and Regular Meeting of March 14, 2016.

Council President La Ronde called for a Roll Call on the minutes:

Agenda Conference and Regular Meeting of March 14, 2016: All in favor.

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

**RESOLUTION NO. 03-28-16-01** BE IT RESOLVED by the Council of the Borough of North Plainfield, pursuant to N.J.S.A. 40A:4-8, that the approved 2016 Municipal Budget of the Borough of North Plainfield be read by its title; and

BE IT FURTHER RESOLVED that it is the determination of the Council that a complete copy of the approved budget, as aforesaid, has been made available for public inspection at the North Plainfield Memorial Library and the Somerset County Library at least one week prior to today's date, and that a copy of said budget has been made available to each person requesting the same during said week and during this public hearing.

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

The Clerk read the Budget by its title.

**HEARING:**

MUNICIPAL BUDGET OF THE BOROUGH OF NORTH PLAINFIELD,  
COUNTY OF SOMERSET, FOR THE FISCAL YEAR 2016

**PUBLIC COMMENT:** None.

Motion to close public comment by Mr. Righetti, seconded by Ms. Schaefer and on Roll Call carried all five voting aye.

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

**RESOLUTION NO. 03-28-16-02** BE IT RESOLVED by the Mayor and Borough Council of the Borough of North Plainfield, County of Somerset, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$18,359,501.57 (Eighteen Million, Three Hundred Fifty-Nine Thousand, Five Hundred One Dollars and Fifty-Seven Cents) item 2 below, for municipal purposes. I so move.

Seconded by Mr. Singleterry and on Roll Call carried all five voting aye.

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

**RESOLUTION NO. 03-28-16-03** BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 16-08 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing April 11, 2016 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 Ms. Schaefer and on Roll Call carried all five voting aye.

The Clerk read the ordinance by its title as follows:

**ORDINANCE NO. 16-08** AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE BY ENACTING NEW SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE AS TO CHAPTER 3-7, "DISORDERLY CONDUCT," MOST NOTABLY DELETING CHAPTER 3-7.1 AND 3-7.2 AND CREATING NEW SECTIONS 3-7.1 AND 3-7.2, ENTITLED "DISORDERLY CONDUCT"

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

**RESOLUTION NO. 03-28-16-04** BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 16-09 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing April 11, 2016 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 five voting aye.

The Clerk read the ordinance by its title as follows:

**ORDINANCE NO. 16-09** AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE BY ENACTING NEW SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE AS TO CHAPTER 11, "PROPERTY MAINTENANCE," MOST NOTABLY CREATING A NEW SECTION 13, ENTITLED "VACANT PROPERTY REGISTRATION"

### **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 requested that item "f" be removed for a separate vote.

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

**RESOLUTION NO. 03-28-16-05** BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

03-28-16-05a, b, c, d, e and g

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

Seconded by Mr. Singleterry and on Roll Call carried all five voting aye.

**APPROVED RESOLUTIONS:**

**RESOLUTION NO. 03-28-16-05a** RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE CYPRESS GARDENS SANITARY SEWER REHABILITATION IMPROVEMENTS

WHEREAS, bids were opened as advertised on March 15, 2016 for Contract No. 2016-01 – Cypress Gardens Sanitary Sewer Rehabilitation; and

WHEREAS, three (3) sealed bids were received being submitted from the following vendors:

- 1) National Water Main Cleaning Co.
- 2) Acqua Infrastructure Rehabilitation Co., LLC d/b/a Tri State Grouting; and,
- 3) Progressive Pipeline Management; and,

WHEREAS, the Borough’s Engineer and Attorney have reviewed the bid proposal submissions and have deemed all three (3) bids were not responsible due to various issues involving the Local Public Contracts Law; and,

WHEREAS, the Borough Council is satisfied that all proposals were not submitted in conformance with the requirements promulgated pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*; and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that in regard to the bid proposal submissions received for the above referenced contract, based upon the recommendations of the Borough’s Engineer and Attorney, that the Borough shall reject all bid proposals submitted as not responsible pursuant to law.

**RESOLUTION NO. 03-28-16-05b** WHEREAS, St. Joseph Church, 99 Westervelt Avenue, North Plainfield, New Jersey, has applied for a license to conduct a three-month Calendar Raffle from March 8, 2016 through May 17, 2016; and

WHEREAS, St. Joseph Church has been issued Identification No. 352-1-11754 by the New Jersey Legalized Games of Chance Control Commission; and

WHEREAS, St. Joseph Church has requested a change in dates for their three-month Calendar Raffle License No. RL-1132 which was approved by Resolution No. 02-08-16-02g of the Borough Council

of North Plainfield on February 8, 2016. Their fees were paid in full. No tickets were sold on RL-1132. St. Joseph Church has requested that their Calendar Raffles License should run from April 26, 2016 through June 28, 2016. Investigation has shown that said applicant meets the requirements for the issuance of a raffle license;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of North Plainfield hereby rescinds Resolution No 02-08-16-02g with fees applied to a new Calendar Raffle License, and that the Clerk be and is hereby authorized to issue License No. RL-1138 to St. Joseph Church for a three-month Calendar Raffle to be held April 26, 2016 through June 28, 2016 at 99 Westervelt Avenue, North Plainfield, New Jersey.

**RESOLUTION NO. 03-28-16-05c** 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 194, Lot 16 245 Lawrence Avenue	Certificate	# 09-00361
		# 11-00195
		# 14-00237

**RESOLUTION NO. 03-28-16-05d** 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 Cancelled Lien Premium

Propel Financial Services, LLC	\$ 2,100.00
P.O. Box 100350	
San Antonio, TX 78201-1650	

Cert#08-00087 redeemed 02/16

**RESOLUTION NO. 03-28-16-05e** RESOLUTION OF SUPPORT AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE PEDESTRIAN SAFETY, ENFORCEMENT AND EDUCATION FUND GRANT PROGRAM OF STATE OF NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY ("HTS")

WHEREAS, the Borough of North Plainfield wishes to apply for the "HTS Pedestrian Safety, Enforcement and Education Fund Grant Program" for reimbursement funds in the amount of \$15,000 in an effort to reduce motor vehicle crashes involving pedestrians and cyclists in the Borough of North Plainfield; and

WHEREAS, the State of New Jersey will participate in the HTS Pedestrian Safety, Enforcement and Education Fund Grant Program from July 1, 2016 to June 30, 2017; and

WHEREAS, it would be in the best interest of the Borough of North Plainfield to apply for said monies. The maximum project overtime rate is \$50.00 per hour for 300 hours. Officers paid more than

\$50.00 per hour will not receive matching funds from the municipality to compensate for the difference in wages. The police department will actively support other statewide traffic safety enforcement programs, whether grant funded or not, including "Click It or Ticket" and "Drive Sober or Get Pulled Over"; and

NOW THEREFORE BE IT RESOLVED, on this 28<sup>th</sup> Day of March 2016, by the Borough Council of North Plainfield, Somerset County, New Jersey, that the Mayor or his designee are authorized to execute and sign any and all documents in order to effectuate the receipt of State grant monies between the Borough of North Plainfield and the State of New Jersey, Division of Highway Traffic Safety for the "HTS State Pedestrian Safety Enforcement and Education Fund" grant in the amount of \$15,000.

**RESOLUTION NO. 03-28-16-05g** 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 28<sup>th</sup> day of March, 2016 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

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

**RESOLUTION NO. 03-28-16-05f** 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:

Hugo E. Gamboa  
318 Susan Court  
North Plainfield, NJ 07060

Silvita M. Nunez  
654-56 South Avenue  
Plainfield, NJ 07062

Luis A. Gamboa  
279 Greenbrook Road  
North Plainfield, NJ 07060

Seconded by Mr. Singleterry with Roll Call as follows:

Ayes: Righetti, Singleterry, La Ronde

Abstain: Schaefer

Nay: Merrill

Resolution carried 3-1-1.

**COMMUNICATIONS:**

Somerset County Office of Public Information  
Somerville, NJ  
Richard K. Phoenix, RMC – Borough Clerk &  
Chief Operator, WPQJ970 – 1630-AM Radio  
Tri-County Chamber of Commerce  
South Plainfield, NJ

Various Communications, Advisories and  
News Releases  
Calendar Updates and Advisories; Time-Sensitive  
Radio Scripts  
Newsletters and Advisories

NJ State League of Municipalities Trenton, NJ	Newsletters and Advisories
NJ Highlands Coalition Boonton, NJ	Newsletters
Somerset County DPW Somerville, NJ	Various Storm Alerts
Rutgers University New Brunswick, NJ	Newsletters
Linda J. Doyle, RMC Bridgewater Municipal Clerk, Bridgewater, NJ	Land Use Amendments
Dept. of Environmental Protection Trenton, NJ	Various Newsletters/Advisories
NJ State Treasurer, Trenton, NJ Frank N. D'Amore Sr.	Municipal Hotel/Motel Tax Distribution Property Maintenance Memo
North Plainfield, NJ Rutgers University	News Release: Sustainable Raritan River
New Brunswick, NJ US Bankruptcy Court	Birdsall Engineering Bankruptcy
Trenton, NJ John A. Giunco, Esq.	Public Hearing: Home Depot before Watchung Zoning Board of Adjustment
Red Bank, NJ	

#### **REQUESTS FOR AGENDA ITEMS:**

Mr. Singleterry requested discussion of the Master Plan Ordinance.

#### **PUBLIC COMMENT:**

Frank D'Amore, Sr., 40 Willow Avenue, commented on the noise ordinance, specifically section D which exempts non-profit organizations. Sharing his concerns with the loud noise generated by the church at Somerset Street and Park Place, the speaker called for reconsideration of this exemption. Commenting on the vacant property ordinance, he inquired after a way for citizens to take action. Responding to Mr. D'Amore's inquiry, the Council President confirmed that the taxi ordinance prohibits drivers from using horns as doorbells. Mr. D'Amore urged for an Historic Preservation Element to the Master Plan.

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

Offering his condolences to the Sobel family, Mayor Giordano noted that Beth would be missed throughout the community. Opening day for baseball and softball will be held on April 10, he concluded.

Mr. Merrill offered his condolences to the Sobel family and noted the great impact she had on both her students and staff. The councilman congratulated Captain Beattie and the Fire Department for the success of the St. Baldrick's Day event.

Ms. Schaefer and Messrs. Righetti, Singleterry, and La Ronde all offered their condolences to the Sobel family. Mr. Singleterry commented on the success of the Lion's Club pancake breakfast.

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

Meeting adjourned at 7:56 p.m.

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Borough Clerk

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Council President