

DRAFT MINUTES

*These are the Draft Minutes of the Regular Meeting
of the North Plainfield Borough Council held on Monday, 11 December 2017.*

*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, **December 11, 2017** at 7:51 p.m. at the North Plainfield Borough 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: David E. Hollod, Business Administrator
John Kaplan, Esq., Associate Borough Attorney
Richard K. Phoenix, RMC, Borough Clerk
Stephanie Sherwood, RMC, CMR, Deputy 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 November 28, 2016. 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 November 29, 2016, by publication of the announcement in the *Courier News* on December 1, 2016 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 Board of Health, Agenda Conference and Regular Meeting of November 27, 2017.

Council President La Ronde called for a Roll Call on the minutes of the Board of Health, Agenda Conference and Regular Meeting of November 27, 2017:

Aye: Miller, Schaefer, Singleterry, La Ronde
 Abstain: Merrill, Righetti, Stabile

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. Schaefer requested that resolution “c” be removed for a separate vote.

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

RESOLUTION NO. 12-11-17-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

12-11-17-01 a, b, d, e, f, g, h, i, j and k

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. 12-11-17-01a PROVIDING FOR THE TRANSFER OF SURPLUS FUNDS

WHEREAS, N.J.S. 40A:4-58 provides for the transfer of surplus funds from one account to the other during the last two months of the calendar year:

NOW, THEREFORE, BE IT RESOLVED By the Council of the Borough of North Plainfield that transfers be made in the Boroughs' 2017 budget appropriations in accordance with the following schedule:

BE IT FURTHER RESOLVED that this Resolution shall take effect upon adoption.

<u>A/C #</u>	<u>NAME</u>	<u>FROM</u>	<u>TO</u>
	<u>CURRENT FUND</u>		
25-265-100	FD-S&W	\$ 3,500.00	
23-220-200	Group Insurance	85,000.00	
20-120-100	Borough Clerk-S&W		10,000.00
25-240-100	Police-S&W		50,000.00
25-265-200	FD-OE		3,500.00
26-310-200	Building & Grounds-OE		10,000.00
28-370-100	Recreation-S&W		10,000.00

31-462-200 Postage	_____	<u>5,000.00</u>
Totals	<u>\$88,500.00</u>	<u>\$88,500.00</u>

RESOLUTION NO. 12-11-17-01b WHEREAS, an application has been filed pursuant to N.P.R.G.O. 4-10 for a license to utilize a certain lot within the Borough of North Plainfield for the display or storage for sale of motor vehicles; and

WHEREAS, the Council of the Borough of North Plainfield has received certifications from the appropriate Borough officials that the applicants have satisfactorily complied with all applicable laws, ordinances 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 a license in accordance with the filed application of the applicant listed below for the utilization of a certain lot within the Borough for the display or storage for sale of motor vehicles for the period December 12, 2017 through June 30, 2018.

1. CarTopia, LLC
897 Route 22 Westbound

RESOLUTION NO. 12-11-17-01d RESOLUTION OF THE BOROUGH COUNCIL APPROVING PAYMENT NO. 3 (FINAL) AND CHANGE ORDER NO. 1 AND THE CLOSING OUT OF THE CONTRACT AND RELEASE OF RETAINAGE FOR THE PROJECT KNOWN AS THE COMMUNITY CENTER GENERATOR IMPROVEMENTS

WHEREAS, the Borough of North Plainfield previously awarded a contract for certain improvements with regard to a project known as “Community Center Generator Improvements” (hereinafter referred to as the “Project”), with said contract having been awarded to Innovative Electrical Contracting, Inc., whose main offices are located at 230 Route 206, Suite 2C, Flanders, New Jersey 07836 (hereinafter referred to as the “Contractor”); and,

WHEREAS, Kyle A. Smith, P.E., C.M.E., of Mott MacDonald (hereinafter referred to as the “Engineer”), on behalf of the Borough, has reviewed the Contractor’s submission for Payment No. 3 (Final) in the total amount of Nineteen Thousand One Hundred Twenty-Two Dollars and Fifty-Two Cents (\$19,122.52) and for the total closeout of the Project, which includes the release of any of the Contractor’s retained funds held by the Borough for the Project; and,

WHEREAS, the Engineer, on behalf of the Borough, has reviewed the Contractor’s request for Change Work Order No. 1, reducing the net amount of the completed Project in the total amount of Twenty-Four Thousand Three Hundred Thirty-Four Dollars and Fifteen Cents (\$24,334.15), reducing the total contract price from One Hundred Seventy-Four Thousand Nine Hundred Dollars and Zero Cents (\$174,900.00) to One Hundred Fifty Thousand Five Hundred Sixty-Five Dollars and Eighty-Five Cents (\$150,565.85); and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq. and the offices of Eric M. Bernstein & Associates, L.L.C. have reviewed the Engineer's and the Contractor's submissions and accept same based on the recommendations of the 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 request for Payment No. 3 (Final), dated November 27, 2017, and Closeout of the Project known as Community Center Generator Improvements, is approved in the total amount of Nineteen Thousand One Hundred Twenty-Two Dollars and Fifty-Two Cents (\$19,122.52), which Final Payment Request and Closeout request is incorporated herein by reference as if same was fully set forth within and payment for same is authorized to be made to the Contractor, without the need for any further action of this Borough Council; and,

BE IT FURTHER RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, Change Work Order Request No. 1, dated November 17, 2017, with Innovative Electrical Contracting, Inc. is approved reducing the net amount of the completed project in the total amount of Twenty-Four Thousand Three Hundred Thirty-Four Dollars and Fifteen Cents (\$24,334.15), reducing the total contract price from One Hundred Seventy-Four Thousand Nine Hundred Dollars and Zero Cents (\$174,900.00) to One Hundred Fifty Thousand Five Hundred Sixty-Five Dollars and Eighty-Five Cents (\$150,565.85), which Change Work Order Request is incorporated herein by reference as if same was fully set forth within, without the need for any further action of this Borough Council.

BE IT FURTHER RESOLVED that this Resolution 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 Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute all necessary documents to close out the Project, issue Payment No. 3 (Final) and approve Change Work Order No. 1.

RESOLUTION NO. 12-11-17-01e RESOLUTION OF THE BOROUGH COUNCIL APPROVING PAYMENT NO. 2 (FINAL) AND CHANGE ORDER NO. 1 AND THE CLOSING OUT OF THE CONTRACT AND RELEASE OF RETAINAGE FOR THE PROJECT KNOWN AS THE DAHLIA TERRACE SANITARY SEWER IMPROVEMENTS PROJECT

WHEREAS, the Borough of North Plainfield previously awarded a contract for certain improvements with regard to a project known as "Dahlia Terrace Sanitary Sewer Improvements Project" (hereinafter referred to as the "Project"), with said contract having been awarded to John Garcia Construction Co. Inc. Innovative Electrical Contracting, Inc., whose main offices are located at 183 Friar Lane, Clifton, New Jersey 07013 (hereinafter referred to as the "Contractor"); and,

WHEREAS, Kyle A. Smith, P.E., C.M.E., of Mott MacDonald (hereinafter referred to as the "Engineer"), on behalf of the Borough, has reviewed the Contractor's submission for Payment No. 2 (Final) in the total amount of Six Thousand Sixty-Two Dollars and Thirty-Eight Cents (\$6,062.38) and for the total closeout of the Project, which includes the release of any of the Contractor's retained funds held by the Borough for the Project; and,

WHEREAS, the Engineer, on behalf of the Borough, has reviewed the Contractor's request for Change Work Order No. 1, reducing the net amount of the completed Project in the total amount of Seven Hundred Seventy Dollars and Thirty-Four Cents (\$770.34), reducing the total contract price from One Hundred Thirty-Nine Thousand Five Hundred Seventy-Five Dollars and Seventy-Nine Cents (\$139,575.79) to One Hundred Thirty-Eight Thousand Eight Hundred Five Dollars and Forty-Five Cents (\$138,805.45); and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq. and the offices of Eric M. Bernstein & Associates, L.L.C. has reviewed the Engineer's and the Contractor's submissions and accepts same based on the recommendations of the 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 request for Payment No. 2 (Final), dated December 1, 2017, and Closeout of the Project known as Dahlia Terrace Sanitary Sewer Improvements Project, is approved in the total amount of Six Thousand Sixty-Two Dollars and Thirty-Eight Cents (\$6,062.38), which Final Payment Request and Closeout request is incorporated herein by reference as if same was fully set forth within and payment for same is authorized to be made to the Contractor, without the need for any further action of this Borough Council; and,

BE IT FURTHER RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, Change Work Order Request No. 1, dated December 1, 2017, with John Garcia Construction Co., Inc. is approved reducing the net amount of the completed project in the total amount of Seven Hundred Seventy Dollars and Thirty-Four Cents (\$770.34), reducing the total contract price from One Hundred Thirty-Nine Thousand Five Hundred Seventy-Five Dollars and Seventy-Nine Cents (\$139,575.79) to One Hundred Thirty-Eight Thousand Eight Hundred Five Dollars and Forty-Five Cents (\$138,805.45), which Change Work Order Request is incorporated herein by reference as if same was fully set forth within, without the need for any further action of this Borough Council.

BE IT FURTHER RESOLVED that this Resolution 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 Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute all necessary documents to close out the Project, issue Payment No. 2 (Final) and approve Change Work Order No. 1.

RESOLUTION NO. 12-11-17-01f RESOLUTION OF THE BOROUGH COUNCIL OF NORTH PLAINFIELD SUSPENDING THE BUSINESS HOUR RESTRICTION ON THE SALE OF ALCOHOLIC BEVERAGES AT CERTAIN PLENARY RETAIL CONSUMPTION LICENSEES' ESTABLISHMENTS

WHEREAS, the Borough of North Plainfield has an ordinance prohibiting the sale of alcoholic beverages on January 1, New Year's Day, between the hours of 2:00 a.m. and 7:00 a.m. unless January 1st is a Sunday; and,

WHEREAS, the Borough has received written requests from The Bridge, Plenary Retail Consumption License No. 1814-33-001-003, and Dombar LLC, t/a International Club and Sports Bar, Plenary Retail Consumption License No. 1814-33-007-008 to allow the extension of their hours of

operation on Monday, January 1, 2018 to better enable them to serve their clientele and to improve their receipts during difficult financial times; and

WHEREAS, The Bridge, Plenary Retail Consumption License No. 1814-33-001-003 and Dombar LLC, t/a International Club and Sports Bar, Plenary Retail Consumption License No. 1814-33-007-008 have requested permission to close at a later hour on Monday, January 1, 2018; and

WHEREAS, New Year's Eve generates a large amount of business for alcoholic beverage licensees in the Borough; and,

WHEREAS, the Borough wishes to grant the requests of The Bridge and International Club and Sports Bar to remain open until a later hour on January 1, 2018;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that the business hours restriction on the sale of alcoholic beverages is hereby suspended on January 1, 2018 to allow The Bridge, and International Club and Sports Bar to sell alcoholic beverages until last call at 2:00 a.m. with non-alcoholic sales permitted until 3:00 a.m. closing at that time.

RESOLUTION NO. 12-11-17-01g Resolution Supporting the Drive Sober or Get Pulled Over 2017 Year End Holiday Crackdown

Whereas, impaired drivers on our nation's roads killed 10,497 people in 2016; and

Whereas, 20% of motor vehicle fatalities in New Jersey are alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over Year End Holiday Crackdown; and

Whereas, the project will involve increased impaired driving enforcement from December 8, 2017 through January 1, 2018; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be it resolved that the Borough Council of North Plainfield declares its support for the Drive Sober or Get Pulled Over 2017 Year End Holiday Crackdown from December 8, 2017 through January 1, 2018 and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION NO. 12-11-17-01h 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 143	Lot 17	24 Willow Ave.	Cert. # 08-00139	issued 12-04-08
Block 140	Lot 10.15	40E Prospect Pl.	Cert. #12-00164	issued 10-23-12
Block 178	Lot 10	559-61 Ayres Ave.	Cert. #10-00165	issued 08-25-10
			Cert. #12-00212	issued 10-23-12
Block 46	Lot 7	13 Brook Avenue	Cert. #11-00048	issued 09/20/11

RESOLUTION NO. 12-11-17-01i 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 11th day of December, 2017 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

RESOLUTION NO. 12-11-17-01j RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH SOMERSET COUNTY AUTHORIZING A MUNICIPAL ALLIANCE GRANT AGREEMENT FOR FISCAL YEAR 2018-2019

WHEREAS, the County of Somerset has prepared a contract that would provide Fifteen Thousand Four Hundred Fifty-Nine Dollars and Two Cents (\$15,459.02) to the Borough of North Plainfield for municipal alliance activities in the prevention of alcoholism and drug abuse and the Borough would provide a seventy-five percent (75%) match of Eleven Thousand Five Hundred Ninety-Four Dollars and Twenty-Seven Cents (\$11,594.27) in in-kind services and a further twenty-five percent (25%) cash match of Three Thousand Eight Hundred Sixty-Four Dollars and Seventy-Five Cents (\$3,864.75) will be raised by the Municipal Alliance Committee or provided by the Borough and a copy of the proposed agreement is on file in the office of the Borough Clerk.

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 agrees to accept the provisions of this grant and meet those conditions thereof. The Borough Council further authorizes the Mayor and Borough Clerk to execute the original of this agreement and any other documents to effectuate same.

RESOLUTION NO. 12-11-17-01k 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 6, 2018 through May 23, 2018; 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 paid its fees in full. 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 authorizes the issue of License No. RL-1165 to St. Joseph Church for a three-month Calendar Raffle to be held March 6, 2018 through May 23, 2018 at 99 Westervelt Avenue, North Plainfield, New Jersey.

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

RESOLUTION NO. 12-11-17-01c RESOLUTION AUTHORIZING CONTRACTS APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A 40A:11-12a

WHEREAS, the Borough of North Plainfield, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any state contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of North Plainfield has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough of North Plainfield intends to enter into contracts with the attached referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of North Plainfield pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Borough of North Plainfield and the referenced State Contract Vendors shall be for the 2017 Year, and:

<u>A/C #</u>	<u>Name</u>		
88273	AK Equipment	69944	Highpoint Furniture
74018	Absolute Fire	83930	Home Depot
80963	Air & Gas Technologies	82693	Horizon Blue Cross & Blue Shield
65808	Air Purifiers, Inc.	63522	Innovation Doc Imaging, LLC
69942	All Steel Inc.	87466	John Deere Landscapes
68766	Allied Oil, Co.	74012	Kaldoz
61419	American Tire Service	69923	KML Technology, Inc.
71048	Approved Fire Protection	69531	Kova Corp.
83331	Atlantic Salt	67875	Lanigan Assoc. Inc.
73991	Atlantic Tactical	67872	Lawman Supply Co.
A79161	Beyer Bros	85850	Lawson Products
01785	Bodyworks by Tiffany	62423	Lifesavers
63767	Boises Bus Interiors	70142	Mayline Furniture
		77814	Messercola Excavating
		12/1 81520	Morpho Trak
		53804	Motorola
		83909	Motorola Solutions
		69830	Office Business Systems
		42285	Office Solutions

- 85017 Broadview Network
- 81413 BSN Sports
- 71054 Cairns
- 78848 Celebrity Fleet Operations LLC
- 68645 Cintas Fire Protection
- 80977 CMF Business
- 27171 Computer Systems Method
- 71056 Continental Fire & Safety
- 70137 Dell Marketing, LP (70256)
- 81301 Draeger Safety Inc.
- 67873 Eagle Point Gun/TJ Morris-Son
- 81338 East Coast Emergency Lighting
- 72300 Elite Tree Service
- 84698 Emerald City Auto Spa
- 75248 Ergo Space Design Inc.
- 67899 ESI Equipment
- 81357 Firefighter One
- T0106 Flemington Department Store
- 70462 Ford Motor Credit
- 73032 Garden State Highway
- 71062 Gen-el Safety & Ind.
- 71048 Globe Manufacturing
- 73783 Hertrich Fleet Services
- 70262 Hewlett Packard
- 85193 Traffic Safety Services
- 67765 Trico Equipment
- 76669 Turnout Fire & Safety
- 82583 Verizon Wireless
- 69933 WB Mason Co, Inc.
- 71642 WE Timmerman Co.
- 73902 Weldon Asphalt

BE IT FURTHER RESOLVED, that the referenced State Contract Vendors are projected to exceed the bid threshold for the 2017 Year:

- 68766 Allied Oil, Co.
- 73032 Garden State Highway
- 70462 Ford Motor Credit
- 77814 Messercola Excavating

Seconded by Mr. Righetti with Roll Call as follows:

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

Resolution carried 6-0-1.

COMMUNICATIONS:

Somerset County Office of Public Information
 Somerville, NJ
 Richard K. Phoenix, RMC – Borough Clerk &
 Chief Operator, WPQJ970 – 1630-AM Radio
 NJ State League of Municipalities
 Trenton, NJ
 NJ Dept. of Environmental Protection

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

Trenton, NJ Highlands Coalition Boonton, NJ Capehart Scatchard, P.C. Mount Laurel, NJ Tri-County Chamber of Commerce, South Plainfield NJ State Dept. of Environmental Protection Trenton, NJ Plainfield Area Humane Society Plainfield, NJ Public Service Electric & Gas, Newark, NJ ANJEC, Mendham, NJ International Club and The Bridge North Plainfield Information Station Specialists Zeeland, Michigan	Various Newsletters and Advisories NJ Public Entity Law Monthly Newsletters Newsletters Report and Invoice Rate Hearings & Wetlands Permit Appeal to support ANJEC Requests to extend New Year's Opening Hours The Source Newsletter
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REQUESTS FOR AGENDA ITEMS:

Council President La Ronde requested a resolution for Municipal Alliance and Youth Services for the January 8, 2018 meeting.

PUBLIC COMMENT: None.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mr. Hollod and all Council members wished everyone a very Merry Christmas and a happy and healthy New Year.

Commenting as a parent and stakeholder, Mr. Merrill stated he was extremely embarrassed for the town with the Board of Education meeting and offered his hope that their Board colleagues are able to repair the situation.

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

Meeting adjourned at 8:02 p.m.

Borough Clerk

Council President