

DRAFT MINUTES

These are the Draft Minutes of the Regular Meeting of the North Plainfield Borough Council held on Monday, 24 June 2019.

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 Board'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, **June 24, 2019** at 7:59 p.m. at the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

PRESENT:

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

Also Present: David Hollod, Business Administrator
John Kaplan, Esq., Associate Borough Attorney
Richard K. Phoenix, RMC, Borough Clerk
Stephanie Sherwood, RMC, CMR, Deputy Clerk

Council President Stabile 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 19, 2018. 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 20, 2018 by publication of the announcement in the *Courier News* of November 24, 2018 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 June 10, 2019.

The Council President called for a Roll Call on the minutes: All in favor.

CONSENT AGENDA

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

RESOLUTION NO. 06-24-19-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

06-24-19-01 a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p

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

Seconded by Ms. Schaefer and on Roll Call carried all six voting aye.

APPROVED RESOLUTIONS:

RESOLUTION NO. 06-24-19-01a WHEREAS, the following applicants have applied for renewal of Plenary Retail Consumption or Plenary Retail Distribution Licenses for the period July 1, 2019 through June 30, 2020 and the submitted application forms are complete in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations; and

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 licenses in accordance with the filed applications to the following applicants for the period July 1, 2019 through June 30, 2020:

- 1814-32-011-011 J & N Wine and Spirits LLC, t/a Buy Rite
967 US Highway 22 West
- 1814-33-001-003 L Penaloza LLC, t/a The Bridge
50-54 Watchung Avenue
- 1814-33-003-004 El Salvador Inc, t/a Tesoro Salvadoreño Restaurant
64 Somerset Street
- 1814-33-004-005 Toson Food & Beverages North Plainfield LLC

	1250 Route 22 East
1814-33-008-006	Mi Mundo Latino LLC, t/a Mi Mundo Latino 375 Somerset Street
1814-33-010-012	Texas Roadhouse Holdings LLC 1258 Route 22 Eastbound
1814-33-007-008	Dombar LLC – International Club and Sports Bar 403 Somerset Street
1814-44-005-009	Clinton Liquors of North Plainfield Inc., t/a Clinton Liquors 64 Watchung Avenue
1814-44-006-007	R&R Spirits Inc., t/a Star Discount Liquors 25 Greenbrook Road
1814-44-012-006	Shivaam LLC, t/a Herb’s Liquor 194 Somerset Street
1814-44-013-013	NB Liquors Inc. 1290 US Highway 22

RESOLUTION NO. 06-24-19-01b WHEREAS, applications have been filed pursuant to N.P.R.G.O. 4-10 for licenses to utilize certain lots 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 licenses in accordance with the filed applications to the applicants listed below for the utilization of certain lots within the Borough for the display or storage for sale of motor vehicles for the period July 1, 2019 through June 30, 2020.

Cartopia, LLC
897 Route 22 West

GPB Cars 12 LLC, d/b/a North Plainfield Nissan
545 Route 22 West

3. Global Motors Corp., t/a Global Auto Mall
1099-1155 Route 22 West

4. Mike Joseph Masi, t/a M&R Auto Sales
505 Somerset Street

5. VIP Cycle & Sport Center Inc., t/a VIP Honda Inc.
700 Route 22 East
6. VIP Cycle & Sport Center Inc., t/a VIP Honda Inc.
726-750 Route 22 East
7. VIP Cycle & Sport Center Inc., t/a VIP Honda Inc.
767 Route 22 West
8. VIP Cycle & Sport Center Inc., t/a VIP Honda Inc.
16-18 Hudson Avenue

RESOLUTION NO. 06-24-19-01c RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH PLAINFIELD AUTHORIZING THE MAYOR AND/OR THE MAYOR AND BOROUGH CLERK AND/OR THE BOROUGH ADMINISTRATOR TO ACT ON AND/OR EXECUTE AGREEMENTS ON BEHALF OF THE BOROUGH DURING THE TIME THE BOROUGH COUNCIL IS NOT IN SESSION

WHEREAS, there are certain periods of time when the North Plainfield Borough Council is not in session and no meetings are scheduled and/or 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, during this period, from this date through September 10, 2019, the Borough Council has tentatively scheduled meetings for July 15, 2019, August 12, 2019 and September 9, 2019 only; and,

WHEREAS, the Borough wishes to authorize the Mayor and/or Mayor and Borough Clerk and/or the Borough Administrator to take any and all such necessary actions on behalf of the Borough during the time the Borough Council is not in session including, but not limited to, the paying of 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 and/or the Mayor and Borough Clerk and/or the Borough Administrator are hereby authorized to pay bills, execute any and all agreements and/or take any other action on behalf of the Borough that 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. 06-24-19-01d WHEREAS, the following applicant has filed application for an Outdoor Sidewalk Café license for the period ending December 31, 2019:

Arturo Marroquín, t/a Family Barbecue LLC
306 Somerset Street
North Plainfield, NJ 07060

WHEREAS, review of the application and investigations of the site by appropriate Borough Officials discloses that the granting of said application would be in order;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that an Outdoor Sidewalk Café license be issued to the applicant in accordance with the filed application, subject to all requirements set forth in N.P.R.G.O. 14-10 and the following conditions:

1. Restaurant management shall keep the outdoor dining area clear of litter, food scraps and soiled dishes and utensils at all times.
2. Trash receptacles shall be provided in outdoor dining areas used for consuming take-out items unless public trash receptacles are located nearby.
3. At the end of each business day, the establishment is to clean and sweep the entire sidewalk in and around the outdoor dining area.
4. No debris shall be swept, washed, or blown into the sidewalk, gutter or street.
5. Trash receptacles shall be emptied daily.
6. If awnings or umbrellas are used, they shall be washed whenever they become dirty.
7. Applicant must not block adjacent doorway with any tables, chairs or planters, and must maintain six (6) feet of clear space between tables/planters and curb and/or structures to ensure A.D.A. compliance.

RESOLUTION NO. 06-24-19-01e 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 to the following for one year in accordance with the applications heretofore submitted:

Abdul R. Rana, t/a
Abdul Rana Limousine

149 Barbara Drive
North Plainfield, NJ 07062

RESOLUTION NO. 06-24-19-01f 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:

Alejandro H. Alvarez-Carballido
10 Starlit Drive
Middlesex, NJ 08846

RESOLUTION NO. 06-24-19-01g 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 certificate(s) as follows:

Block 103 Lot 11	27 Stone Street	# 12-00142	issued 10/23/12
Block 56 Lot 10	35 Regent Street	# 13-00110	issued 12/04/13

RESOLUTION NO. 06-24-19-01h RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES

WHEREAS, Joseph Dezuzio owns the property known as Block 154.03 Lot 12, 203 Glenside Place, in North Plainfield; and

WHEREAS, Joseph Dezuzio is a 100% disabled veteran and exempt from paying taxes on the property he owns; and

WHEREAS, taxes have been levied on the aforementioned parcel on the first and second quarter of 2019;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of North Plainfield of Somerset County, State of New Jersey, that the Tax Collector is hereby authorized to cancel taxes as indicated:

Block 154.03 Lot 12	1 st . Quarter	\$ 2173.78	cancel
	2 nd . Quarter	\$ 1674.78	cancel

RESOLUTION NO. 06-24-19-01i RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES

WHEREAS, the Villa Maria Properties known as Block 110 Lots 2.02-2.14 in North Plainfield have been purchased by the Somerset County Improvement Authority and;

WHEREAS, the negotiations of said properties included tax balances to be canceled; and

WHEREAS, taxes have been levied on the aforementioned parcels for multiple quarters;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of North Plainfield of Somerset County, State of New Jersey, that the Tax Collector is hereby authorized to cancel taxes on these parcels totaling \$ 87,102.76.

RESOLUTION NO. 06-24-19-01j RESOLUTION AUTHORIZING THE BOROUGH OF NORTH PLAINFIELD TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72

WHEREAS, due to the late certification of rates from the State of New Jersey, the Somerset County Board of Taxation is unable to certify tax rates for the Borough of North Plainfield and the Tax Collector will be unable to mail the Borough's 2019/2020 tax bills on a timely basis; and

WHEREAS, the Borough of North Plainfield Tax Collector and the Chief Financial Officer have computed an estimated tax levy in accordance with NJSA 54:4-66.3 and have signed a certification showing the tax levies for the prior year, the tax rates and the range of permitted estimated tax levies:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the Borough of North Plainfield, in the County of Somerset and the State of New Jersey on this day of 24th day of June, 2019, as follows:

The North Plainfield Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of North Plainfield for the third installment of the 2019 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72(NJSA 54:4-66.2 and 54:4-66.3)

The entire estimated levy for 2019 is hereby set at \$ 3.816.

3. In accordance with the law the third installment of 2019 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated bill are mailed. The estimated tax bills shall contain a notice specifying

the date on which interest may begin to accrue.

Proposed Calculation of 2019 Estimated Tax Rate
Proposed 102.3%

Adopted Borough Budget
Adopted District School Budget
Estimated County Budget

2018 TAX LEVY & TAX RATE
LEVY

2019 ESTIMATED RANGE FOR TAX

(Percentage of 2018 Levy)

	<u>Levy</u>	<u>Rate</u>		<u>95%</u>	<u>105%</u>
Local	\$19,988,907.20	1.277	Local	\$18,989,461.84	
	\$20,988,352.56				
District School	31,759,161.00	2.030	District School	30,171,202.95	
	33,347,119.05				
County	<u>6,543,590.07</u>	<u>.420</u>	County	<u>6,216,410.57</u>	
	<u>6,870,769.57</u>				
Totals	\$58,291,658.27	3.727		\$55,377,075.36	
	\$61,206,241.18				

2019 Estimated Tax Rate

2019 Ratable Total: \$1,562,722,235

<u>Amount to be Raised by Taxation:</u>		<u>Tax Rate:</u>	
Local	\$20,709,087.48	\$1.325 (Actual-within range)	103.6%
Local School	32,229,682.00	2.062 (Actual- within range)	101.5%
County	<u>6,700,000.00</u>	<u>.429</u> (Estimated-within range)	102.4%
Totals	\$59,638,769.48	\$3.816 (Estimated-within range)	102.3%

Prepared and Certified by:

Kathleen Intravartolo, CTC

RESOLUTION NO. 06-24-19-01k WHEREAS, David E. Hollod, Administrator of the Borough of North Plainfield declared an emergency condition for a sanitary sewer repair on Parkview Avenue, and

WHEREAS, Kathleen Intravartolo, QPA has submitted Certification of Request

for Emergency purchase, and

WHEREAS, Kyle Smith, Project Engineer has issued said request (attached hereto) indicating the reasons said emergency exists, and

WHEREAS, Kyle Smith, Project Engineer, had obtained a quote from Messercola Excavating Inc. to repair said emergency dated June 7, 2019, and

WHEREAS, the governing body is in agreement that said emergency contract must be awarded without public bidding pursuant to N.J.S.A. 40A:11-6.

BE IT RESOLVED that the Council of the Borough of North Plainfield does hereby authorize the contract with Messercola Excavating Inc. for the repair of said emergency in the amount of \$88,000.00.

RESOLUTION NO. 06-24-19-01/ RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH PLAINFIELD APPROVING CHANGE WORK ORDER NO. ONE TO S. BROTHERS INC. FOR THE PROJECT KNOWN AS THE 2019 CAPITAL ROAD IMPROVEMENTS – PHASE 1 PROGRAM

WHEREAS, the Borough of North Plainfield previously awarded a contract for certain improvements with regard to a project known as the “2019 Capital Road Improvements – Phase 1 Program” (hereinafter referred to as the “Project”), having been awarded to S. Brothers, Inc., whose main offices are located at 16 Sobechko Road, Manalapan, New Jersey 07726 (hereinafter referred to as the “Contractor”); and,

WHEREAS, David J. Testa, P.E., C.M.E., C.P.W.M. of Grotto Engineering and Associates, LLC (hereinafter referred to as the “Engineer”), on behalf of the Borough, has reviewed the Contractor’s submission for Change Order No. 1 for the Award of Alternate 1 Bid, additional work for Anworth Avenue, as set forth in the original bid proposal, in the total amount of Sixty-One Thousand Nine Hundred Ninety-Seven Dollars and Fifty-Three Cents (\$61,997.53) for the Project; 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 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 Change Order No. 1, dated June 14, 2019, for the Project known as the 2019 Capital Road Improvements – Phase 1 Program, is approved with S. Brothers, Inc. in the total amount of Sixty-One Thousand Nine Hundred Ninety-Seven Dollars and Fifty-Three Cents (\$61,997.53) for the Project, which Change Order 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 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.

RESOLUTION NO. 06-24-19-01m A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH PLAINFIELD ACCEPTING A DONATION FROM NORTH PLAINFIELD NISSAN FOR THE USAGE OF A VEHICLE FOR UNDERCOVER OPERATIONS IN THE NORTH PLAINFIELD POLICE DEPARTMENT

WHEREAS, the North Plainfield Police Department has an ongoing need for an undercover police vehicle; and,

WHEREAS, the public will learn the make and model of the undercover police vehicle after a period of time, thereby making it less effective; and,

WHEREAS, changing the police undercover vehicle periodically is an ideal solution; and,

WHEREAS, North Plainfield Nissan has donated to local police departments the usage of used vehicles of about \$8,500.00 or less for undercover police use; and,

WHEREAS, North Plainfield Nissan is offering to donate the usage of a vehicle to the Borough of North Plainfield Police Department for undercover usage and change the vehicle periodically.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that:

The Borough of North Plainfield agrees to accept the donation of the usage of a vehicle from North Plainfield Nissan specifically for police undercover use;

The Borough of North Plainfield agrees to register and insure the vehicle during the time of its use.

The Borough of North Plainfield agrees that North Plainfield Nissan and/or the Borough of North Plainfield may end this agreement with forty-eight (48) hours' written notice and the Borough agrees to return the vehicle thereafter.

BE IT FURTHER RESOLVED that this authorization is made pursuant to and consistent with the Local Public Contracts Laws of the State of New Jersey.

RESOLUTION NO. 06-24-19-01n 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 24th day of June, 2019 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. 06-24-19-01o BE IT RESOLVED by the Council of the Borough of North Plainfield that it does hereby authorize the Mayor and Borough Clerk to execute an Agreement with Garden State Fireworks, Inc., P.O. Box 403, 383 Carlton Road, Millington, NJ 07946-2002 for the public display of fireworks on July 6, 2019 with a rain date of July 7, 2019 for an amount not to exceed \$12,000.00.

RESOLUTION NO. 06-24-19-01p BE IT RESOLVED by the Council of the Borough of North Plainfield that it does hereby grant permission for the public display of fireworks on July 6, 2019 with a rain date of July 7, 2019; and

BE IT FURTHER RESOLVED that all appropriate permissions, clearances and conventions appertaining to the traditional North Plainfield Independence Day Parade be granted and appropriately applied to the scheduled municipal festivities of Thursday, July 4, 2019; and

BE IT FINALLY RESOLVED that any fees regarding these municipally sponsored activities are hereby waived.

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
NJ State League of Municipalities Trenton, NJ	Newsletters & Advisories
Plainfield Area Humane Society Plainfield, NJ	Invoice and Report
Somerset County Business Partnership Somerville, NJ	Newsletters
NJ Dept. of Environmental Protection Trenton, NJ	Open Space Month
Bill Baker, Information Station Specialists, Zeeland, Michigan	Radio Re-Installation
PSE&G, Newark, NJ	Energy Insights
NJ Dept. of Transportation Trenton, NJ	Commitment to Communities
Somerset County Tourism, Somerville, NJ	Destination Guide
NJ State Treasurer, Trenton, NJ Downtown New Jersey, Jersey City, NJ	Hotel/Motel Occupancy Tax Distribution Newsletter

PUBLIC COMMENT:

Frank D'Amore, 40 Willow Avenue, North Plainfield, recalled his comments from the May 20, 2019 meeting in which he expressed his displeasure with the lack of enforcement of Borough Code 26-8 which regulates solid waste storage and collection. He again cited 22 Mountain Avenue, advising that a significant amount of trash continues to accumulate at the property. Council President Stabile concurred with the speaker, advising of numerous bags of garbage piled up in clear view from the street. The Council President then advised of a possible business at 22 Mountain Avenue which would be in violation of the zoning ordinance.

REQUESTS FOR AGENDA ITEMS:

Council President Stabile requested that the canvassing ordinance be added to the next agenda as well as discussion of the noise ordinance. Mr. Singleterry requested a resolution honoring Dan Glicklich.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mr. Hollod shared the sad news that Ed Apgar had passed away on Saturday, June 22. A Borough employee for forty-five years, Mr. Apgar was a true public servant who will be sorely missed. Mr. Hollod reported on a conference call with Assemblywoman Carter and the New Jersey State Department of Transportation regarding the traffic light at Route 22 and West End Avenue. The Farmers Market will begin Thursday, June 27 from 2:00 p.m. to 7:00 p.m. in the parking lot across from Borough Hall. The Fourth of July parade will begin at 10 a.m. and the North Plainfield Community Day and fireworks will be held Saturday, July 6. The Mayor's summer concert series will begin July 10 at Vermeule. The Car Nutz Car Club Cruise will be held July 15. The Christmas in July event will be held July 27. Please visit the Borough's website for further details regarding all events.

Ms. Miller offered her condolences to Mr. Apgar's family, voicing her sadness upon hearing of his passing. She then thanked North Plainfield Nissan for their donation of the vehicle for the Police Department.

Motion to adjourn by Ms. Miller, seconded by Ms. Corzo and on voice vote carried unanimously.

Meeting adjourned at 8:11 p.m.

Borough Clerk

Council President

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