

DRAFT MINUTES

These are the Draft Minutes of the Regular Meeting of the North Plainfield Borough Council held on Monday, 9 September 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 Council'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 9, 2019** at 7:57 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
Keiona R. Miller
Wendy Schaefer
Douglas M. Singleterry
Frank "Skip" Stabile, Council President

Also Present: Michael Giordano, Jr., Mayor
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 August 12, 2019.

The Council President called for a Roll Call on the minutes:

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

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

RESOLUTION NO. 09-09-19-01 BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 19-08 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing September 23, 2019 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. Miller and on Roll Call carried all seven voting aye.

The Clerk read the ordinance by its title as follows:

ORDINANCE NO. 19-08 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE OF THE BOROUGH OF NORTH PLAINFIELD, MOST NOTABLY CHAPTER XVI, ENTITLED “ELECTION DISTRICTS”

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.

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

RESOLUTION NO. 09-09-19-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

09-09-19-02 a, b, c, d, e, f, g, h, i, j

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

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

APPROVED RESOLUTIONS:

RESOLUTION NO. 09-09-19-02a 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:

Rafia E. Malik, t/a

Ramon D. Cruz-Nieves, t/a

Atlantic Express Limousine Service LLC
150 Ridge Avenue
North Plainfield, NJ 07060

Ramon D. Cruz-Nieves LLC
2 Kennedy Court
North Plainfield, NJ 07060

RESOLUTION NO. 09-09-19-02b WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of North Plainfield wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

BE IT RESOLVED by the Council of the Borough of North Plainfield that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2019 electronic tax sale.

RESOLUTION NO. 09-09-19-02c AUTHORIZING AN ELECTRONIC TAX SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services,

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/Real Auction.com to conduct pilot programs, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of North Plainfield wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of North Plainfield, New Jersey, that the Tax Collector is hereby authorized to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services if necessary.

RESOLUTION NO. 09-09-19-02d 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 Dumpster Bond:

Maureen Coxwell \$ 200.00
184 Sandford Avenue
North Plainfield, New Jersey 07060

RESOLUTION NO. 09-09-19-02e 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 Road Opening Bond:

Samuel Goergi \$ 1,500.00
38 Duer Street
North Plainfield, New Jersey 07060

RESOLUTION NO. 09-09-19-02f A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES

WHEREAS, the Villa Maria Properties know 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 to include 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 on these parcels totaling \$ 77,783.76.

RESOLUTION NO. 09-09-19-02g WHEREAS, Corelogic and Danielee Frallicciardi, both paid third Quarter Taxes on Block 97 Lot 13. Ms. Frallicciardi, the homeowner, has requested refund of that over payment, and;

BE IT RESOLVED, by the Council of the Borough of North Plainfield, that the Treasurer is authorized to make the following refunds:

Refund Real Estate Over Tax Payment:

Danielle Frallicciardi. \$ 1,731.48
 22 Park Place
 North Plainfield, NJ 07060

RESOLUTION NO. 09-09-19-02h WHEREAS, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund as permitted by the Chapter 372 Laws of 1983 (40A:10-36); and

WHEREAS, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and

WHEREAS, the Governing Body of the Borough of North Plainfield, has determined that membership in the Garden State Municipal Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens; and

WHEREAS, the Governing Body of the Borough of North Plainfield has previously executed a resolution to join the Garden State Municipal Joint Insurance Fund subject to the acceptance of its assessment;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of North Plainfield (hereinafter referred to as the "Municipality") does hereby resolve and agree to renew its membership in the Fund for a period not to exceed three (3) years beginning January 1, 2020 to December 31, 2022 for the purpose of establishing the following types of coverage:

- Workers' Compensation and Employer's Liability;
- General Liability including law enforcement and public officials liability;
- Motor vehicle liability;
- Property damage (buildings, contents, equipment, and motor vehicle);

BE IT FURTHER RESOLVED, that the Municipality has never defaulted on claims and has not been canceled for nonpayment of insurance premiums for a period of at least two years prior to the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the Mayor and the Municipal Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective only upon approval by the New Jersey Department of Insurance and the Department of Community Affairs.

RESOLUTION NO. 09-09-19-02i RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH S. BROTHERS, INC. FOR THE FY 2018 MUNICIPAL AID PROGRAM – CLINTON AVENUE IMPROVEMENTS (GREEN BROOK ROAD TO THE GREEN BROOK BRIDGE) IN THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield is in need of certain road improvements on Clinton Avenue in the Borough of North Plainfield (hereinafter referred to as the “Project”); and,

WHEREAS, the Borough of North Plainfield solicited bids for the Project and the following three (3) bids were received:

<u>Bidding Entity</u>	<u>Base Bid</u>
S. Brothers Inc.	\$351,878.56
Top Line Construction Corp.	\$355,162.36
Black Rock Enterprises, LLC	\$447,096.00

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq. and the offices of Eric M. Bernstein & Associates, LLC, as well as Grotto Engineering Associates, LLC, the Borough’s Engineer on the Project, have reviewed the bid submissions and recommend the award of the bid and contract for the Project to the lowest responsive and responsible bidder, S. Brothers, Inc., whose main offices are located at 16 Sobechko Road, Manalapan, New Jersey 07726 (hereinafter referred to as the “Contractor”) as there are no material defects with the bid proposal; and,

WHEREAS, the Borough of North Plainfield is desirous of obtaining the services of the Contractor to perform all those services contemplated in the Borough’s bid documents and the bid proposal submitted by the Contractor; and,

WHEREAS, the Borough of North Plainfield finds that the Contractor is the lowest responsive and responsible bidder for the Project 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 Borough Council hereby awards the following Bid and Contract:

Project: FY 2018 Municipal Aid Program – Clinton Avenue Improvements
(Green Brook Road to the Green Brook Bridge)

Successful Bidder: S. Brothers, Inc.

Base Bid: In the Amount of Three Hundred Fifty-One Thousand Eight Hundred Seventy-Eight Dollars and Fifty-Six Cents (\$351,878.56)

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute a contract and all other necessary documents to engage the construction services of S. Brothers, Inc. for the Project; 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 award and the contract and its performance shall be consistent with all applicable laws, the Borough’s bid documents and the bid proposal of S. Brothers, Inc. for the Project known as the FY 2018 Municipal Aid Program – Clinton Avenue Improvements (Green Brook Road to the Green Brook Bridge).

RESOLUTION NO. 09-09-19-02j 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 9th day of September, 2019 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

COMMUNICATIONS:

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 Transportation, Trenton, NJ	Commitment to Communities
Public Service Electric & Gas, Newark, NJ	Gas Safety Awareness, Filing and Public Hearing Notice
Plainfield Area Regional Sewerage Authority, Middlesex, NJ	Agenda and Minutes
Dept. of Environmental Protection Trenton, NJ	Weekly Update
NJ Alcoholic Beverage Control Trenton, NJ	Extension of Premises Application
NJ American Water, Voorhees, NJ	News Drop

PUBLIC COMMENT:

Frank D’Amore, 40 Willow Avenue, North Plainfield, suggested the installation of an employee time clock after discovering that some offices close before 4:30 p.m.

REQUESTS FOR AGENDA ITEMS: None.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor Giordano reported that the Harmony Street Sanitary Sewer Project is complete. On September 11 at 8:30 a.m., we will conduct our silent procession on Somerset Street and hold a Memorial Ceremony at the Fire Bell at 8:45 a.m. The Borough-wide yard sale will be held September 14 and 15. The last day of the Farmers Market will be September 19. Fall Clean Community Day will be held Saturday, September 21 and the North Plainfield Fall Festival will be held Saturday, September 28. Please visit the Borough’s website for further details regarding all events.

Mr. La Ronde reported on the Borough-Wide Yard Sale to be held on September 14 and 15. Announcing that over one hundred homes would participate, he noted that they continue to look for ways to raise awareness and increase participation. The Councilman then inquired after the comments about social media from the previous meeting.

Council President Stabile advised they would do nothing collectively as council. He encouraged Facebook users to look into the various department pages as a source for accurate information. The Council President shared his displeasure with residents choosing to share their concerns and complaints on social media sites rather than calling the offices at Borough Hall. Agreeing, Mr. La Ronde added that he had given out Borough Hall phone numbers to residents only to learn that they had not called.

Ms. Miller noted that everybody wanted answers and information after a teenager was shot dead. When something of that magnitude happens, we should address it on social media as that remains the first place people look for information. Mr. Merrill interjected that the Somerset County Prosecutor would shut it down and that even the Police Chief is not able to comment during an ongoing investigation. Ms. Corzo suggested a Borough Twitter account to disseminate information. Mayor Giordano added that the Police Department Facebook page posted about the shooting within twenty-four hours.

Mr. Hollod reminded that the Borough website is a wonderfully informative tool for residents. The Borough has a Facebook page, a radio station and a newspaper. Information is put out in a timely fashion.

Ms. Schaefer reminded that posting to social media as a councilmember may have legal consequences. Mr. Kaplan advised of the OPRA and First Amendment issues relative to social media use by elected officials.

Mr. Singleterry spoke in favor of focusing on governance as councilmembers and ensuring the Police Department has the necessary resources to secure the Borough.

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

Meeting adjourned at 8:20 p.m.

Borough Clerk

Council President