



**BOROUGH OF NORTH PLAINFIELD**  
**REGULAR COUNCIL MEETING AGENDA**

**MONDAY, MAY 8, 2023**  
**7:30 p.m.**

**ROLL CALL:**

Council Members:                   Aimee Corzo, Council Vice President  
  Suzette Given  
  Steven McIntyre  
  Everett Merrill  
  Keiona R. Miller  
  Wendy Schaefer  
  Frank "Skip" Stabile, Council President

**NOTICE:**       An Executive Session on the topic of **Litigation** scheduled to be convened at the close of regular business of this meeting.

**APPROVAL OF COUNCIL MEETING MINUTES:**

Regular Meeting for April 24, 2023

Roll Call

**RESOLUTIONS:**

**Ms. Given:**

**05-08-23-01**

**INTRODUCTION OF NEW ORDINANCE NO. 23-07** AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 11 OF THE BOROUGH CODE, ENTITLED "PROPERTY MAINTENANCE", MOST NOTABLY ARTICLE V, ENTITLED "REGISTRATION OF VACANT PROPERTY," AND, MORE SPECIFICALLY, BY DELETING THE EXISTING § 11-13, ENTITLED "VACANT PROPERTY REGISTRATION" ,AND REPLACING IT WITH A NEW § 11-13, ENTITLED "VACANT PROPERTY REGISTRATION" AND A NEW § 11-14, ENTITLED "REGISTRATION OF PROPERTY IN FORECLOSURE REQUIRED; VACANT PROPERTY IN FORECLOSURE"

Reading of title by the Borough Acting Clerk

Roll Call

**CONSENT AGENDA**

Statement by Council President

**Mr. Merrill:**

**05-08-23-02 Approving Consent Agenda**

Roll Call

- a. Resolution Requesting Approval of Insertion of \$50,000.00 for the 2023 Budget Revenue Available from the Somerset County ARP Affordable Housing Program Grant
- b. Resolution Requesting Approval of Insertion of \$531,428.81 for the 2023 Budget Revenue Available from the Somerset County CDBG-CV3 Program Grant
- c. Resolution to Enter into a Shared Services Agreement with the County of Somerset for a Vehicle Rinse Station Funded in part by NJ LEAP Challenge Grant
- d. Resolution Authorizing Final Payment, Release of Retainage and Closeout of 2021 Capital Roads Project with CCM Contracting, Inc.
- e. Resolution Issuing Limo Owner License for Ramon David Cruz Nieves
- f. Resolution Approving Consolidated Bill List for May 5, 2023

**RESOLUTION:**

**Ms. Corzo:**

**05-08-23-03 Convening Executive Session: (Attorney/Client Privilege)**

**EXECUTIVE SESSION:** Litigation

**RECONVENE**

**05-08-23-04 Litigation - (F.S.S)**

**REPORTS:**

POLICE DEPARTMENT MONTHLY REPORT - March 2023

**REQUESTS FOR AGENDA ITEMS**

**PUBLIC COMMENT**

General public comments shall be limited to five minutes for each individual.

*(Rule 29 of the Borough Council's Rules of Order)*

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

**ADJOURNMENT**

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

**ORDINANCE NO. 23-07**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 11 OF THE BOROUGH CODE, ENTITLED “PROPERTY MAINTENANCE”, MOST NOTABLY ARTICLE V, ENTITLED “REGISTRATION OF VACANT PROPERTY,” AND, MORE SPECIFICALLY, BY DELETING THE EXISTING § 11-13, ENTITLED “VACANT PROPERTY REGISTRATION” AND REPLACING IT WITH A NEW § 11-13, ENTITLED “VACANT PROPERTY REGISTRATION” AND A NEW § 11-14, ENTITLED “REGISTRATION OF PROPERTY IN FORECLOSURE REQUIRED; VACANT PROPERTY IN FORECLOSURE”**

**WHEREAS**, pursuant to *N.J.S.A. 40:48-1* and *N.J.S.A. 40:48-2*, the governing body of a municipality may make, amend, repeal and enforce such ordinances, regulations, rules and by-laws not contrary to the laws of this State and/or of the United States, as it may deem necessary and proper for the good of government, order, and protection of person and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants and, as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any other law; and,

**WHEREAS**, this grant of authority includes the power to adopt reasonable ordinances for the regulation of vacant and abandoned properties pursuant to *N.J.S.A. 55:19-81* and/or a nuisance, pursuant to *N.J.S.A. 55:19-82* and/or *N.J.S.A. 40:48-2.3*; and,

**WHEREAS**, this grant of authority includes the power to adopt reasonable ordinances for the regulation of vacant properties in foreclosure, pursuant to *N.J.S.A. 40:48-2.12s(2)* and *N.J.S.A. 40:48-2.12s(3)*; and,

**WHEREAS**, the Borough Council finds it necessary and appropriate to amend, revise and supplement Chapter 11 of the Borough Code, entitled “Property Maintenance,” specifically Article V, entitled “Vacant Property Registration,” to amend, revise and supplement said Chapter as to vacant and abandoned properties, pursuant to *N.J.S.A. 55:19-81* and/or a nuisance, pursuant to *N.J.S.A. 55:19-82* and/or *N.J.S.A. 40:48-2.3* and to incorporate and enact an Ordinance regarding vacant properties in foreclosure pursuant to new State legislation, *N.J.S.A. 40:48-2.12s(2)* and *N.J.S.A. 40:48-2.12s(3)*.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield be amended, revised and supplemented as to Chapter 11 of the Borough Code,

entitled “Property Maintenance”, most notably Article V, entitled “Registration of Vacant Property,” and, more specifically, by deleting § 11-13, entitled “Vacant Property Registration,” and adding a new § 11-13, entitled “Vacant Property Registration,” and a new § 11-14, entitled “Registration of Property in Foreclosure Required; Vacant Property in Foreclosure,” as follows:

**§ 11-13, entitled “Vacant Property Registration,” is hereby deleted in its entirety.**

**New § 11-13, entitled “Vacant Property Registration,” is hereby adopted as follows:**

**§ 11-13, Vacant Property Registration**

**§ 11-13.1 Definitions.**

**Creditor** shall mean a Lienholder, Mortgage Holder or Mortgagee including, but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee’s rights, interests or obligations under a mortgage agreement. Creditor shall also mean a State-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” Article V §1 through 39 of P.L.2009, c. 53 (C.17:11C-51 through C.17:11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. For purposes of this Article V, a creditor shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

**Days** shall mean consecutive calendar days.

**Evidence of Vacancy** shall mean any condition, readily apparent to the Public Official (as defined below) from an exterior visual inspection, which on its own or combined with other conditions present on or concerning the Property, would lead a reasonable person to believe a Property is vacant. A Property shall be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two (2) of the following:

- A. Overgrown or neglected vegetation;
- B. The accumulation of newspapers, circulars, flyers, or mail on the property;
- C. Disconnected gas, electric, or water utility services to the property;
- D. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- E. The accumulation of junk, litter, trash, or debris on the property;
- F. The absence of window treatments such as blinds, curtains, or shutters;
- G. The absence of furnishings and personal items;

- H. Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- I. Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- J. Doors to the property that are smashed through, broken off, unhinged or continuously unlocked;
- K. A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the Property;
- L. An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the Property to be unfit for occupancy and to remain vacant and unoccupied;
- M. The mortgagee or other authorized party has secured or winterized the Property due to the Property being deemed vacant and unprotected or in danger of freezing;
- N. A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the Property; or,
- O. Any other reasonable indicia of abandonment.

**Foreclosure** shall mean the process by which Property, placed as security for a real estate or other loans, is prepared for sale to satisfy the debt if the borrower is in default under the terms of the loan including, but not limited to the filing of a notice of lis pendens.

**Initiation of Foreclosure Process** shall mean any of the following actions taken by a lienholder and/or mortgage holder and/or mortgagee:

- A. Taking possession of the property, whether by agreement or deed in lieu of foreclosure.
- B. Delivering a creditor's or mortgagee's notice of intention to foreclose to the borrower.
- C. Commencing a foreclosure action or filing a lis pendens in the Superior Court of New Jersey.

**Lienholder or Mortgage Holder or Mortgagee** shall mean a creditor including, but not limited to service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under a mortgage agreement. Collectively herein referred to as "creditor."

**Owner** shall mean every person, entity, service company, property manager and/or real estate agency, who alone or severally with others:

- A. Has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise; or,
- B. Has care, charge or control of any dwelling, dwelling unit or parcel of land, vacant or otherwise, in any capacity, including but not limited to agency, executor, executrix, administrator, trustee or guardian, of the estate of the holder of legal title; or,
- C. Is a mortgagee in possession of any such property; or,
- D. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or,
- E. Is an officer or trustee of the association of unit owners of the condominium. Each such person is bound to comply as if he were the owner; or,
- F. Every person who operates a rooming house; or,
- G. Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

**Property** shall mean any residential real estate, residential property and/or any portion thereof, which is located in the Borough of North Plainfield, including all buildings and/or structures situated on the Property. For the purpose of Chapter 11, Article V only, “Property” does not include property owned or subject to the control of the Borough or any of its governmental bodies or agencies or other governmental bodies or agencies.

**Public Official** shall mean the Zoning Officer, Assistant Zoning Officer, Property Maintenance Officer, Property Maintenance Inspector and/or their designee, as designated in writing by the Mayor.

**Residential Property** shall mean any property that contains one (1) or more dwelling units ~~used~~ occupied, intended to be occupied and/or designed to be occupied for living purposes.

**Securing** shall mean taking measures that assist in making the property inaccessible to unauthorized persons.

**Vacant Property** shall mean:

- A. Any residential or non-residential building, or a building which contains both residential and non-residential space which is not legally occupied or in or on which substantially all lawful construction operations or residential occupancy has ceased, or that is in such condition that it cannot legally be reoccupied without repair or rehabilitation, or shows evidence of vacancy as determined by the public official in accordance with the criteria set forth in § 11-13.1 as Evidence of Vacancy.
- B. Any Property determined by the public official to be “abandoned property”, in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, *N.J.S.A.*

55:19-81 shall also be deemed to be vacant property for the purpose of this Article. Property determined to be “nuisance property”, in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, *N.J.S.A. 55:19-82*, shall also be deemed to be vacant property for the purpose of this Article.

C. Any property which contains both residential and non-residential space may be considered vacant so long as the non-residential space and at least one (1) apartment in the building was previously legally occupied as residential space and which has not been legally occupied for at least six (6) months and is determined to be vacant and/or abandoned by the Public Official and the Property otherwise meets the criteria of either a vacant, abandoned or nuisance property as set forth in this Ordinance.

D. A Property may be determined to be vacant and/or abandoned under this Article V if the public official determines that the property is abandoned, pursuant to *N.J.S.A. 55:19-81* and/or a nuisance, pursuant to *N.J.S.A. 55:19-82* or *N.J.S.A. 40:48-2.3*.

### **§ 11-13.2 Registration of Vacant Properties Required**

The Owner of any vacant property, as defined herein, within ten (10) calendar days after the property becomes vacant property or within thirty (30) calendar days after assuming ownership of the vacant property, whichever is sooner, shall file a registration statement for each such vacant property with the Public Official on forms provided by the Borough of North Plainfield for such purposes. The Owner shall be required to renew the registration annually on the first (1st) day of January, as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed herein for each vacant property registered.

### **§ 11-13.3 Responsibilities of Owner**

Unless expressly provided to the contrary in this Chapter 11, Article V, the respective obligations and responsibilities of the owner, operator and occupant under this Section shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties. The owner shall be primarily responsible for complying with the provisions of this Chapter; however, nothing herein shall prevent the Public Official from issuing a notice pursuant to § 11-13.4 to the Owner or a notice pursuant to § 11-13.6 to the creditor, operator or occupant in addition to the Owner. The Owner or creditor shall be responsible for any failure of the operator or occupant to discharge a duty imposed upon the operator or occupant by this Code.

### **§ 11-13.4 Notice by Public Officer to Owner**

The Public Officer designated or appointed pursuant to P.L. 1942, c. 112 (C.40:48-2.3 et seq.) may issue a notice to the owner if the Public Official or other authorized municipal official determines that the owner has violated any Section of this Chapter 11, Article V, that the Property has become vacant and/or abandoned, or is declared to be a nuisance which is a risk of imminent danger. In the case of any violation of this Chapter for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, such notice shall require the person or



entity to correct the violation within thirty (30) calendar days of receipt of the notice, or within ten (10) calendar days of receipt of the notice if the violation presents an imminent threat to public health and safety.

### **§ 11-13.5 Fee for Property Declared to be Vacant**

The Owner of a Property registered as vacant and/or abandoned, or declared to be a nuisance which is a risk of imminent danger, or which is ordered by the Public Official to be vacant and/or abandoned, or declared to be a nuisance which is a risk of imminent danger shall pay an annual fee of Two Thousand Dollars (\$2,000.00) to the Borough of North Plainfield. The Borough may contract with a private company to collect, maintain and pay over such fees in accordance with the requirements of *N.J.S.A. 40:48-2.12S(3)* and *N.J.S.A. 40A:11-1, et seq.*

### **§ 11-13.6 Obligation of Owner to Secure Vacant Property**

An owner of vacant and/or abandoned property, upon receiving a notice from the public officer, pursuant to § 11-13.4 of this Article that the Property has been declared to be vacant and/or abandoned, shall comply with the following requirements:

1. The Owner shall secure the property against unauthorized entry.
2. The Owner shall post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the Owner or the Owner's representative for the purpose of receiving service of process.
3. The Owner shall acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property while registered with the property registration program.
4. The Owner shall notify the Public Official within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Public Official for such purposes.
5. The registration statement shall be deemed prima facie proof of the statements therein contained and any administrative enforcement proceeding or court proceeding instituted by the Borough against the Owner or creditor of the building shall use the registration statement as prima facie proof.
6. A Property shall be removed from the registration list of vacant properties only upon the issuance of a certificate of occupancy or a rental certificate of occupancy by the Borough of North Plainfield.
7. An owner or lienholder of any property which is added to the vacant property list may challenge the inclusion of their property on the vacant property list by filing an appeal

with the public official in accordance with the procedures set forth in the Abandoned Properties Act, *N.J.S.A. 55:19-55(e-f)*.

**New § 11-14, entitled “Registration of Property in Foreclosure Required; Vacant Property in Foreclosure,” is hereby adopted as follows:**

**§ 11-14 Registration of Property in Foreclosure Required; Vacant Property in Foreclosure**

**§ 11-14.1 Creditor to Register Property in Foreclosure in Addition to Notice.**

A creditor filing a summons and complaint in an action to foreclose in compliance with *N.J.S.A. 40:48-2.12s(2)* shall, in addition to the notice provided to the Borough of North Plainfield pursuant to Article V, §17 of P.L.2008, c. 127 (C.46:10B-51) or Article V, §2 of P.L.2021, c. 444 (C.40:48-2.12s2), register the residential or commercial property with the Borough's property registration program as a property in foreclosure on a form provided by the Borough Clerk.

**§ 11-14.2 Contents of Registration Form**

- A. The information provided in the registration form shall contain the full name, address, and telephone number for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the Property.
- B. The information provided in the registration form shall also include the street address, lot, and block number of the property. The notice may contain information about more than one property, if the has initiated a foreclosure proceeding on any residential property prior to the effective date of this Ordinance that is pending in Superior Court.
- C. Information provided in the registration form may be provided by mail and/or electronic communication, at the discretion of the Borough Clerk.
- D. In the event that a summons and complaint in an action to foreclose on any Property has been served by a creditor which is located out-of-State, the information provided in the registration form shall also contain the full name, address, and telephone number of an in-State representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the Property if it becomes vacant and abandoned.
- E. The Borough Clerk shall forward a copy of the registration form to the Public Official or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.
- F. If there is any change in the name, address and/or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor required to be provided in a notice pursuant to this paragraph following the filing of the summons and

complaint, the creditor shall provide a notice to the Borough Clerk containing the updated name, address, or telephone number within ten (10) calendar days of the change in that information.

G. In the event that the Property being foreclosed on is an affordable housing unit pursuant to the Fair Housing Act, then the creditor shall identify that the Property is subject to the Fair Housing Act.

### **§ 11-14.3 Creditor Responsible for Care, Maintenance, Security and Upkeep of Property**

Any creditor who has filed a summons and complaint in an action to foreclose any property within the Borough of North Plainfield shall be responsible for the care, maintenance, security, and upkeep of the exterior of the Property if the Property is or becomes vacant or abandoned, as defined in § 11-13.1, at any time while the Property is registered with the property registration program set forth in this Section. The creditor shall identify any requirements that the Borough imposes on the creditor filing a summons and complaint in an action to foreclose on a property, that is or becomes vacant and abandoned, relating to the care, maintenance, security, and upkeep of the exterior of the Property, including, but not limited to, any requirements to secure the Property against unauthorized entry, post a sign affixed to the inside of the Property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State representative or agent for the purpose of receiving service of process, or acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the Property while registered with the property registration program;

### **§ 11-14.4 Public Officer to Issue Notice to Creditor**

The Public Official or any other official responsible for administration of the municipal property maintenance or public nuisance code shall have the authority to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated any provisions of Borough Code § 11-13.1 through § 11-14.6. In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, such notice shall require the person or entity to correct the violation within thirty (30) calendar days of receipt of the notice, or within ten (10) calendar days of receipt of the notice if the violation presents an imminent threat to public health and safety.

### **§ 11-14.5 Obligation of Creditor to Update Information is On-Going.**

After the creditor files notice of foreclosure with the Borough, if the registered property becomes vacant and abandoned in accordance with the definition in Borough Code § 11-13.1 after the Property is initially registered with the Borough, the creditor shall update the property registration with the Borough to reflect the change in the property's status;

**§ 11-14.6 Fee for Registration; Additional Fee for Vacant or Abandoned Property in Foreclosure**

There is an annual fee on a creditor required to register a property upon notice of foreclosure being filed with the Borough. The fee shall be:

- A. Five Hundred Dollars (\$500) per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor; and,
- B. An additional Two Thousand Dollars (\$2,000) per property annually if the Property is declared to be vacant and/or abandoned pursuant to Borough Code § 11-13.1 when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition set forth in Borough Code § 11-13.1 above at any time thereafter while the property is in foreclosure.

**§ 11-14.6 Violations and Penalties.**

- A. Any owner or creditor who is not in full compliance with Chapter 11, Article V, or who otherwise violates any provision of Chapter 11, Article V, shall be subject to a fine of not less than Three Hundred Dollars (\$300) and not more than One Thousand Five Hundred Dollars (\$1,500) for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this Article V shall be recoverable from the owner or creditor, as the case may be, and shall be a lien on the Property.
- B. For purposes of Chapter 11, Article V, failure to file a registration statement in a timely manner, failure to provide correct information on the registration statement and/or failure to comply with the provisions of any portion of Chapter 11, Article V, shall be deemed to be a violation of this Article V and the provisions of paragraph A above shall fully apply.
- C. Nothing in Chapter 11, Article V is intended, nor shall be read, to conflict or prevent the Borough of North Plainfield from taking action against buildings or property found to be unfit for human habitation or unsafe structures as provided in the applicable provisions of the Borough Code of the Borough of North Plainfield and/or under the laws of the State of New Jersey.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.



**RESOLUTION NO. 05-08-23-02a**

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

**REQUESTING APPROVAL OF INSERTION OF \$50,000.00 FOR THE  
2023 BUDGET REVENUE AVAILABLE FROM THE SOMERSET  
COUNTY ARP AFFORDABLE HOUSING PROGRAM GRANT**

**WHEREAS**, N.J.S. 40:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of North Plainfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$50,000.00 which item is now available as a revenue from the Somerset County ARP Affordable Housing Program Grant.

**BE IT FURTHER RESOLVED** that a like sum of \$50,000.00 be and the same is hereby appropriated under the caption of:

Somerset County ARP Affordable Housing Program Grant

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Council President

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Council Member

Introduced: May 8, 2023

Adopted: May 8, 2023

**CERTIFICATION**

I, Michele Irby-Garry, Acting Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a regular meeting of the Borough Council held on May 8, 2023.

\_\_\_\_\_  
Michele Irby-Garry, Acting Borough Clerk  
Borough of North Plainfield

Date signed: \_\_\_\_\_

**RESOLUTION NO. 05-08-23-02b**

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

**REQUESTING APPROVAL OF INSERTION OF \$531,428.81  
FOR THE 2023 BUDGET REVENUE AVAILABLE FROM THE  
SOMERSET COUNTY CDBG-CV3 PROGRAM GRANT**

**WHEREAS**, N.J.S. 40:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of North Plainfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$531,428.81 which item is now available as a revenue from the Somerset County CDBG-CV3 Program Grant.

**BE IT FURTHER RESOLVED** that a like sum of \$531,428.81 be and the same is hereby appropriated under the caption of:

Somerset County CDBG-CV3 Program Grant

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Council President

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Council Member

Introduced: May 8, 2023  
Adopted: May 8, 2023



**CERTIFICATION**

I, Michele Irby-Garry, Acting Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a regular meeting of the Borough Council held on May 8, 2023.

\_\_\_\_\_  
Michele Irby-Garry, Acting Borough Clerk  
Borough of North Plainfield

Date signed: \_\_\_\_\_

**RESOLUTION NO. 05-08-23-02c**

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

**RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE  
MAYOR AND ACTING BOROUGH CLERK TO EXECUTE A SHARED  
SERVICES AGREEMENT WITH THE COUNTY OF SOMERSET FOR  
USE OF THE COUNTY VEHICLE RINSING STATION IN  
BRIDGEWATER, SOMERSET COUNTY.**

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**WHEREAS**, the County of Somerset is applying for a LEAP Challenge Grant FY23 for upgrades to a vehicle rinsing station to accept vehicles with heavy debris on them to improve water quality by not rinsing heavy debris into the storm system; and,

**WHEREAS**, the Borough of North Plainfield (the “Borough”) is one of the municipalities which are identified in the LEAP Challenge Grant FY23 to be able to participate in a shared services agreement for use of the County vehicle rinsing station located in Bridgewater, Somerset County; and,

**WHEREAS**, the Borough would be utilizing the rinsing station to clean its municipal vehicles which would allow the Borough to adhere to NJDEP regulations regarding debris in storm water systems, as well as save potentially thousands of dollars by not having to build a municipal vehicle rinsing station, having to hire an outside vendor or traveling further away to utilize a vehicle rinsing station in another county; and,

**WHEREAS**, Somerset County will have full responsibility for the scheduling, maintenance, repair and staffing of the vehicle rinsing facility and the Borough will pay for such service per vehicle cleaning; and,

**WHEREAS**, the Board of Commissioners of the County of Somerset enacted Resolution No. R23-410 on February 28, 2023 authorizing the County of Somerset to enter into a shared services agreement with the Borough; and,

**WHEREAS**, Director of Law/Borough Attorney Eric M. Bernstein, Esquire and the offices of Eric M. Bernstein & Associates, L.L.C., have reviewed the proposed shared services agreement and approved the same for adoption and execution; and,

**WHEREAS**, the Borough of North Plainfield is desirous of obtaining the services of the County of Somerset vehicle rinsing station to perform all those services contemplated in the shared services agreement submitted by the County of Somerset under the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et seq.*, and the LEAP Challenge Grant FY23 program.

**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

authorizes the Borough of North Plainfield to enter into a shared services agreement with the County of Somerset for vehicle rinsing services at the County vehicle rinsing station in Bridgewater on a per-vehicle-serviced basis; and,

**BE IT FURTHER RESOLVED** that the Borough Council hereby authorizes the Mayor and the Acting Borough Clerk to sign and/or execute a contract and all other necessary documents to enter into the shared services agreement; and,

**BE IT FURTHER RESOLVED** that the award of this shared services agreement 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 shared services agreement and its performance shall be consistent with all applicable laws governing such shared services agreements.

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Frank A. "Skip" Stabile  
Council President

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Council Member

Introduced: May 8, 2023  
Adopted: May 8, 2023

### **CERTIFICATION**

I, Michele Irby Garry, Acting Borough Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a meeting of the Borough Council held on May 8, 2023.

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Michele Irby Garry  
Acting Municipal Clerk  
Borough of North Plainfield

Date signed: \_\_\_\_\_

**RESOLUTION NO. 05-08-23-02d**

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

**RESOLUTION OF THE BOROUGH COUNCIL APPROVING  
PAYMENT NO. 4 (FINAL) TO CCM CONTRACTING, INC.  
AND THE CLOSING OUT OF THE CONTRACT AND  
RELEASE OF RETAINAGE FOR THE 2021 CAPITAL ROAD  
IMPROVEMENTS- VARIOUS ROADS PROJECT**

**WHEREAS**, the Borough of North Plainfield previously awarded a contract for the 2021 Capital Road Improvements – Various Roads Project (hereinafter referred to as the “Project”) to CCM Contracting, Inc. (hereinafter referred to as the “Contractor”); and,

**WHEREAS**, David Testa, P.E., C.M.E., C.P.W.M., of Grotto Engineering Associates, L.L.C., the Borough’s Engineer for the Project, on behalf of the Borough, by letter dated April 27, 2023, a copy of which is on file in the office of the Acting Borough Clerk and made a part hereof, has reviewed the Contractor’s submission for Payment No. 4 (Final); and,

**WHEREAS**, the original contract price for the Project was Nine Hundred Sixty Thousand Four Hundred Twenty Nine Dollars and One Cent (\$960,429.01), which has been adjusted by the Final Contract Completed Cost, decreasing the final contract amount to a final Contract Price of Eight Hundred and Sixty Three Thousand One Hundred and Three Dollars and Sixty Eight Cents (\$863,103.68); and,

**WHEREAS**, the Contractor has submitted said Final Payment No. 4, adjusted by the above, to a final Contract Balance due in the total amount of Thirty Thousand One Hundred Twenty Three Dollars and One Cent (\$30,123.01) plus the release of any and all of the Contractor’s retained funds held by the Borough for the Project; and,

**WHEREAS**, in accordance with the Contract, the Contractor has submitted a one (1) year Maintenance Bond in the amount of Eighty Six Thousand Three Hundred Ten Dollars and Thirty Six Cents (\$86,310.36), with an effective date of March 6, 2023, and submitted a one (1) year Maintenance Bond for paving only in the amount of Twenty Three Thousand Eight Hundred Nineteen Dollars and Fifty Cents (\$23,819.50), with an effective date of March 6, 2023; and,

**WHEREAS**, Director of Law/Borough Attorney Eric M. Bernstein, Esquire and the offices of Eric M. Bernstein & Associates, L.L.C. have reviewed the Borough Engineer’s and the Contractor’s submissions and accept same based on 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 request for Partial Payment No. 4 (Final) and the Closeout of the 2021 Capital Road Improvements – Various Roads Project is

approved with CCM Contracting, Inc., whose main offices are located at 3 Route 22, Green Brook, New Jersey 08812, in the total amount of Thirty Thousand One Hundred Twenty Three Dollars and One Cent (\$30,123.01) plus the release of any and all of the Contractor's retained funds held by the Borough for the Project, 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** that the original contract price was Nine Hundred Sixty Thousand Four Hundred Twenty Nine Dollars and One Cent (\$960,429.01), which has been adjusted by the Final Contract Completed Cost, decreasing the contract amount to a final Contract Price of Eight Hundred and Sixty Three Thousand One Hundred and Three Dollars and Sixty Eight Cents (\$863,103.68), which final contract price is hereby approved; 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; and,

**BE IT FURTHER RESOLVED** that the Borough Council hereby authorizes the Mayor and the Acting Borough Clerk to sign and/or execute any and all necessary documents to close out the Project and issue Payment No. 4 (Final) and release all retainage.

By: \_\_\_\_\_  
Frank A. "Skip" Stabile  
Council President  
  
\_\_\_\_\_  
Council Member

Introduced: May 8, 2023  
Adopted: May 8, 2023

**CERTIFICATION**

I, Michele Irby Garry, Acting Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the North Plainfield Borough Council at a regular meeting of the Borough Council held on May 8, 2023.

**BOROUGH OF NORTH PLAINFIELD**

By: \_\_\_\_\_  
Michele Irby Garry  
Acting Borough Clerk  
Date signed: \_\_\_\_\_

**RESOLUTION NO. 05-08-23-02e**

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

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:

Ramon David Cruz Nieves  
2 Kennedy Court  
North Plainfield, NJ 07060

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Council President

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Council Member

Introduced: May 8, 2023  
Adopted: May 8, 2023

**CERTIFICATION**

I, Michele Irby Garry, Acting Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a meeting of the Borough Council held on May 8, 2023.

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Michele Irby Garry  
Acting Borough Clerk  
Borough of North Plainfield

Date signed: May 8, 2023

**RESOLUTION NO. 05-08-23-02f**

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

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 8<sup>th</sup> day of May, 2023 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

\_\_\_\_\_  
Council President

\_\_\_\_\_  
Council Member

Introduced: May 8, 2023  
Adopted: May 8, 2023

**CERTIFICATION**

I, Michele Irby Garry, Acting Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a meeting of the Borough Council held on May 8, 2023.

\_\_\_\_\_  
Michele Irby Garry  
Acting Borough Clerk  
Borough of North Plainfield

Date signed: \_\_\_\_\_

**RESOLUTION NO. 05-08-23-03**

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

BE IT RESOLVED by the Council of the Borough of North Plainfield that prior to the adjournment of this meeting it shall convene in executive session from which the public will be excluded for the purpose of discussion on:

Attorney/Client Privilege – Litigation

Exclusion of the public for this purpose is specifically permitted by N.J.S.A. 10:4-6 et seq. The contents of this discussion will not be disclosed until such time as the disclosure of same will not adversely affect the public interest and upon resolution of the Council. Formal action may be taken following end of executive session.

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Council President

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Council Member

Introduced: May 8, 2023  
Adopted: May 8, 2023