

MINUTES of the Regular Meeting of the Council of the Borough of North Plainfield held on Monday, **May 8, 2023** at 8:24 p.m. at North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

PRESENT:

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

Also Present: Lawrence La Ronde, Mayor
David E. Hollod, Business Administrator
Phil George, Esq., Associate Borough Attorney
Michele Irby-Garry, CMR, Acting Borough Clerk

Council President Stabile read the following Notice of Compliance:

“This meeting is being held in compliance with N.J.S.A. 10:4-6 et seq. Adequate notice of this meeting was provided by transmitting notice to the official newspapers of the Borough, The Courier News, WKMB Radio, WJLP-TV, the Alternative Press and also to the Star Ledger on December 12, 2022 and by posting a copy of this notice on the bulletin boards in the Municipal Building and the Memorial Library reserved for such purpose.”

The Council President also announced that the governing body would convene in Executive Session at the conclusion of the Regular Meeting agenda for purposes of Attorney/Client Privilege and discussions on litigation.

APPROVAL OF COUNCIL MEETING MINUTES:

The Council President called for a roll call on the Regular Meeting minutes of April 24, 2023:
Aye: Corzo, McIntyre, Merrill, Miller, Schaefer
Abstain: Given, Stabile

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

RESOLUTION NO. 05-08-23-01 BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 23-07 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing May 22, 2023 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 or Zoom as the place for hearing and final adoption.

Seconded by Ms. Corzo and on roll call carried all seven voting aye.

The Acting Clerk read the ordinance by its title:

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"

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. Merrill presented the following Resolution and moved its adoption:

RESOLUTION NO. 05-08-23-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

05-08-23-02 a, b, c, d, e, f

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

Seconded by Ms. Schaefer and on roll call carried all seven voting aye.

APPROVED CONSENT AGENDA RESOLUTIONS:

RESOLUTION NO. 05-08-23-02a 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

RESOLUTION NO. 05-08-23-02b 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

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

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.

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

RESOLUTION NO. 05-08-23-02e 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

RESOLUTION NO. 05-08-23-02f 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 8th 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.

REPORTS:

POLICE DEPARTMENT MONTHLY REPORT – March 2023

REQUESTS FOR AGENDA ITEMS: None.

PUBLIC COMMENTS: None.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mr. Hollod reported that the Borough received \$531,428.81 in CDBG funding which will be used for various projects.

Mr. Merrill shared his personal new found respect for first responders since his medical emergency on September 24, 2022.

Ms. Corzo introduced the following Resolution and moved its adoption:

RESOLUTION NO. 05-08-23-03 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.

Seconded by Mr. McIntyre and on roll call carried unanimously. Executive Session convened at 8:35 p.m.

EXECUTIVE SESSION

Motion to come out of Executive Session by Ms. Miller, seconded by Ms. Given and carried unanimously.

Council President Stabile reconvened the meeting at 9:49 p.m. with all seven council members present.

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

Meeting adjourned at 9:50 p.m.

Acting Borough Clerk

Council President