

DRAFT MINUTES

These are the Draft Minutes of the Regular Meeting of the Borough Council of North Plainfield, New Jersey held on Monday, 17 August 2015.

Every attempt has been made to make these as comprehensive and conclusive as possible. However, as it is a draft document, it is not to be construed as a formal depiction of the official conduct of business and is subject to revision up to and following the Governing Body's actual approval of same. If changes are necessary, revised minutes will be posted to the website.

MINUTES of the Regular Meeting of the Council of the Borough of North Plainfield held on Monday, **August 17, 2015** at 7:33 p.m. at the North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

PRESENT:

Council Members: Everett Merrill
 Keiona R. Miller (7:34 pm)
 Frank Righetti
 Wendy Schaefer
 Douglas M. Singleterry
 Frank "Skip" Stabile
 Lawrence La Ronde, Council President

Also Present: David E. Hollod, Business Administrator
 Dominic DiYanni, Esq., Associate Borough Attorney
 Richard K. Phoenix, RMC, Borough Clerk

The Pledge of Allegiance to the Flag was led by Ms. Schaefer.

Council President La Ronde requested a moment of silence for the men and women serving in our Armed Forces.

The Council President read the following Notice of Compliance:

"This is a Regular Meeting of the Council of the Borough of North Plainfield, scheduled by resolution of the Council adopted on December 8, 2014. 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* and *WKMB* Radio on December 10, 2014 by publication of the announcement in the *Courier News* of December 12, 2014 and by posting a copy of this notice on the bulletin boards in the Municipal Building and Memorial Library reserved for such purpose."

The Borough Clerk had submitted copies of the minutes of the Agenda Conference and Regular Meeting of July 27, 2015.

Agenda Conference and Regular Meeting of July 27, 2015:

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

Abstain: Righetti

CONSENT AGENDA

Council President La Ronde stated that all matters listed on the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items. If any discussion is desired by Council, that particular item will be removed from the Consent Agenda and will be considered separately.

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

RESOLUTION NO. 08-17-15-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

08-17-15-01a, b, c, d, e, f, g, h, i, j and k

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

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

APPROVED RESOLUTIONS:

RESOLUTION NO. 08-17-15-01a WHEREAS, the following applicants have applied for renewal of Plenary Retail Consumption or Plenary Retail Distribution Licenses for the period September 18, 2015 through June 30, 2016 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 September 18, 2015 through June 30, 2016:

- 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
- 1814-33-004-003 164 Somerset St LLC, t/a Top Shelf
164 Somerset Street

1814-33-008-006	Mi Mundo Latino LLC, t/a Mi Mundo Latino 375 Somerset Street
1814-33-007-008	Dombar LLC – International Club and Sports Bar 403 Somerset Street
1814-33-010-012	Texas Roadhouse Holdings LLC 1258 Route 22 Eastbound
1814-44-005-008	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
1814-44-012-005	Shivaam, LLC, t/a Herb’s Liquor 194 Somerset Street
1814-44-013-013	NB Liquors Inc. 1290 US Highway 22

RESOLUTION NO. 08-17-15-01b RESOLUTION TO APPROVE PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1814-33-010-012 HELD BY TEXAS ROADHOUSE HOLDINGS, LLC FROM POCKET TO ACTIVE STATUS

WHEREAS, Texas Roadhouse Holdings, L.L.C. (hereinafter “Owner”) is the present holder of Plenary Retail Consumption License 1814-33-010-012 (hereinafter the “License”) to be used at premises located at 1258 Route 22 Eastbound, in the Borough of North Plainfield, County of Somerset and State of New Jersey (hereinafter the “Licensed Premises”); and,

WHEREAS, the Owner has requested to transfer the License place to place under Title 33 of the Alcoholic Beverage Control Law; and,

WHEREAS, the Owner has submitted its License application for transfer as a place to place transfer, in due and complete form and has caused the due and required notices to be published with all applicable fees paid in full; and,

WHEREAS, the location for the activation of the License has been established as 1258 Route 22 Eastbound, in the Borough of North Plainfield, County of Somerset and State of New Jersey; and,

WHEREAS, the Borough Council of North Plainfield conducted a hearing for the place to place transfer of the License as an active license on July 13, 2015 at a regular meeting of the Borough Council. No objections were heard from the public, from the Borough or the police; and,

WHEREAS, the Council having considered the application submitted by the Owner and the Borough Police Department reports of investigation in this matter; and,

WHEREAS, upon all due consideration and evaluation of the application, the Borough Council of the Borough of North Plainfield has determined that the Purchaser qualifies for place to place transfer of the License to active status.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of North Plainfield that Plenary Retail Consumption License No. 1814-33-010-012 be and is hereby APPROVED FOR TRANSFER as a place to place transfer from pocket to active license, upon condition of approval of the transfer by the State of New Jersey *nunc pro tunc*, Department of the Treasury, Division of Alcoholic Beverage Control after duly required publication, and presentation of the same to the Borough Clerk.

RESOLUTION NO. 08-17-15-01c REQUESTING APPROVAL OF INSERTION OF \$5,000.00 FOR THE 2015 BUDGET REVENUE AVAILABLE FROM THE MUNICIPAL YOUTH SERVICES 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 2015 in the sum of \$5,000.00 which item is now available as a revenue from the Municipal Youth Services Grant; and, be it

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 be and the same is hereby appropriated under the caption of:

Municipal Youth Services Grant

RESOLUTION NO. 08-17-15-01d RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2015 STATEWIDE CRACKDOWN

Whereas, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

Whereas, impaired driving crashes cost the United States almost \$50 Billion a year; and

Whereas, 27% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

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

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over 2015 Statewide Crackdown; and

Whereas, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015; and

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

Therefore, be it resolved that the Borough of North Plainfield declares its support for the Drive Sober or Get Pulled Over 2015 Statewide Crackdown from August 21 through September 7, 2015 and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION NO. 08-17-15-01e WHEREAS, on a property known as block 144, lot 3, also known as 27 Willow Ave., a duplicate tax payment totaling \$2,890.89 was submitted by Greater NJ Title Agency on 4/27/15; and

WHEREAS, said overpayment should be refunded to Greater NJ Title for proper distribution to the appropriate parties.

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

Refund Real Estate Tax Payments:

Greater NJ Title Agency	\$2,890.89
4 Bridge St.	
Metuchen, NJ 08840	

RESOLUTION NO. 08-17-15-01f WHEREAS, on a property known as block 6.01, lot 11.05, CONDO, also known as 401 Highway 22 B11U5, duplicate tax payments totaling \$1,072.84 were submitted by the homeowners in 2015; and

WHEREAS, said overpayment should be refunded to the homeowners per her request.

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

Refund Real Estate Tax Payments:

Harris, Melvin & Amedica	\$1,072.84
486 Vanderveer Rd.	
Bridgewater, NJ 08807	

RESOLUTION NO. 08-17-15-01j BE IT RESOLVED, by the Council of the Borough of North Plainfield that the Tax Collector is hereby authorized and directed to create duplicate Tax Sale Certificates as follows:

Block 129 Lot 10
140 Greenbrook Road

Certificate #08-00125
issued 12/11/08

RESOLUTION NO. 08-17-15-01k 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 17th day of August, 2015 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

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
Tri-County Chamber of Commerce South Plainfield, NJ	Newsletters & Advisories
NJ State League of Municipalities Trenton, NJ	Newsletters & Advisories
PSE&G Newark, NJ	Newsletters and Hearing Notices
NJ American Water Company Voorhees, NJ	Advisories and Hearing Notices
Cross River Fiber Morristown, NJ	Notice of new address
Plainfield YMCA and Unity Bank Plainfield & North Plainfield, NJ respectively	North Plainfield Community Leaders' Reception, 30 September 2015
NJ Highlands Coalition Boonton, NJ	Newsletter
Raritan River Coalition/Bloustein School New Brunswick, NJ	Newsletter
Somerset Hills School North Plainfield	Newsletter
NJ Highlands Boonton, NJ	Calendar of Events
NJDEP Trenton, NJ	Sustainable NJ – Idling Project
NJ State Planning Officials Trenton, NJ	Summertime Newsletter
Capehart Scatchard, P.A. Mt. Laurel, NJ	NJ Public Entity Law Monthly
PSE&G Newark, NJ	Rate Hearings

NJ American Water Voorhees, NJ Tri-County Chamber of Commerce South Plainfield, NJ YMCA, Plainfield, NJ Raritan River Initiative New Brunswick, NJ Hodulik & Morrison, P.A. Highland Park, NJ Frank D'Amore Sr. North Plainfield	Rate Hearings Business Card Exchange Community Leaders Reception Newsletter Borough Audit Property Maintenance report
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REQUESTS FOR AGENDA ITEMS:

Mr. Righetti requested discussion regarding the site of the Farmer's Market.

Mr. Stabile requested discussion of the noise ordinance.

PUBLIC COMMENT:

Frank D'Amore, 40 Willow Avenue, North Plainfield, voiced his concerns with the homeowners of 167 Sycamore Avenue as they have not complied with their Certificate of Appropriateness. Stressing that he had reported this violation several times, Mr. D'Amore noted his displeasure with the lack of enforcement.

Mary Jo Tyson, 270 Lawrence Avenue, North Plainfield, urged the Council to consider banning pesticide sprays used by landscaping companies.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Speaking on behalf of Mayor Giordano, Mr. Hollod noted the success of the events held during National Night Out.

Mr. Merrill announced that the football team will host a fundraiser at Buffalo Wild Wings on August 18.

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

Meeting adjourned at 7:50 p.m.

Borough Clerk

Council President