

DRAFT MINUTES

*These are the Draft Minutes of the Regular Meeting
of the North Plainfield Borough Council held on Monday, 23 January 2017.*

*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, **January 23, 2017** at 8:08 p.m. at the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

Mr. Phoenix read the following statement:

NOTICE: *An Executive Session on the topic of **Labor Negotiations** is scheduled to be called at the close of regular business of this meeting. It is anticipated that recess for the Executive Session may be called approximately ten minutes following the convening of the Regular Meeting. Following the Executive Session, formal action may be taken.*

PRESENT:

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

Also Present: Michael Giordano, Jr., Mayor
David Hollod, Business Administrator
Eric M. Bernstein, Esq., Borough Attorney
Richard K. Phoenix, RMC, Borough Clerk

Council President La Ronde 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 28, 2016. 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 29, 2016, by publication of the announcement in the

Courier News on December 1, 2016 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 the Regular Meeting of December 12, 2016 and the Biennial Organizational and Board of Health meetings of January 1, 2017.

Council President La Ronde called for a Roll Call on the minutes of the Agenda Conference and the Regular Meeting of December 12, 2016 and the minutes of the Biennial Organizational and Board of Health meetings of January 1, 2017: All in favor.

The Council President recognized the following appointment:

APPOINTMENTS BY MAYOR NOT REQUIRING COUNCIL CONFIRMATION:

PARKS AND RECREATION COMMITTEE:

Dennis T. Jackson

Two-year unexpired term

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.

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

RESOLUTION NO. 01-23-17-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

01-23-17-01a, b, c, d, e, f, g, h and i

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. 01-23-17-01a RESOLUTION DECLARING JANUARY 2017 RADON ACTION AWARENESS MONTH

WHEREAS, radon is a colorless, odorless, naturally occurring radioactive gas that threatens the health of our citizens;

WHEREAS, radon is the second leading cause of lung cancer deaths in the United States and the number one cause among non-smokers;

WHEREAS, one in fifteen homes across the U.S. has an elevated radon level;

WHEREAS, any home in the Borough of North Plainfield may have an elevated level of radon, even if other homes in the same neighborhood do not;

WHEREAS, testing for radon is simple and inexpensive;

WHEREAS, elevated radon levels can be fixed;

WHEREAS, the Borough of North Plainfield and the U.S. Environmental Protection Agency are supporting efforts to encourage Americans to test their homes for radon, mitigate elevated levels of radon, and build new homes with radon-resistant materials and features.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that January 2017 is hereby declared as

OFFICIAL RADON ACTION AWARENESS MONTH

in the Borough of North Plainfield, and all residents who have not yet tested their homes are called upon to conduct such tests and to reduce radon levels if they are found to be elevated, to protect their families from the serious health risks of radon.

RESOLUTION NO. 01-23-17-01b APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SANDFORD AVENUE ROAD IMPROVEMENT PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of North Plainfield formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Sandford Avenue-00384 to the New Jersey Department of Transportation on behalf of the Borough of North Plainfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of North Plainfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

RESOLUTION NO. 01-23-17-01c RESOLUTION OF THE BOROUGH COUNCIL APPROVING FINAL PAYMENT NO. 3 AND CHANGE WORK ORDER NO. 1-FINAL TO AQUA INFRASTRUCTURE REHABILITATION CO., LLC d/b/a TRI-STATE GROUTING AND THE CLOSING OUT OF CONTRACT 2016-01, THE PROJECT KNOWN AS CYPRESS GARDENS SANITARY SEWER REHABILITATION

WHEREAS, the Borough of North Plainfield previously awarded contract 2016-01 for certain sanitary sewer rehabilitation improvements with regard to a project known as “Cypress Gardens Sanitary Sewer Rehabilitation” (hereinafter referred to as the “Project”), said contract having been awarded to Aqua Infrastructure Rehabilitation Co., LLC d/b/a Tri-State Grouting, with an address of 567 Walther Road, Newark, Delaware (hereinafter referred to as the “Contractor”); and,

WHEREAS, Kyle A. Smith, P.E., of Mott MacDonald (hereinafter referred to as the “Engineer”), on behalf of the Borough, has reviewed the Contractor’s submission for Final Payment No. 3 in the total amount of Three Thousand Seven Hundred Sixty-Eight Dollars and Fifty Cents (\$3,768.50) and for the total closeout of the Project, which includes but may not be limited to, the release of any of the Contractor’s retained funds held by the Borough and the execution of any maintenance agreement for the Project¹; and,

WHEREAS, the Engineer, on behalf of the Borough, has reviewed the Contractor’s request for Change Order No. 1-Final, reducing the net amount of the completed project in the total amount of Eight Thousand Eighty-One Dollars and Sixty-Four Cents (\$8,081.64); and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq., and the offices of Eric M. Bernstein & Associates, LLC has reviewed the Engineer’s and the Contractor’s submissions and accepts 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 Final Payment No. 3, dated December 5, 2016, and closeout of the project known as Cypress Gardens Sanitary Sewer Rehabilitation to Aqua Infrastructure Rehabilitation Co., LLC d/b/a Tri-State Grouting, is approved in the total amount of Three Thousand Seven Hundred Sixty-Eight Dollars and Fifty Cents (\$3,768.50), 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 by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, Change Order Request No. 1-Final, dated December 5, 2016, with Aqua Infrastructure Rehabilitation Co., LLC d/b/a Tri-State Grouting, is approved reducing the net amount of the completed project in the total amount of Eight Thousand Eighty-One Dollars and Sixty-Four Cents (\$8,081.64), which Change Order Request is incorporated herein by reference as if same was fully set forth within, without the need for any further action of this Borough Council.

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.

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute all necessary documents to closeout the Project, issue Final Payment No. 3 and approve Change Work Order No. 1.

¹ The Contractor has previously submitted an appropriate Maintenance Bond.

RESOLUTION NO. 01-23-17-01d WHEREAS, the following applicant has been issued an identification number by the New Jersey Legalized Games of Chance Control Commission, has applied for a bingo license for games to be held on March 25, 2017 and has submitted the required fees:

Plainfield Area Humane Society

ID No. 396-4-35840

WHEREAS, investigation has shown that said applicant meets the requirements for the issuance of bingo licenses;

NOW, THEREFORE, BE IT RESOLVED that the Clerk be and is hereby authorized to issue bingo licenses to the said applicants for games as listed on their application.

RESOLUTION NO. 01-23-17-01e WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax overpayments or delinquent amounts of less than \$10.00.

BE IT RESOLVED by the Council of the Borough of North Plainfield that the Tax Collector is hereby authorized and directed to cancel all property tax overpayments and/or delinquencies in the amounts of less than \$10.00, in accordance with N.J.S.A. 40A:5-17

RESOLUTION NO. 01-23-17-01f AUTHORIZING AN ELECTRONIC TAX SALE

WHEREAS, N.J.S.A. 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, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, 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 the pilot program for 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 complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

RESOLUTION NO. 01-23-17-01g 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 certificates as follows:

Block 86, Lot 4 26 Warren St. Certificate # 13-00137 issued 12/04/13

Block 203.06, Lot 64 490 Greenbrook Rd. Cert. # 13-00312 issued 12/04/13

RESOLUTION NO. 01-23-17-01h WHEREAS, St. Joseph’s Church, 99 Westervelt Avenue, North Plainfield, New Jersey, has applied for a license to conduct calendar raffles from April 25, 2017 through June 27, 2017; and

WHEREAS, St. Joseph’s Church has been issued Identification No. 352-1-11754 by the New Jersey Legalized Games of Chance Control Commission; and

WHEREAS, investigation has shown that said applicant meets the requirements for the issuance of Raffles License No. RL-1148;

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk be and is hereby authorized to issue a license to St. Joseph’s Church to conduct calendar raffles from April 2, 2017 through June 27, 2017 at 99 Westervelt Avenue, North Plainfield, New Jersey.

RESOLUTION NO. 01-23-17-01i 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 23rd day of January, 2017 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

COMMUNICATIONS:

<p>Somerset County Office of Public Information Somerville, NJ Richard K. Phoenix, RMC – Borough Clerk & Chief Operator, WPQJ970 – 1630-AM Radio Tri-County Chamber of Commerce South Plainfield, NJ NJ State League of Municipalities Trenton, NJ NJ Dept. of Environmental Protection Trenton, NJ Division of Taxation, State of New Jersey Trenton, NJ Betsy G. Ramos, Esq., Capehart & Scatchard, P.C. Mount Laurel, NJ Sustainable Raritan River, Rutgers University New Brunswick, NJ Plainfield Area Regional Sewerage Authority</p>	<p>Various Communications, Advisories and News Releases Calendar Updates and Advisories; Time-Sensitive Radio Scripts Newsletters and Advisories Newsletters and Advisories Various Newsletters and Advisories Municipal Hotel and Motel Occupancy Tax Distribution NJ Public Entity Law Monthly Call for Raritan Award Nominations Agenda and minutes</p>
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Middlesex, NJ Information Station Specialists Zeeland, Michigan	The Source Newsletter
Frank N. D'Amore, Sr. North Plainfield	Property Maintenance Report

REQUESTS FOR AGENDA ITEMS:

Ms. Schaefer requested an ordinance to ban the sale of cats and dogs by pet stores. Mr. Stabile suggested discussion of an ordinance which would require cats be leashed while outside of their yards as proposed by a resident.

Mr. Righetti shared his concerns with kids riding bikes after dark without lights. The Council President concurred and noted his concerns with kids skateboarding on streets.

PUBLIC COMMENT:

Frank D'Amore, Sr., 40 Willow Avenue, North Plainfield, explained that the requirement for lights on bikes falls under Title 39. Sharing his concerns about the limited parking near the Post Office, he urged for an ordinance restricting parking in that area to fifteen minutes.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor Giordano reported on his attendance at a Martin Luther King celebration.

Mr. Singleterry thanked Mr. Williams and Councilman Storch for attending the evening's meeting and speaking about mental health. Mr. Merrill echoed his sentiments.

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

RESOLUTION NO. 01-23-17-02 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:

LABOR NEGOTIATIONS

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. Stabile and on Roll Call carried all seven voting aye.

EXECUTIVE SESSION

Motion to come out of Executive Session by Mr. Righetti, seconded by Mr. Stabile and carried unanimously.

Mr. La Ronde reconvened the meeting at 8:30 p.m. with all seven council members present.

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

RESOLUTION NO. 01-23-17-03 RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF NORTH PLAINFIELD AND THE NORTH PLAINFIELD POLICEMEN'S BENEVOLENT ASSOCIATION SUPERIOR OFFICERS, LOCAL 85 AND A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF NORTH PLAINFIELD AND THE NORTH PLAINFIELD POLICEMEN'S BENEVOLENT ASSOCIATION, LOCAL 85

WHEREAS, the Borough of North Plainfield (hereinafter referred to as the "Borough") engaged in contract negotiations with both the North Plainfield Policemen's Benevolent Association Superior Officers, Local 85 (hereinafter referred to as the "PBASO") and the Policemen's Benevolent Association, Local 85 (hereinafter referred to as the "PBA"); and,

WHEREAS, the Borough believes that it has come to an agreement with both the PBASO and the PBA as to material terms of each proposed new contract; and,

WHEREAS, the Borough now intends to enter into a Memorandum of Agreement between the Borough and the PBASO and a Memorandum of Agreement between the Borough and the PBA outlining the material terms to be included in each respective new collective bargaining agreement covering the period of January 1, 2016 through December 31, 2019, copies of which are attached hereto and incorporated herein; and,

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 does hereby authorize the Mayor to sign and/or execute the attached Memorandum of Agreement between the Borough and the PBASO and the attached Memorandum of Agreement between the Borough and the PBA without the need for any further action of this Borough Council, as well as authorizing the Mayor and Borough to sign and/or execute new collective bargaining agreements between the Borough and the PBASO and the Borough and the PBA without the need for any further action of this Borough Council.

BE IT FURTHER RESOLVED that the execution of these Agreements shall be subject to the Certification of the Borough's Chief Financial Officer as to the availability of funds for payment for same.

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

Seconded by Ms. Miller and on Roll Call carried all seven voting aye.

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

Meeting adjourned at 8:34 p.m.

Borough Clerk

Council President