

DRAFT MINUTES

These are the Draft Minutes of the Regular Council Meeting of the North Plainfield Borough Council held on Monday, 11 March 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 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, **March 11, 2019** at 8:03 p.m. at the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

PRESENT:

Council Members: Aimee Corzo
Lawrence La Ronde (Council President Pro-Temporare)
Everett Merrill (absent – excused)
Keiona R. Miller (absent – excused)
Wendy Schaefer
Douglas M. Singleterry
Frank “Skip” Stabile, Council President (absent – excused)

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

Mr. 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 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, Regular Meeting, and Executive Session of February 25, 2019.

Mr. La Ronde called for a Roll Call on the minutes: All in favor.

HEARING:

Mr. La Ronde opened the floor to public comment on the following:

2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT –
Glenside Place Sanitary Sewer Replacement

PUBLIC COMMENT: None.

Motion to close public comment by Ms. Corzo, seconded by Ms. Schaefer and on Roll Call carried all four voting aye.

HEARING:

ORDINANCE NO. 19-03 CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

The Clerk read the Ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Ms. Corzo, seconded by Mr. Singleterry and on Roll Call carried all four voting aye.

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

RESOLUTION NO. 03-11-19-01 BE IT RESOLVED by the Borough Council of the Borough of North Plainfield that an Ordinance numbered 19-03 be adopted and advertised as required by statute.

Seconded by Ms. Schaefer and on Roll Call carried all four voting aye.

CONSENT AGENDA

Mr. 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. 03-11-19-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

03-11-19-02 a, b, c, d, e, f, g, h, i

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

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

APPROVED RESOLUTIONS:

RESOLUTION NO. 03-11-19-02a RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH JO-MED CONSTRUCTION CORP. FOR THE HARMONY STREET SANITARY AND STORM SEWER IMPROVEMENTS CONTRACT NO. 2018-01 FOR THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield is in need of a service provider of certain sanitary and storm sewer improvements on Harmony Street 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 five (5) bids were received:

<u>Bidding Entity</u>	<u>Total Amount</u>
Jo-Med Construction Corp.	\$148,937.74
Messercola Excavating Co., Inc	\$156,446.00
Colonnelli Bros., Inc.	\$172,803.00
MSP Construction, Corp.	\$225,511.40
North American Pipeline Services, Inc.	\$419,793.00

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq. and the offices of Eric M. Bernstein & Associates, LLC, have reviewed the bid submissions and recommend the award of the bid and contract for the Project to the lowest responsible and responsive bidder, Jo-Med Construction Corp. whose main offices are located at 300 South Second Street, Elizabeth, New Jersey 07206 (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 responsible and responsive 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: Harmony Street Sanitary and Storm Sewer Improvements Contract No. 2018-01
 Successful Bidder: Jo-Med Construction Corp., 300 South Second Street, Elizabeth, New Jersey 07206
 Total Bid: In the Amount of One Hundred Forty-Eight Thousand Nine Hundred Thirty-Seven Dollars and Seventy-Four Cents (\$148,937.74)

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute the contract and all necessary documents to engage the services of Jo-Med Construction Corp. 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 Jo-Med Construction Corp. for the Project known as the Harmony Street Sanitary and Storm Sewer Improvements Contract No. 2018-01.

RESOLUTION NO. 03-11-19-02b RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A CERTAIN AGREEMENT WITH THE NORTH PLAINFIELD BOARD OF EDUCATION FOR THE USE OF CERTAIN ATHLETIC FIELDS, TENNIS COURTS AND GYMNASIUMS FOR THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield (hereinafter referred to as the "Borough") and the North Plainfield Board of Education (hereinafter referred to as the "Board") wish to enter into an Agreement for the Borough to use certain athletic fields, tennis courts and gymnasiums under the Board's control for parks and recreation purposes and the Board wishes to enter into such an Agreement as well. A copy of said agreement is on file in the office of the Borough Clerk and shall be made a part hereof (hereinafter referred to as the "Agreement"); and,

WHEREAS, the Agreement submitted by the Board contemplates the use and access to said athletic fields, tennis courts and gymnasiums; and,

WHEREAS, the Borough is desirous of the use and access to said athletic fields, tennis courts and gymnasiums.

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 and the Borough Clerk to sign and/or execute all of the necessary Agreements with North Plainfield Board of Education, as contemplated in the afore-referenced Agreement, for the use and access to the Board's

certain athletic fields, tennis courts and gymnasiums without the need for any further action of this Borough Council.

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.

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.

RESOLUTION NO. 03-11-19-02c RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH CTS GROUP ARCHITECTURE/PLANNING PA FOR RENOVATIONS AND IMPROVEMENTS AT THE NORTH PLAINFIELD MEMORIAL LIBRARY BRANCH – PHASE 2 FOR THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield is in need of certain renovations and improvements at the North Plainfield Memorial Library Branch – Phase 2 (hereinafter referred to as the “Project”); and,

WHEREAS, CTS Group Architecture/Planning PA, whose principal place of business is located at 17 Commerce Street, Chatham, New Jersey 07928, is in the business of providing architectural and interior design services and previously submitted a proposal for the Project to the Borough of North Plainfield, Somerset County, New Jersey, dated February 20, 2019, for the following: (1) Grant Application at an hourly rate in an amount not to exceed Four Thousand Three Hundred Dollars (\$4,300.00); (2) Contract Design Documents at a lump sum amount of Eight Thousand One Hundred Ninety Dollars (\$8,190.00); (3) Bidding Assistance at a lump sum amount of One Thousand Four Hundred Ninety-Five Dollars (\$1,495.00); and, (4) Construction Support Services at a lump sum amount of Five Thousand Three Hundred Sixty Dollars (\$5,360.00), for a total not to exceed Nineteen Thousand Three Hundred Forty-Five Dollars (\$19,345.00), a copy of which is on file in the office of the Borough Clerk and made a part hereof (hereinafter referred to as the “Proposal”); and,

WHEREAS, the Borough of North Plainfield is desirous of obtaining the services of CTS Group Architecture/Planning PA to perform all of those services contemplated in the afore-referenced Proposal; 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 and the Borough Clerk to sign and/or execute a Professional Services Agreement with CTS Group Architecture/Planning PA, 17 Commerce Street, Chatham, New Jersey 07928, under the terms of the Proposal, without the need for any further action of this Borough.

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.

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.

RESOLUTION NO. 03-11-19-02d RESOLUTION OF THE BOROUGH COUNCIL APPROVING PARTIAL PAYMENT NO. THREE (FINAL) TO CCM CONTRACTING INC. AND THE CLOSING OUT OF THE CONTRACT AND RELEASE OF RETAINAGE FOR THE PROJECT KNOWN AS THE 2017 CAPITAL ROAD IMPROVEMENTS – VARIOUS ROADS

WHEREAS, the Borough of North Plainfield previously awarded a contract for certain road improvements with regard to a project known as the "2017 Capital Road Improvements – Various Roads" project (hereinafter referred to as the "Project"), with said contract having been awarded to CCM Contracting, Inc. whose main offices are located at 336 Route 22, Green Brook, New Jersey 08812 (hereinafter referred to as the "Contractor"); and,

WHEREAS, David J. Testa, P.E., C.M.E., C.P.W.M. of Grotto Engineering and Associates, LLC (hereinafter referred to as the "Engineer"), on behalf of the Borough, has reviewed the Contractor's submission for Partial Payment No. 3 (Final) in the total amount of Ten Thousand Three Hundred Seventy-Eight Dollars and Eighty-Six Cents (\$10,378.86), plus the release of any and all of the Contractor's retained funds held by the Borough for the Project; and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq. and the office of Eric M. Bernstein & Associates, L.L.C. have 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 Partial Payment No. 3 (Final), dated February 22, 2019, and the Closeout of the Project known as the 2017 Capital Road Improvements – Various Roads, is approved with CCM Contracting, Inc. whose main offices are located at 336 Route 22, Green Brook, New Jersey 08812, in the total amount of Ten Thousand Three Hundred Seventy-Eight Dollars and Eighty-Six Cents (\$10,378.86), 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 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 Borough Clerk to sign and/or execute all necessary documents to close out the Project and issue Payment No. 3 (Final).

RESOLUTION NO. 03-11-19-02e WHEREAS, the following organization has been issued identification number 352-5-27290 by the New Jersey Legalized Games of Chance Control Commission and has submitted applications to conduct raffles; and

WHEREAS, investigation has shown that this organization meets the requirements for the issuance of raffles licenses;

NOW, THEREFORE, BE IT RESOLVED that the Clerk be and is hereby authorized to issue raffles licenses to the following:

West End School PTA
447 Greenbrook Road, North Plainfield
On-premises 50-50 cash draw raffle – RL #1181
April 6, 2019, 8:00 – 10:00 p.m.
On-premises merchandise draw raffle – RL #1180
April 6, 2019, 8:00 – 10:00 p.m.

RESOLUTION NO. 03-11-19-02f SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of North Plainfield has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of North Plainfield that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges

- b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
- a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

RESOLUTION NO. 03-11-19-02g SAFE AND SECURE COMMUNITIES PROGRAM

RESOLUTION OF PARTICIPATION AND ACCEPTANCE

A RESOLUTION TO ACCEPT FROM THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

Whereas, the Borough of North Plainfield does accept funding of \$90,000 with a match of \$416,307 for an approximate project total cost of \$506,307 for a project under the State of New Jersey Safe and Secure Neighborhoods Grant Program, Subaward number: P-19-1814, with a subaward award period of March 1, 2019 to February 28, 2020, and

Whereas, the North Plainfield Borough Council does accept the grant Subaward funding for assisting with paying the base salary of police officers, and

Whereas, the project is a joint effort between the Department of Law and Public Safety and the Borough of North Plainfield for the purpose described in the application;

Therefore, be it resolved by the North Plainfield Borough Council that

1. As a matter of public policy, the Borough of North Plainfield wishes to accept grant funding to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

RESOLUTION NO. 03-11-19-02h WHEREAS, Corelogic paid fourth Quarter Taxes on Block 28.03, Lot 28 and the homeowner Juan Posada also paid them. Mr. Posada 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 Tax Overpayment:

Juan P. Posada	\$ 2,483.32
214 Westervelt Avenue	
North Plainfield, NJ 07060	

RESOLUTION NO. 03-11-19-02i 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 11th day of March, 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:

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

NJ State League of Municipalities Trenton, NJ	Newsletters & Advisories
Plainfield Area Humane Society Plainfield, NJ	Invoice and Report
NJ Dept. of Environmental Protection Trenton, NJ	Weekly Updates
Somerset County Business Partnership Somerville, NJ	Newsletters
Plainfield Area Regional Sewerage Authority Middlesex, NJ	Minutes and Agenda
Nick Ciampa, North Plainfield Geoffrey Penna, The Radio Source Zeeland, Michigan	Free Lecture at Fleetwood Museum Audio Streaming Contract: 1630-AM Radio
Robert Robitzski American Red Cross	Proclamation
Michelle DeRocco, Borough Clerk Watchung, NJ	Posting of Resolutions
NJ DEP, Trenton, NJ	Classification Exception Area

PUBLIC COMMENT:

Frank D'Amore, 40 Willow Avenue, North Plainfield, expressed his disappointment with the non-passage of Ordinance No. 18-15 which would ban the sale of recreational marijuana. He voiced his concerns with the Borough penalizing a new home owner and requiring them to build a garage after the previous home owner demolished it.

REQUESTS FOR AGENDA ITEMS: None.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor Giordano advised that radon test kits remain free and available to residents through the Mayor's Office. The Food for School Backpack program would still welcome any donations. The North Plainfield Firefighters' St. Baldrick's Day Event would be held March 23 at 1:00 p.m. at the Firehouse. East End and West End Schools continue to look for volunteers for the Girls on the Run program, he concluded.

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

Meeting adjourned at 8:20 p.m.

Borough Clerk

3/11/19

Council President