

BOROUGH OF NORTH PLAINFIELD

AGENDA

REGULAR COUNCIL MEETING **MONDAY, DECEMBER 16, 2019**
(Following Agenda Conference)

Borough Council Chambers
263 Somerset Street, North Plainfield

ROLL CALL:

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

Statement of Compliance as to Notice of Meeting

APPROVAL OF COUNCIL MEETING MINUTES:

Agenda Conference and Regular Meeting of November 18, 2019

Roll Call

HEARING: ORDINANCE NO. 19-09 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE OF THE BOROUGH OF NORTH PLAINFIELD, MOST NOTABLY CHAPTER XXII, ENTITLED "HISTORIC DISTRICT"

Be read by its title by the Borough Clerk

MOTION: Close public hearing

Roll Call

RESOLUTION:

Ms. Corzo:

12-16-19-01 Adoption and advertising of Ordinance No. 19-09

Roll Call

RESOLUTION:

Mr. Merrill:

12-16-19-02 ORDINANCE NO. 19-11 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER II OF THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, ARTICLE III, ENTITLED "DEPARTMENTS, COMMISSIONS, COMMITTEES, AUTHORITIES AND AGENCIES", MOST NOTABLY SECTION 2-21.6,

ENTITLED "EXTRANEOUS EMPLOYMENT OF OFF-DUTY BOROUGH OF NORTH PLAINFIELD POLICE PERSONNEL."

Be read by its title by the Borough Clerk

Roll Call

RESOLUTION:

Mr. La Ronde:

12-16-19-03 ORDINANCE NO. 19-12 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER III, POLICE REGULATIONS, MOST NOTABLY SECTION 3-5, TITLED "BICYCLE REGULATIONS AND THE BICYCLE SAFETY BOARD"

Be read by its title by the Borough Clerk

Roll Call

CONSENT AGENDA

Statement by Council President

Ms. Schaefer:

12-16-19-04 Approving Consent Agenda

Roll Call

CONSENT AGENDA RESOLUTIONS:

- a. Authorizing Resolution for Grotto Engineering to Provide Professional Design and Construction Engineering Services for Summit Avenue Roadway Improvements
- b. Authorizing Resolution to Accept the Goodwill Retail Store Land Development Project and Release the Cash Guarantee and Escrow Fees
- c. Authorizing Resolution to Accept the Wawa Food Market and Fueling Station Land Development Project and Release the Performance Guarantees and Escrow Fees
- d. Authorizing State Contracts Approved Vendors
- e. Authorizing Issuance of Taxicab Owners Licenses
- f. Authorizing Issuance of Limousine Licenses
- g. Cancelling Unexpended Budget Appropriations
- h. Providing for Transfer of Surplus Funds
- i. Authorizing Tax Collector to create Duplicate Tax Sale Certificates
- j. Governing Body Certification of Annual Audit

- k. Authorizing Treasurer to Refund Real Estate Tax Overpayment – 235 Muriel Avenue
- l. Authorizing Treasurer to Refund Real Estate Tax Overpayment – 211 Muriel Avenue
- m. Approving Consolidated Bill List of December 16, 2019
- n. Resolution Calling for Study Commission to Review the Open Public Records Act
- o. Resolution to Continue Municipal Court Shared Services Agreement with Watchung

COMMUNICATIONS:

NJ State League of Municipalities Trenton, NJ	Newsletters & Advisories
County of Somerset, Somerville	Newsletters & General Correspondence
Plainfield Area Humane Society Plainfield, NJ	Invoice and Report
Somerset County Business Partnership Somerville, NJ	Newsletters
Capehart Scatchard, Esqs. Mount Laurel	Fall Newsletter
Nick Ciampa, North Plainfield	Fleetwood Museum Scholarship
Frank N. D’Amore Sr., North Plainfield	Obelisk Street Markers
Sustainable Raritan River, New Brunswick	Newsletter Update
NJ American Water, Voorhees, NJ	News Drop
PSE&G, Newark	Webinar Programs
NJ Dept. of Transportation, Trenton	Grant monies for North Plainfield
Tina Totten, North Plainfield	Green Brook Flood Control meeting
Christina Ariemma Garwood Municipal Clerk	OPRA/OPMA Resolution
NJ Highlands Coalition, Boonton	End Plastic Pollution
Bill Baker, Information Station Specialists Zeeland, Michigan	The Source Newsletter

PUBLIC COMMENT

General public comments shall be limited to five minutes for each individual.
(Rule 29 of the Borough Council’s Rules of Order)

REQUESTS FOR AGENDA ITEMS

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL

ADJOURNMENT

CONSENT AGENDA

December 16, 2019

RESOLUTION NOS. 12-16-19-04 a through o

RESOLUTION NO. 12-16-19-04

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

BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

12-16-19-04 a, b, c, d, e, f, g, h, i, j, k, l, m, n, o

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

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

RESOLUTION NO. 12-16-19-04a

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

**RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND
BOROUGH CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT
WITH GROTTO ENGINEERING ASSOCIATES, LLC FOR THE SUMMIT AVENUE
IMPROVEMENTS – NJDOT 2020 FOR THE BOROUGH OF NORTH PLAINFIELD.**

WHEREAS, the Borough of North Plainfield is in need of professional engineering services to provide the design documents and services relative to bid support and construction observation and administration for the project known as the Summit Avenue Improvements – NJDOT 2020 (hereinafter referred to as the “Project”); and,

WHEREAS, Grotto Engineering Associates, LLC, with a principal place of business located at 340 North Avenue, Cranford, New Jersey 07016, is in the business of providing professional engineering services and previously submitted a proposal for the Project for the Borough of North Plainfield, Somerset County, New Jersey, dated December 2, 2019, as follows:

Item 1: Bid Design Documents at a fixed fee of Thirty-Five Thousand Five Hundred Dollars (\$35,500.00); and,

Item 2: Bid Support, Contract Administration and Contract Administration and Testing at an hourly rate in an amount not to exceed of Thirty-Six Thousand Dollars (\$36,000.00).

All of these fees are contemplated and set forth in the afore-referenced proposal, a copy of said proposal being maintained in the Office of the Borough Clerk and the contents of which are incorporated herein; and,

WHEREAS, the Borough of North Plainfield is desirous of obtaining the services of Grotto Engineering Associates, LLC to perform all of those services contemplated in the afore-referenced proposal.

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 award said contract to Grotto Engineering Associates, LLC, 340 North Avenue, Cranford, New Jersey 07016 in an amount set forth above and authorizes the Mayor and the Borough Clerk to sign and/or execute a Professional Services Agreement with Grotto Engineering Associates, LLC, without the need for any further action of this Borough Council, as to the proposal of December 2, 2019.

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.

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: December 16, 2019
Adopted: December 16, 2019

CERTIFICATION

I, Richard, K. Phoenix, 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 December 16, 2019.

Richard K. Phoenix, R.M.C.
Borough Clerk, Borough of North Plainfield

Date signed: _____

RESOLUTION NO. 12-16-19-04b

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

**RESOLUTION OF THE BOROUGH COUNCIL ACCEPTING CERTAIN
IMPROVEMENTS AND AUTHORIZING THE RELEASE OF A CASH
GUARANTEE AND ENGINEERING ESCROW POSTED BY THE DEVELOPER
OF BLOCK 158, LOT 1, 955 RT. 22 WEST, C/O GELMORE MANAGEMENT,
DOING BUSINESS AS GOODWILL RETAIL STORE.**

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Borough of North Plainfield to accept certain improvements and to release performance guarantees, bonds and/or escrow posted by developers when said improvements have been certified as complete by the Borough Engineer; and,

WHEREAS, 955 Rt. 22 West, C/O Gelmore Management, the developer of the Goodwill Retail Store (hereinafter referred to as the “Developer”), with a main business address of 25 Enterprise Avenue, Secaucus, New Jersey 07094, has deposited with the Borough of North Plainfield a cash guarantee and engineering escrow, which were to guarantee the completion of certain improvements on the premises located at 955 U.S. Route 22 West, North Plainfield, New Jersey 07060, also known as Block 158, Lot 1, as show on the Tax Map of the Borough of North Plainfield; and,

WHEREAS, David J. Testa, P.E., C.M.E., C.P.W.M. of Grotto Engineering Associates, LLC, representing the Borough, has advised the Borough’s Business Administrator, by letter dated December 4, 2019, a copy of which is on file in the Office of the Borough Clerk and made a part of this Resolution hereof, that the improvements have been completed and that the Borough Engineer recommends the acceptance of same and the release of the aforementioned guarantee and escrow; and,

WHEREAS, any remaining escrow fees shall not be released until such time that all outstanding professional invoices have been satisfied.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the improvements referred to above are hereby accepted as per the aforesaid correspondence of David J. Testa, P.E., C.M.E., C.P.W.M. and the full release of the cash guarantee and engineering escrow for 995 Rt. 22 West, C/O Gelmore Management are hereby released, canceled and/or discharged, subject to the provisions herein and the Testa letter.

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: December 16, 2019
Adopted: December 16, 2019

CERTIFICATION

I, Richard, K. Phoenix, 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 December 16, 2019.

Richard K. Phoenix, R.M.C.
Borough Clerk, Borough of North Plainfield

Date signed: _____

RESOLUTION NO. 12-16-19-04c

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

**RESOLUTION OF THE BOROUGH COUNCIL ACCEPTING CERTAIN
IMPROVEMENTS AND AUTHORIZING THE RELEASE OF A
PERFORMANCE GUARANTEE, BONDS AND ESCROW POSTED BY THE
DEVELOPER OF BLOCK 157, LOTS 2, 3 AND 4, PLAINFIELD 22
DEVELOPER'S, LLC, DOING BUSINESS AS WAWA FOOD MARKET &
FUELING STATION.**

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Borough of North Plainfield to accept certain improvements and to release performance guarantees, bonds and/or escrow posted by developers when said improvements have been certified as complete by the Borough Engineer; and,

WHEREAS, Plainfield 22 Developers, LLC, the developer of the Wawa Food Market & Fueling Station (hereinafter referred to as the "Developer"), with a main business address of 855 U.S. Route 22 West, North Plainfield, New Jersey 07060, has deposited with the Borough of North Plainfield a performance guarantee, bonds and escrow, which were to guarantee the completion of certain improvements on the premises located at 855 U.S. Route 22 West, North Plainfield, New Jersey 07060, also known as Block 157, Lots 2, 3 and 4, as shown on the Tax Map of the Borough of North Plainfield; and,

WHEREAS, David J. Testa, P.E., C.M.E., C.P.W.M. of Grotto Engineering Associates, LLC, representing the Borough, has advised the Borough's Business Administrator, by letter dated December 4, 2019, a copy of which is on file in the Office of the Borough Clerk and made a part of this Resolution hereof, that the improvements have been completed and that the Borough Engineer recommends the acceptance of same and the release of the aforementioned performance guarantee, bonds and escrow; and,

WHEREAS, any remaining escrow fees shall not be released until such time that the Developer submits a one (1) year Landscaping Maintenance Guarantee in the amount of Five Thousand Dollars (\$5,000.00) and all outstanding professional invoices have been satisfied.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the improvements referred to above are hereby accepted as per the aforesaid correspondence of David J. Testa, P.E., C.M.E., C.P.W.M. and the full release of the performance

guarantee, bonds and escrow for Plainfield 22 Developers, LLC are hereby released, canceled and/or discharged, subject to the conditions set forth herein and the Testa letter.

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: December 16, 2019
Adopted: December 16, 2019

CERTIFICATION

I, Richard, K. Phoenix, 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 December 16, 2019.

Richard K. Phoenix, R.M.C.
Borough Clerk, Borough of North Plainfield

Date signed: _____

RESOLUTION NO. 12-16-19-04d

**RESOLUTION AUTHORIZING CONTRACTS APPROVED STATE CONTRACT VENDORS
FOR CONTRACTING UNITS PURSUANT TO N.J.S.A 40A:11-12a**

WHEREAS, the Borough of North Plainfield, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any state contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of North Plainfield has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough of North Plainfield intends to enter into contracts with the attached referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of North Plainfield pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Borough of North Plainfield and the referenced State Contract Vendors shall be for the 2018 Year, and:

<u>A/C #</u>	<u>Name</u>		
88273	AK Equipment	69944	Highpoint Furniture
74018	Absolute Fire	83930	Home Depot
80963	Air & Gas Technologies	82693	Horizon Blue Cross & Blue Shield
65808	Air Purifiers, Inc.	63522	Innovation Doc Imaging, LLC
69942	All Steel Inc.	87466	John Deere Landscapes
68766	Allied Oil, Co.	74012	Kaldoz
61419	American Tire Service	69923	KML Technology, Inc.
71048	Approved Fire Protection	69531	Kova Corp.
83331	Atlantic Salt	67875	Lanigan Assoc. Inc.
73991	Atlantic Tactical	67872	Lawman Supply Co.
A79161	Beyer Bros	85850	Lawson Products
01785	Bodyworks by Tiffany	62423	Lifesavers
63767	Boises Bus Interiors	70142	Mayline Furniture
85017	Broadview Network	77814	Messercola Excavating
81413	BSN Sports	81520	Morpho Trak
71054	Cairns	T0213	Morton Salt Inc.
T2085	Cambria Truck Center	53804	Motorola
78848	Celebrity Fleet Operations LLC	83909	Motorola Solutions
68645	Cintas Fire Protection	69830	Office Business Systems
80977	CMF Business	42285	Office Solutions
27171	Computer Systems Method	47705	Pitney Bowes
71056	Continental Fire & Safety	82709	Ricoh Americas Corporation
70137	Dell Marketing, LP (70256)	80866	Rutgers the State University
81301	Draeger Safety Inc.	81408	Safety Down Under Inc.

67873	Eagle Point Gun/TJ Morris-Son	68461	Sagem Morphotrak
81338	East Coast Emergency Lighting	71063	Scott
72300	Elite Tree Service	64040	Sharpe Electronic Corp.
84698	Emerald City Auto Spa	82236	Sherwin Williams
75248	Ergo Space Design Inc.	82226	Siperstein's
67899	ESI Equipment	71057	Stanfield
81357	Firefighter One	76921	Storr Tractor Company
81397	Finch Fuel Oil Co. Inc.	A75551	T Slack Environmental Services
T0106	Flemington Department Store	85193	Traffic Safety Services
15/16-08	Foley Incorporated	67765	Trico Equipment
70462	Ford Motor Credit	76669	Turnout Fire & Safety
73032	Garden State Highway	82583	Verizon Wireless
71062	Gen-el Safety & Ind.	69933	WB Mason Co, Inc.
71048	Globe Manufacturing	71642	WE Timmerman Co.
73783	Hertrich Fleet Services	73902	Weldon Asphalt
70262	Hewlett Packard		

BE IT FURTHER RESOLVED, that the referenced State Contract Vendors are projected to exceed the bid threshold for the 2018 Year:

68766	Allied Oil, Co.	70462	Ford Motor Credit
73032	Garden State Highway	77814	Messercola Excavating

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

RESOLUTION NO. 12-16-19-04e

**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 taxicabs to the following for two years in accordance with the applications heretofore submitted:

Jacqueline D. Paredes, t/a
Xpress Taxi Cab LLC
1100 US Highway 22
North Plainfield, NJ 07060

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

RESOLUTION NO. 12-16-19-04f

**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:

Kathleen Zavocki, t/a
Making Miles Better LLC
91 Farragut Place
North Plainfield, NJ 07060

Amir Riaz, t/a
Amir Riaz LLC
530 Warfield Road
North Plainfield, NJ 07060

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

RESOLUTION NO. 12-16-19-04g

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

CANCEL UNEXPENDED BUDGET APPROPRIATION BALANCES

WHEREAS, certain unexpended budget appropriation balances have been reviewed and can be cancelled, and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to surplus.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, that the following unexpended balances appropriations be cancelled:

<u>Sewer Utility</u>		
<u>Acc Number</u>	<u>Title/Description</u>	<u>Amount Cancelled</u>
55-501-101	Sewer-Salaries and Wages	\$ 50,000.00
55-501-299	Sewer-OE	150,000.00
55-502-299	PARSA	<u>50,000.00</u>
	Totals	\$250,000.00

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

RESOLUTION NO. 12-16-19-04h

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

PROVIDING FOR THE TRANSFER OF SURPLUS FUNDS

WHEREAS, N.J.S. 40A:4-58 provides for the transfer of surplus funds from one account to the other during the last two months of the calendar year:

NOW, THEREFORE, BE IT RESOLVED By the Council of the Borough of North Plainfield that transfers be made in the Borough's 2019 budget appropriations in accordance with the following schedule:

BE IT FURTHER RESOLVED that this Resolution shall take effect upon adoption.

<u>A/C #</u>	<u>NAME</u>	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>			
31-160-200	Gasoline	\$ 40,000.00	
31-430-200	Utilities-Electric		\$25,000.00
31-440-200	Telephone		15,000.00
25-265-100	Fire S&W	2,000.00	
26-315-222	Vehicle Repair-Fire		2,000.00
Totals		<u>\$42,000.00</u>	<u>\$42,000.00</u>

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

RESOLUTION NO. 12-16-19-04i

**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 Tax Collector is hereby authorized and directed to create duplicate tax sale certificate(s) as follows:

Block 87 Lot 2	54 Pearl Street	# 13-00139 issued 12/04/13 #15-00104 issued 10/29/15
Block 45 Lot 29	47 Brook Ave.	#11-00046 issued 09/20/11
Block 203.02 Lot 15	561 Warfield Rd.	# 11-00205 issued 09/20/11

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

RESOLUTION NO. 12-16-19-04j

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

**GOVERNING BODY CERTIFICATION OF
THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations," and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of North Plainfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON 16 December 2019

Richard K. Phoenix, RMC
Borough Clerk

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT

Group Affidavit Form

No photo copies of signatures

State of New Jersey
County of Somerset

We, members of the governing body of the Borough of North Plainfield in the County of Somerset being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Borough Council of the Borough of North Plainfield in the County of Somerset.
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2018;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Sworn to and subscribed before me this
_____ day of _____

Notary Public of State of New Jersey

Richard K. Phoenix, RMC
Borough Clerk

Reason for absence of signature of any governing body member:

(Certificate must be sent to Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, NJ 08625)

RESOLUTION NO. 12-16-19-04k

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

WHEREAS, Investment Title LLC inadvertently paid \$ 2,090.33 that was not due on the tax bill for 235 Muriel Avenue (Block 11, Lot 7), and has requested refund of that payment.

BE IT RESOLVED, by the Council of the Borough of North Plainfield, that the Tax Collector is authorized to make the following refund:

Refund Real Estate Duplicate Tax Payment:

Investment Title LLC	\$ 2,090.33
222 Ridgedale Ave, Suite 302	
Cedar Knolls, NJ 07927	

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

RESOLUTION NO. 12-16-19-04/

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

WHEREAS, Attorney Lyte for James DiPaolo, (Block24/Lot13), 211 Muriel Avenue inadvertently paid \$ 2,332.42 that was not due on the tax bill, and has requested refund of that payment.

BE IT RESOLVED, by the Council of the Borough of North Plainfield, that the Tax Collector is authorized to make the following refund:

Refund Real Estate Duplicate Tax Payment:

James DiPaolo	\$ 2,332.42
14 Forty Oaks Road	
Whitehouse Station, NJ 08889	

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

RESOLUTION NO. 12-16-19-04m

**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 16th day of December, 2019 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: December 16, 2019

Adopted: December 16, 2019

RESOLUTION NO. 12-16-19-04n

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

***Resolution Calling for Study Commission to Review the
Open Public Records Act***

WHEREAS, the Borough of North Plainfield strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002, then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years, OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Borough of North Plainfield has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is an unfunded state mandate accompanied by the costs associated with reviewing, retrieving and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Borough of North Plainfield received and responded to 229 (Two Hundred Twenty-Nine) OPRA requests in 2017, 196 (One Hundred Ninety-Six) OPRA requests in 2018, and has received and responded to 287 (Two Hundred Eighty-Seven) OPRA requests received to date as of December 13, 2019; and,

WHEREAS, the Borough of North Plainfield municipal staff has spent approximately 250 (Two Hundred Fifty) hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 220 (Two Hundred Twenty) hours since 2017; and

WHEREAS, due to the often conflicting case law and Government Records Council decisions, as well as the unique characteristics of OPRA requests, the Borough of North Plainfield must oftentimes rely on the municipal attorney to review certain OPRA requests, resulting in

additional fees of approximately \$2,748.00 (Twenty-Seven Hundred Forty-Eight dollars) in response to OPRA requests in 2017, approximately \$2,352.00 (Twenty-Three Hundred Fifty-Two dollars) in response to OPRA requests in 2018, and approximately \$3,480.00 (Thirty-Four Hundred Eighty dollars) in response to OPRA requests in 2019; and

WHEREAS, the North Plainfield Borough Clerk's Office and associated offices have expended excessive hours in the OPRA process when researching requests for materials reaching back over 130 (one hundred and thirty) years with selected reports including audio and video transferred to compact disc, the only allowable fees charged being the 13 cent software fee for the CD; and

WHEREAS, with limited exceptions, OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of North Plainfield appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FINALLY RESOLVED, that copies of this resolution be forwarded to Hon. Linda Carter, Hon. James J. Kennedy, Hon. Nicholas P. Scutari, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks' Association of New Jersey and New Jersey State League of Municipalities.

Council President

Council Member

Introduced: December 16, 2019

Adopted: December 16, 2019

By my hand, certified to be a true and complete copy of the Resolution adopted by the Council of the Borough of North Plainfield at its Regular Meeting of 16 December 2019.

Richard K. Phoenix, RMC
Borough Clerk

RESOLUTION NO. 12-16-19-04o

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

**RESOLUTION TO CONTINUE
MUNICIPAL COURT SHARED SERVICES AGREEMENT
WITH WATCHUNG**

*Text of this Resolution Pending from the
Office of the Borough Attorney*

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: December 16, 2019
Adopted: December 16, 2019