

BOROUGH OF NORTH PLAINFIELD

AGENDA

REGULAR COUNCIL MEETING

Virtual Meeting (via Zoom)

MONDAY, SEPTEMBER 13, 2021

(following 7:30 p.m. Agenda Conference)

ROLL CALL:

Council Members:

- Aimee Corzo
- Suzette Given
- Steven McIntyre
- Everett Merrill
- Keiona R. Miller
- Wendy Schaefer
- Frank "Skip" Stabile

NOTICE: Pursuant to the Executive Order of New Jersey Governor Murphy requiring social distancing due to Covid-19, this meeting excludes public attendance. The entire meeting proceedings, including opportunity for public comment will be made available live, in real time via the "Zoom" system. Join Zoom Meeting via the following Link:

<https://us02web.zoom.us/j/84474659762?pwd=dHl1RW9xZE1lOU9EU29KblE2L3FIZz09>

Meeting ID: 844 7465 9762

Passcode: 291865

One tap mobile

+19292056099,,84474659762#,,,,*291865# US (New York)

APPROVAL OF COUNCIL MEETING MINUTES:

Agenda Conference and Regular Meeting of August 16, 2021

Roll Call

HEARING: ORDINANCE NO. 21-12 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 20 OF THE NORTH PLAINFIELD BOROUGH CODE, ENTITLED, "FLOOD PREVENTION" BY DELETING SAME IN ITS ENTIRETY AND TO AMEND, REVISE AND SUPPLEMENT CHAPTER 22 OF THE NORTH PLAINFIELD BOROUGH CODE, ENTITLED, "LAND DEVELOPMENT," § 22-114, ENTITLED "FLOOD PLAIN ZONE," MOST BY DELETING EXISTING § 22-114 IN ITS ENTIRETY AND ADOPTING A NEW § 22-114 ENTITLED "FLOODPLAIN MANAGEMENT REGULATIONS."

Be read by its title by the Borough Clerk

MOTION: Close public hearing Roll Call

RESOLUTIONS:

Ms. Miller:

09-13-21-01 Adoption and advertising of Ordinance No. 21-12 Roll Call

RESOLUTIONS:

Ms. Given:

09-13-21-02 ORDINANCE NO. 21-08 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 10 OF THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, ENTITLED “BUILDING AND HOUSING,” TO ADD A NEW SUBSECTION ENTITLED “SHORT-TERM RENTALS”

Be read by its title by the Borough Clerk Roll Call

CONSENT AGENDA

Statement by Council President

RESOLUTION:

Mr. McIntyre:

09-13-21-03 Approving Consent Agenda Roll Call

CONSENT AGENDA RESOLUTIONS:

- a. Resolution Authorizing Tax Collector to Refund Taxes – 38 Race Street
- b. Resolution Authorizing Refund of Real Estate Over Tax Payment – 426 Oakridge Avenue
- c. Resolution Authorizing Off-Premises Raffle at Church of the Holy Cross
- d. Resolution Requesting Approval of Insertion of \$7,342.38 for the 2021 Budget Revenue Available from the Municipal Alliance Grant
- e. Resolution Authorizing a Special Emergency Appropriation in an Amount not to Exceed \$800,000 to Fund Extraordinary Expenses Incurred by Damages Resulting from Tropical Storm Ida
- f. Resolution Authorizing the Issuance of \$800,000 Special Emergency Notes Pursuant to N.J.S.A. 40A:4-55 to Finance Special Emergency Appropriations Pursuant to N.J.S.A. 40A:4-54 to Fund Extraordinary Expenses Incurred by Damages Resulting from Tropical Storm Ida
- g. Consolidated Bill List of September 13, 2021

COMMUNICATIONS:

NJ State League of Municipalities Trenton, NJ	Newsletters & Advisories
County of Somerset, Somerville, NJ	Newsletters & Communications
Plainfield Area Humane Society Plainfield, NJ	Report and Invoicing
Plainfield Area Regional Sewerage Authority Middlesex, NJ	Minutes and Agenda
Sustainable Jersey, New Brunswick	Newsletter
Somerset County Business Partnership Somerville	Newsletters – Relief from Ida
Somerset County Election Board Somerville	Primary Election Invoicing
Hon. Edith Gil, RMC, Borough Clerk Watchung	Vote By Mail/Early Voting
General Code, Rochester, NY	Amending Borough
NJ Dept. of Environmental Protection Trenton	Land Development Code
Public Service Electric & Gas, Newark	Status of Electronic Code
Capehart Scatchard, P.A. Mount Laurel	Newsletters –
Frank N. D’Amore Sr., North Plainfield	Ida Debris Cleanup
	Rate Hearings
	NJ Public Entity Law Monthly
	Property Maintenance Inquiry

REQUESTS FOR AGENDA ITEMS

PUBLIC COMMENT

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

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS

ADJOURNMENT

CONSENT AGENDA

September 13, 2021

RESOLUTION NOS. 09-13-21-03 a through g

RESOLUTION NO. 09-13-21-03

**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

09-13-21-03 a, b, c, d, e, f, g

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

Council President

Council Member

Introduced: September 13, 2021
Adopted: September 13, 2021

RESOLUTION NO. 09-13-21-03a

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

**A RESOLUTION AUTHORIZING THE TAX COLLECTOR
TO REFUND TAXES**

WHEREAS, the owner of 38 Race Street also known as Block 83 Lot 11 was deemed as a 100 % Disabled Veteran and is now exempt from property taxes per the Assessor and;

WHEREAS, taxes have been paid on the aforementioned parcel for first and second quarters 2021;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of North Plainfield of Somerset County, State of New Jersey, that the Tax Collector is hereby authorized to refund the overpayment on this parcel:

Refund \$ 3129.60

Navy Federal Credit Union
PO Box 3304
Merrifield, Va. 22119-3304

Council President

Council Member

Introduced: September 13, 2021
Adopted: September 13, 2021

RESOLUTION NO. 09-13-21-03b

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

WHEREAS, the Commonwealth Title-Monmouth Agency and Corelogic both paid fourth quarter taxes on Block 203.03 Lot 5, Commonwealth Title has requested refund of that over payment to the homeowner, 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 Over Tax Payment:

Conrada Gonzales \$ 2,046.80
426 Oakridge Avenue
North Plainfield, NJ 07060

Council President

Council Member

Introduced: September 13, 2021
Adopted: September 13, 2021

RESOLUTION NO. 09-13-21-03c

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

WHEREAS, the Church of the Holy Cross, 40 Mercer Avenue, North Plainfield, New Jersey, has applied for a license to conduct an off-premises 50-50 cash raffles on January 2, 2022; and

WHEREAS, the Church of the Holy Cross has been issued Identification No. 352-1-38411 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 a raffle license;

NOW, THEREFORE, BE IT RESOLVED that the Clerk be and is hereby authorized to issue a license to Church of the Holy Cross for an off-premises 50-50 cash raffles to be held on January 2, 2022 at 40 Mercer Avenue, North Plainfield, New Jersey.

Council President

Council Member

Introduced: September 13, 2021
Adopted: September 13, 2021

RESOLUTION NO. 09-13-21-03d

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

**REQUESTING APPROVAL OF INSERTION OF \$7,342.38 FOR THE
2021 BUDGET REVENUE AVAILABLE FROM THE
MUNICIPAL ALLIANCE 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 2021 in the sum of \$7,342.38 which item is now available as a revenue from the Municipal Alliance Grant.

BE IT FURTHER RESOLVED that a like sum of \$7,342.38 be and the same is hereby appropriated under the caption of:

Municipal Alliance Grant

BE IT FURTHER RESOLVED that the matching funds in the amount of \$1,835.60 appears in the 2021 Adopted Municipal Budget under the Municipal Alliance-matching funds line item (Sheet 24)

Council President

Council Member

Introduced: September 13, 2021

Adopted: September 13, 2021

RESOLUTION NO. 09-13-21-03e

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

RESOLUTION OF THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$800,000 TO FUND EXTRAORDINARY EXPENSES INCURRED BY DAMAGES RESULTING FROM TROPICAL STORM IDA

WHEREAS, Tropical Storm Ida caused severe weather conditions and flooding in New Jersey for which Governor Murphy declared a state of emergency pursuant to Executive Order 259; and

WHEREAS, the Borough of North Plainfield, in the County of Somerset, State of New Jersey (the "Borough") suffered severe flooding and damages from Tropical Storm Ida; and

WHEREAS, the Borough Council of the Borough has found it necessary to make a special emergency appropriation of not to exceed \$800,000 to cover the cost of extraordinary expenses for the repair, reconstruction of streets, roads, bridges, or other public property damaged by floods and severe weather conditions caused by Tropical Storm Ida (the "Project"), which extraordinary expenses were not foreseen at the time of the adoption of the Borough's 2021 budget; and

WHEREAS, the Borough Council of the Borough now seeks to make a special emergency appropriation in the amount of \$800,000 for extraordinary expenses in accordance with N.J.S.A. 40A:4-54 to cover the costs of the Project.

NOW THEREFORE, BE IT RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY that in accordance with the provisions of N.J.S.A. 40A:4-54 as follows:

SECTION 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. Pursuant to N.J.S.A. 40A:4-54, the Borough does hereby authorize a special emergency appropriation for extraordinary expenses in the amount of \$800,000, to fund the following:

<u>Description</u>	<u>Amount of Special Emergency Appropriation</u>
--------------------	------------------------------------------------------

(i) Acquisition of vehicles and equipment for the Department of Public Works; \$700,000

<u>Description</u>	<u>Amount of Special Emergency Appropriation</u>
(ii) Acquisition of vehicles and equipment, message signs and speed signs for the Police Department; and	\$ 50,000
(iii) Acquisition of vehicles and equipment for the Fire Department.	<u>\$ 50,000</u>
Total:	<u>\$800,000</u>

SECTION 3. The Chief Financial Officer of the Borough has certified that the special emergency appropriations to be financed through this resolution are related to the aforementioned emergency caused by Tropical Storm Ida.

SECTION 4. The special emergency appropriation shall be provided for by the inclusion of not less than \$160,000 (at least 1/5 of the total amount) in each of the next succeeding annual budgets.

SECTION 5. One (1) certified copy of this resolution shall be filed with the Director.

SECTION 6. This resolution will take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

Council President

Council Member

Introduced: September 13, 2021
Adopted: September 13, 2021

CERTIFICATION

I, RICHARD K. PHOENIX, Clerk of the Borough of North Plainfield, in the County of Somerset, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the annexed resolution entitled,

"RESOLUTION OF THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$800,000 TO FUND EXTRAORDINARY EXPENSES INCURRED BY DAMAGES RESULTING FROM TROPICAL STORM IDA",

is a copy of a resolution which was duly adopted by the Borough Council of the Borough at a meeting duly called and held on September 13, 2021, in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout, and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of the Borough, and is a true, complete and correct copy thereof, and the aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough as of this _____ day of _____, 2021.

(SEAL)

RICHARD K. PHOENIX,
Clerk of the Borough of North Plainfield

**CERTIFICATION OF SPECIAL EMERGENCY APPROPRIATION
OF THE CHIEF FINANCIAL OFFICER**

I, PATRICK J. DEBLASIO, Chief Financial Officer of the Borough of North Plainfield, in the County of Somerset, State of New Jersey (the "Borough"), make the following certification pursuant to the provisions of N.J.S.A. 40A:4-54 through 55. Accordingly, I DO HEREBY CERTIFY to the following:

1. Purpose of Emergency Appropriation - The Borough Council of the Borough of North Plainfield, in the County of Somerset, State New Jersey (the "Borough") has found it necessary to make a special emergency appropriation of not to exceed \$800,000 to cover the cost of extraordinary expenses for the repair, reconstruction of streets, roads, bridges, or other public property damaged by floods and severe weather conditions caused by Tropical Storm Ida (the "Project"), which extraordinary expenses were not foreseen at the time of the adoption of the Borough's 2021 budget, such improvement or purpose shall also include the following, as applicable, engineering, design and site work, preparation of plans and specifications, permits, bid documents, contract administration and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto (the "Obligation") by the Borough. The total cost to the Borough of the Obligation was not a known or foreseen amount at the time of the adoption of the current fiscal year's budget and an adequate provision for such cost was not made in said budget. Due to the fact that no adequate provision was made in the budget for the year ended December 31, 2021 for the aforesaid purpose, N.J.S.A. 40A:4-54 provides for the creation of a special emergency appropriation via the adoption of a resolution for the aforesaid purpose.

2. Contracts – No Contracts have been awarded or purchase orders placed in connection with this special emergency appropriation.

3. Special Emergency Notes Authorized - Resolutions will be considered by the Borough Council of the Borough that will authorize said special emergency appropriation for extraordinary expenses in the amount of \$800,000 and will also authorize the sale and issuance of \$800,000 aggregate principal amount of Special Emergency Notes to temporarily finance the cost of the special emergency appropriation.

IN WITNESS WHEREOF, I have hereunto set my hand as of this ____ day of September, 2021.

PATRICK J. DEBLASIO,
Chief Financial Officer

RESOLUTION NO. 09-13-21-03f

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

RESOLUTION OF THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, AUTHORIZING THE ISSUANCE OF \$800,000 SPECIAL EMERGENCY NOTES PURSUANT TO N.J.S.A. 40A:4-55 TO FINANCE SPECIAL EMERGENCY APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-54 TO FUND EXTRAORDINARY EXPENSES INCURRED BY DAMAGES RESULTING FROM TROPICAL STORM IDA

WHEREAS, Tropical Storm Ida caused severe weather conditions and flooding in New Jersey for which Governor Murphy declared a state of emergency pursuant to Executive Order 259; and

WHEREAS, the Borough of North Plainfield, in the County of Somerset, State of New Jersey (the "Borough") suffered severe flooding and damages from Tropical Storm Ida; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:4-54, on September 13, 2021, the Borough Council of the Borough adopted a resolution authorizing a special emergency appropriation in the amount of \$800,000 to cover the cost of extraordinary expenses for the repair, reconstruction of streets, roads, bridges, or other public property damaged by floods and severe weather conditions caused by Tropical Storm Ida (the "Project"), which extraordinary expenses were not foreseen at the time of the adoption of the Borough's 2021 budget; and

WHEREAS, N.J.S.A. 40A:4-55 allows "special emergency notes" (the "Notes") to be issued to finance the costs of such Project, which payment for such Notes shall be provided for in the succeeding annual budgets of the Borough by the inclusion of an appropriation of at least one-fifth (1/5) of the amount of such Notes; and

WHEREAS, the Borough now seeks to authorize the issuance of Notes in an amount not to exceed \$800,000.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-55, as follows:

SECTION 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. The Borough authorized a special emergency appropriation in an amount equal to \$800,000 in accordance with N.J.S.A. 40A:4-54.

SECTION 3. Special emergency notes (the "Notes") in an amount not to exceed \$800,000 are hereby authorized, pursuant to N.J.S.A. 40A:4-55, to finance such special emergency appropriation.

SECTION 4. Such Notes may be renewed from time to time in accordance with N.J.S.A. 40A:4-55, but shall not be issued for a period to exceed one year. At least 1/5 of all such Notes, and the renewals thereof, shall mature and be paid in each year beginning in 2022 so that all Notes and renewals shall have matured and be paid no later than the last day of the fifth year following the date of this resolution.

SECTION 5. Such Notes shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer of the Borough and the official seal shall be thereunto affixed, imprinted or reproduced thereon and attested by the Clerk of the Borough.

SECTION 6. All Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. It is hereby delegated to the Chief Financial Officer of the Borough the authority to determine all matters in connection with the Notes issued, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is also hereby authorized to sell part or all of the Notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the Notes so sold, the price obtained and the name of the purchaser.

SECTION 7. One (1) certified copy of this resolution shall be filed with the Director.

SECTION 8. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

Council President

Council Member

Introduced: September 13, 2021
Adopted: September 13, 2021

CERTIFICATION

I, RICHARD K. PHOENIX, Clerk of the Borough of North Plainfield, in the County of Somerset, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the annexed resolution entitled,

"RESOLUTION OF THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, AUTHORIZING THE ISSUANCE OF \$800,000 SPECIAL EMERGENCY NOTES PURSUANT TO N.J.S.A. 40A:4-55 TO FINANCE SPECIAL EMERGENCY APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-54 TO FUND EXTRAORDINARY EXPENSES INCURRED BY DAMAGES RESULTING FROM TROPICAL STORM IDA",

is a copy of a resolution which was duly adopted by the Borough Council of the Borough at a meeting duly called and held on September 13, 2021, in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout, and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of the Borough, and is a true, complete and correct copy thereof, and the aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough as of this _____ day of _____, 2021.

(SEAL)

RICHARD K. PHOENIX,
Clerk of the Borough of North Plainfield

RESOLUTION NO. 09-13-21-03g

**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 13th day of September, 2021 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: September 13, 2021
Adopted: September 13, 2021