

MINUTES of the Regular Meeting of the Council of the Borough of North Plainfield held on Monday, **June 12, 2023** at 7:30 p.m. via Zoom.

PRESENT:

Council Members: Aimee Corzo, Council Vice President
Suzette Given
Steven McIntyre
Everett Merrill
Keiona R. Miller
Wendy Schaefer
Frank “Skip” Stabile, Council President (absent – excused)

Also Present: Lawrence La Ronde, Mayor
David E. Hollod, Business Administrator
Phil George, Esq., Associate Borough Attorney
Michele Irby-Garry, CMR, Acting Borough Clerk

Council Vice President Corzo read the following Notice of Compliance:

“This meeting is being held in compliance with N.J.S.A. 10:4-6 et seq. Adequate notice of this meeting was provided by transmitting notice to the official newspapers of the Borough, The Courier News, WKMB Radio, WJLP-TV, the Alternative Press and also to the Star Ledger on December 12, 2022 and by posting a copy of this notice on the bulletin boards in the Municipal Building and the Memorial Library reserved for such purpose.”

The Flag Salute was led by Mr. McIntyre followed by a moment of silence for the men and women serving in the Armed Forces.

APPROVAL OF COUNCIL MEETING MINUTES:

The Council Vice President called for a roll call on the Agenda Conference and Regular Meeting minutes of May 22, 2023:

Aye: Corzo, Given, Merrill, Miller, Schaefer
Abstain: McIntyre

CONSENT AGENDA

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

Mr. McIntyre asked why the property at 413 Tappan Avenue would receive a 100% exemption from property taxes. Mr. Hollod replied that the resident is disabled and entitled to a

refund. Mr. McIntyre asked what do we do now since all bids were rejected for the Rockview Avenue Sanitary Sewer project. Responding to Mr. McIntyre's inquiry, Mr. Hollod advised we would wait a while and maybe change the scope before putting it back out for more bids.

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

RESOLUTION NO. 06-12-23-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

06-12-23-01 a, b, c, d, e, f, g, h

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

Seconded by Ms. Given and on roll call carried all six voting aye.

APPROVED CONSENT AGENDA RESOLUTIONS:

RESOLUTION NO. 06-12-23-01a APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FAIRVIEW AVENUE 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-2024-Fairview Avenue Improvements- NJDOT -00016 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. 06-12-23-01b BE IT RESOLVED by the Council of the Borough of North Plainfield that it does hereby authorize the Mayor and Borough Clerk to execute an Agreement with Garden State Fireworks, Inc., P.O. Box 403, 383 Carlton Road, Millington, NJ 07946-2002 for the public display of fireworks on July 1, 2023 with a rain date of July 2, 2023 for an amount not to exceed \$15,000.00.

RESOLUTION NO. 06-12-23-01c WHEREAS, Corelogic and the homeowner both paid taxes on Block 133 Lot 2, the homeowner, Wnqui Li 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 Over Tax Payment:

Wenqui Li & Hui Wang \$ 5,544.46
3 Westwood Court
Warren, NJ 07059

Re: 95 Mercer Avenue

RESOLUTION NO. 06-12-23-01d A RESOLUTION AUTHORIZING THE TAX COLLECTOR REFUND OVERPAYMENTS

WHEREAS, the property at 413 Tappan Avenue known as Block 170.02 Lot 9 was deemed 100% exempt from property taxes for 2023 per the Assessor and;

WHEREAS, taxes have been levied and paid by Corelogic on this parcel for multiple quarters in 2023;

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 overpayments.

Refund Overpayments to:
John Vazquez \$ 5,713.40
413 Tappan Avenue
North Plainfield, NJ 07060

RESOLUTION NO. 06-12-23-01e RESOLUTION OF THE BOROUGH COUNCIL REJECTING ALL BIDS FOR THE ROCKVIEW AVENUE SANITARY SEWER REPLACEMENT PROJECT.

WHEREAS, the Borough of North Plainfield (hereinafter referred to as the “Borough”) is in need of certain replacement and related road work for the Rockview Avenue Sanitary Sewer Replacement Project (hereinafter referred to as the “Project”); and,

WHEREAS, the Borough solicited bids for the Project, seven (7) interested contractors obtained the bid package and the following three (3) bids were received:

<u>Bidding Entity</u>	<u>Total Base Bid</u>
Grade Construction Company	\$628,540.10
Underground Utilities Corp.	\$651,128.20
PM Construction Corp.	\$720,701.20

WHEREAS, upon review of the two (2) lowest bids by Grade Construction Company and Underground Utilities Corp. by Mott McDonald, the Borough’s Engineer on the Project (the “Engineer”), by letter dated May 24, 2023, a copy of which is on file in the office of the Borough

Clerk, as to mathematical accuracy and administrative completeness, the bids were found to be accurate and complete; and,

WHEREAS, the review of the overall base bid of Grade Construction Company, located at 110 Pennsylvania Avenue, Paterson, New Jersey 07505 in the amount of Six Hundred Twenty Eight Thousand Five Hundred Forty Dollars and Ten Cents (\$628,540.10) was found to be approximately eighty five percent (85%) higher than the Engineer's estimate for the Project of Three Hundred Forty Thousand Two Hundred Ninety Dollars and No Cents (\$340,290.00), with the apparent lowest bid by Grade Construction Company lower than the second (2nd) lowest bid of Underground Utilities Corp. by four percent (4%) and eighty five percent (85%) higher than the Engineer's estimate; and,

WHEREAS, the next lowest bid received from Underground Utilities Corp., 711 Commerce Road, Linden, New Jersey 07036 in the amount of Six Hundred Fifty One Thousand One Hundred Twenty Eight Dollars and Twenty Cents (\$651,128.20) was found to be ninety one (91%) percent over the Engineer's estimate and therefore was not under consideration; and,

WHEREAS, the remaining bid received from PM Construction Corp., of 1310 Central Avenue, Hillside, New Jersey 07205 in the amount of Seven Hundred Twenty Thousand Seven Hundred One Dollars and Twenty Cents (\$720,701.20) was found to be over one hundred eleven (111%) percent over the Engineer's estimate and therefore was not under consideration; and,

WHEREAS, the Engineer noted that while the purposes of the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*, have been met by receiving the bids, all of the bids are significantly higher than normal and must be rejected; and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esquire, and the offices of Eric M. Bernstein & Associates, L.L.C., as well as Mott McDonald, the Borough's Engineer on the Project, have reviewed the bid submissions and recommended rejection of all bids because the lowest bid proposal is approximately eighty five percent (85%) higher than the Engineer's estimate and all bids are significantly higher than normal for such projects:

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 rejects the apparent lowest bid received for the Project of Grade Construction Company of 110 Pennsylvania Avenue, Paterson, New Jersey in the amount of Six Hundred Twenty Eight Thousand Five Hundred Forty Dollars and Ten Cents (\$628,540.10); and,

BE IT FURTHER RESOLVED that the Borough Council hereby rejects the next lowest bid received for the Project from Underground Utilities Corp. of 711 Commerce Road, Linden, New Jersey 07036 in the amount of Six Hundred Fifty One Thousand One Hundred Twenty Eight Dollars and Twenty Cents (\$651,128.20); and,

BE IT FURTHER RESOLVED that the Borough Council hereby rejects the remaining bid received for the Project from PM Construction Corp. of 1310 Central Avenue, Hillside, New Jersey in the amount of Seven Hundred Twenty Thousand Seven Hundred One Dollars and Twenty Cents (\$720,701.20); and,

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Acting Borough Clerk to sign and/or execute all necessary documents to memorialize the rejection of all bids for the Project; and,

BE IT FURTHER RESOLVED that the rejection of such bid shall be consistent with all applicable laws, the Borough's bid documents and the bid proposals for the Project known as certain replacement and related road work for the Rockview Avenue Sanitary Sewer Replacement Project. The Borough shall take all further action permitted under the provisions of the aforementioned Local Public Contracts Law.

RESOLUTION NO. 06-12-23-01f RESOLUTION OF THE BOROUGH COUNCIL SUPPORTING THE APPLICATION OF KINE BUDS NP, L.L.C., FOR CANNABIS CLASS 5 RETAIL SALES AT PREMISES LOCATED AT 579 ROUTE 22 WEST, LOT 59, BLOCK 12 IN THE BOROUGH OF NORTH PLAINFIELD.

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least twenty-one (21) years of age; and,

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (hereinafter referred to as the "Act"), which legalizes the recreational use of marijuana by adults twenty-one (21) years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial recreational adult use cannabis operations, use and possession; and,

WHEREAS, the Borough Council of the Borough of North Plainfield has adopted a new section of the Borough Code of the Borough of North Plainfield, § 22-115.33, entitled "Commercial Recreational Adult Use Cannabis Operations", to amend the Borough of North Plainfield's zoning regulations to permit certain adult recreational cannabis-related uses to be licensed within the geographic boundaries of Borough of North Plainfield, including but not limited to Cannabis Class 5 Retail Sales without limit in the B-3 Business and Commercial Zones; and,

WHEREAS, Kine Buds NP, L.L.C., has submitted an application to be considered for a Cannabis Class 5 Retail Sales license to open a Cannabis Class 5 Retail business in the B-3 Business and Commercial Zone at 579 U.S. Highway 22 West in the Borough of North Plainfield; and,

WHEREAS, the Borough of North Plainfield Zoning Officer has certified that the property located at 579 U.S. Route 22 West, in the Borough of North Plainfield, County of Somerset, State of New Jersey, also known as Block 59, Lot 12 on the official tax maps of the Borough, is located in the B-3 Commercial and Business District, wherein Cannabis Class 5 Retail Sales businesses are a permitted use under North Plainfield Borough Code Section 22-115.33(a-b); and,

WHEREAS, the Borough Council has determined that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed Cannabis Class 5

business because it is located in a commercial and business zone, not a residential zone, and in a commercial building suited to re-purposing in accordance with odor, security and other strict regulations of the Cannabis Regulatory Commission and other State regulatory agencies; and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esquire and the offices of Eric M. Bernstein & Associates, L.L.C., have reviewed the application of Kine Buds NP, L.L.C., and determined that the application conforms to the requirements of the Borough Code regarding Cannabis Class 5 Retail Sales businesses; and,

WHEREAS, the Borough Council has considered the recommendation of the Borough Zoning Officer that the proposed cannabis business to be located at premises 579 Route 22 West, also known on the official Borough tax maps as Block 59, Lot 12, conforms to the B-3 Business and Commercial municipal zoning requirements based on the nature of the Applicant's primary business operations pursuant to *N.J.A.C. 17:30-5.1(f)(1)*, subject to certain condition(s), including, but not limited to:

No curbside retail and/or any other outside sales shall be permitted; and,
No consumption on premises shall be permitted; and,

WHEREAS, the Borough Council of the Borough of North Plainfield wishes to insure that such licensed recreational adult use cannabis operations provide the maximum local opportunity for enterprises to all residents as well as minority and other businesses as provided for in the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act":

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the proposed location of a Cannabis Class 5 Retail Sales business at 579 Route 22 West in the Borough of North Plainfield, County of Somerset, State of New Jersey (Block 59, Lot 12), conforms to municipal zoning requirements allowing for activities related to the operations of the proposed cannabis business to be conducted at the location, that no limit has been established for the same in the B-3 Zone, that no variances appear to be required concerning the operation of a cannabis business, subject to final application for occupation and/or site plan approval under *N.J.A.C. 17:30-5.1(f)*, and that the Borough Council of the Borough of North Plainfield hereby states its support and evidence of municipal preference for a Cannabis Class 5 Retail Sales business at the proposed location by Kine Buds NP, L.L.C.

RESOLUTION NO. 06-12-23-01g WHEREAS, the following applicants have applied for renewal of Plenary Retail Consumption or Plenary Retail Distribution Licenses for the period July 1, 2023 through June 30, 2024 and the submitted application forms are complete in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of North Plainfield that the Acting Borough Clerk is hereby authorized and directed to issue licenses in accordance with the filed applications to the following applicants for the period July 1, 2023 through June 30, 2024:

1814-32-011-012 J & N Wine and Spirits LLC, t/a Buy Rite

	967 US Highway 22 West
1814-33-003-004	El Salvador Inc, t/a Tesoro Salvadoreño Restaurant 64 Somerset Street
1814-33-004-005	Toson Food & Beverages North Plainfield LLC – Pocket License 1250 Route 22 East
1814-33-008-006	Mi Mundo Latino LLC, t/a Mi Mundo Latino 375 Somerset Street
1814-33-007-008	Dombar LLC – International Club and Sports Bar 403 Somerset Street
1814-44-005-009	Clinton Liquors of North Plainfield Inc., t/a Clinton Liquors 64 Watchung Avenue
1814-44-006-007	R&R Spirits Inc., t/a Star Discount Liquors 25 Greenbrook Road
1814-44-012-006	Shivaam LLC, t/a Herb’s Liquor 194 Somerset Street
1814-44-013-013	NB Liquors Inc. 1290 US Highway 22

RESOLUTION NO. 06-12-23-01h 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 12th day of June, 2023 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

REPORTS:

POLICE DEPARTMENT REPORT – April 2023
BOARD OF HEALTH MONTHLY REPORT – May 2023

REQUESTS FOR AGENDA ITEMS: None.

PUBLIC COMMENTS: None.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor La Ronde announced that the Juneteenth celebration would be held Saturday, June 17 from 1:00 p.m. to 5:00 p.m. at the Community Center. The summer concert series begins on Wednesday, June 28 and continues throughout the summer. The Fireworks will be held on Saturday, July 1 and the Fourth of July parade will be held on Tuesday, July 4. He concluded by recognizing June as Pride month.

Mr. McIntyre on Resolution No. 06-12-23-01b the rain date July 12th was a typo on what was passed. So, we re-opened item “b” to vote on corrected rain date July 2. Motion seconded by Ms. Miller and on roll call carried unanimously.

Mr. Merrill reported on his attendance at the final two playoff games for recreation baseball.

Motion to adjourn by Ms. Miller, seconded by Ms. Given and on voice vote carried unanimously.

Meeting adjourned at 7:49 p.m.

Acting Borough Clerk

Council President