

MINUTES of the Regular Meeting of the Council of the Borough of North Plainfield held on Monday, **June 26, 2023** at 7:33 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

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 President Stabile 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 Ms. Miller followed by a moment of silence for the men and women serving in the Armed Forces.

BOROUGH COUNCIL PROCLAMATION: PRIDE MONTH

Council Members Corzo, Given and McIntyre shared in reading the Proclamation as follows:

WHEREAS, the Borough of North Plainfield cherishes the value and dignity of each person and appreciates the importance of equality and freedom; and

WHEREAS, all are welcome in North Plainfield to live, work, and play and every family, in any definition, deserves a place to call home where they are safe, happy and supported by friends and neighbors; and

WHEREAS, Pride Month began in June of 1970 on the one-year anniversary of the Stonewall Uprising in New York City after LGBTQ+ and allied friends rose up and fought against the constant police harassment and discriminatory laws; and

WHEREAS, the Borough of North Plainfield denounces prejudice and unfair discrimination based on age, gender identity, gender expression, race, color, religion, marital status, national origin, sexual orientation or physical attributes; and

WHEREAS, North Plainfield appreciates the cultural, civic, and economic contributions of the lesbian, gay, bisexual, transgender, queer, plus (LGBTQ+) community which strengthens our social welfare; and

WHEREAS, celebrating Pride Month raises awareness and provides support and advocacy for the LGBTQ+ community, and is an opportunity to become educated, engage in dialogue, strengthen alliances and build understanding; and

WHEREAS, it is imperative that young people in our community, regardless of sexual orientation, gender identity and expression, feel valued, safe, empowered and supported by their peers and their community; and

WHEREAS, despite being marginalized, LGBTQ+ people continue to celebrate authenticity, acceptance and love.

NOW, THEREFORE, BE IT PROCLAIMED, that we the Council members of the Borough of North Plainfield do hereby declare June as LGBTQ+ Pride Month and urge residents to recognize the contributions made by members of the LGBTQ+ community and to actively promote the principles of equality, liberty and justice this month and always.

APPROVAL OF COUNCIL MEETING MINUTES:

The Council President called for a roll call on the Regular Meeting minutes of June 12, 2023:

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

Abstain: Stabile

Ms. Schaefer presented the following Resolution (as amended) and moved its adoption:

RESOLUTION NO. 06-26-23-01 BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 23-08 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing July 10, 2023 at 7:30 p.m. or as soon thereafter as the matter can be heard, as the time and the North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey or Zoom as the place for hearing and final adoption.

Seconded by Mr. McIntyre and on roll call carried all seven voting aye.

The Acting Clerk read the ordinance by its title:

ORDINANCE NO. 23-08 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 10 OF THE BOROUGH CODE, ENTITLED “BUILDING AND HOUSING”, MORE SPECIFICALLY § 10-4, ENTITLED “CERTIFICATE OF MUNICIPAL CODE COMPLIANCE”

AND MORE PARTICULARLY BY AMENDING, REVISING AND SUPPLEMENTING § 10-4.5, ENTITLED “FEES”.

Mr. George announced a change to Ordinance No. 23-09, specifically that the re-inspection fee would be increased to \$100.00.

Ms. Given presented the following Resolution (as amended) and moved its adoption:

RESOLUTION NO. 06-26-23-02 BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 23-09 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing July 10, 2023 at 7:30 p.m. or as soon thereafter as the matter can be heard, as the time and the North Plainfield Council Chambers, 263 Somerset Street, North Plainfield, New Jersey or Zoom as the place for hearing and final adoption.

Seconded by Ms. Miller and on roll call carried all seven voting aye.

The Acting Clerk read the ordinance by its title:

ORDINANCE NO. 23-09 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 11 OF THE BOROUGH CODE, ENTITLED “PROPERTY MAINTENANCE”, MORE SPECIFICALLY ARTICLE I, ENTITLED “PROPERTY MAINTENANCE CODE,” AND MORE PARTICULARLY BY AMENDING, REVISING AND SUPPLEMENTING § 11-6.22, ENTITLED “RENTAL CERTIFICATE OF OCCUPANCY”.

CONSENT AGENDA

Council President Stabile 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. Miller presented the following Resolution and moved its adoption:

RESOLUTION NO. 06-26-23-03 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

06-26-23-03 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.

Seconded by Ms. Corzo and on roll call carried all seven voting aye.

APPROVED CONSENT AGENDA RESOLUTIONS:

RESOLUTION NO. 06-26-23-03a RESOLUTION OF THE BOROUGH COUNCIL APPROVING PAYMENT NO. 4 (FINAL) TO TOP LINE CONSTRUCTION CORP., THE CLOSING OUT OF THE CONTRACT AND THE RELEASE OF RETAINAGE FOR THE 2022 CAPITAL ROAD IMPROVEMENTS- VARIOUS ROADS PROJECT

WHEREAS, the Borough of North Plainfield previously awarded a contract for the 2022 Capital Road Improvements – Various Roads Project (hereinafter referred to as the “Project”) to Top Line Construction Corp. (hereinafter referred to as the “Contractor”); and,

WHEREAS, David Testa, P.E., C.M.E., C.P.W.M., of Grotto Engineering Associates, L.L.C., the Borough’s Engineer for the Project, on behalf of the Borough, by letter dated June 16, 2023, a copy of which is on file in the office of the Acting Borough Clerk and made a part hereof, has reviewed the Contractor’s submission for Payment No. 4 (Final); and,

WHEREAS, the original contract price for the Project was Nine Hundred Fifty Seven Thousand Three Hundred and One Dollars and Twenty Nine Cents (\$957,301.29), which has been adjusted by the Final Contract Completed Cost, decreasing the final contract amount to a final Contract Price of Eight Hundred and Twenty Two Thousand Five Hundred Ninety Nine Dollars and Twenty Nine Cents (\$822,599.29); and,

WHEREAS, the Contractor has submitted said Final Payment No. 4, adjusted by the above, to a final Contract Balance due in the total amount of Twenty Thousand Eight Hundred Forty Nine Dollars and Sixty Four Cents (\$20,849.64) plus the release of any and all of the Contractor’s retained funds held by the Borough for the Project; and,

WHEREAS, in accordance with the Contract, the Contractor has submitted a one (1) year Maintenance Bond in the amount of Eighty Two Thousand Two Hundred Fifty Dollars and Ninety Three Cents (\$82,259.93), with an effective date of December 14, 2022; 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 Borough’s Engineer on this Project and the Contractor’s submissions and accept same based on the recommendations of the Borough 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. 4 (Final) and the Closeout of the 2022 Capital Road Improvements – Various Roads Project is approved with Top Line Construction Corp., whose main offices are located at 22 Fifth Street, Somerville, New Jersey 08876, in the total amount of Twenty Thousand Eight Hundred Forty Nine Dollars and Sixty Four Cents (\$20,849.64) 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 the original contract price was Nine Hundred Fifty Seven Thousand Three Hundred and One Dollars and Twenty Nine Cents (\$957,301.29), which has been

adjusted by the Final Contract Completed Cost, decreasing the contract amount to a final Contract Price of Eight Hundred and Twenty Two Thousand Five Hundred Ninety Nine Dollars and Twenty Nine Cents (\$822,599.29), which final contract price is hereby approved; 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 Acting Borough Clerk to sign and/or execute any and all necessary documents to close out the Project and issue Payment No. 4 (Final) and release all retainage.

RESOLUTION NO. 06-26-23-03b RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH CROSSROADS PAVING CO. FOR THE 2023 CAPITAL ROAD IMPROVEMENT PROGRAM FOR VARIOUS ROAD IMPROVEMENTS.

WHEREAS, the Borough of North Plainfield (hereinafter referred to as the “Borough”) is in need of certain road improvements for the 2023 Capital Road Improvements For Various Road Improvements (hereinafter referred to as the “Project”); and,

WHEREAS, the Borough solicited bids for the Project, seven (7) bid packages were purchased and the following six (6) bids were received:

<u>Bidding Entity</u>	<u>Base Bid</u>
Crossroads Paving Co.	\$301,185.50
DLS Contracting	\$310,070.50
Your Way Construction	\$331,512.21
Black Rock Enterprises, L.L.C.	\$338,000.00
Top Line Construction Corp.	\$344,975.99
Reivax	\$365,074.72

WHEREAS, the estimate of Grotto Engineering Associates, L.L.C., the Borough’s Engineer on the Project, was Three Hundred Thirty Nine Thousand Seven Hundred Ninety Two Dollars and Twenty Five Cents (\$339,792.25) for the Project; and,

WHEREAS, the review of the bid of Crossroads Paving Co. was approximately ten percent (10%) under the Engineer’s estimate, indicating that the low bid is favorable and that, upon review, the low bid price is reasonable; 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 Grotto Engineering Associates, L.L.C., the Borough’s Engineer on the Project, have reviewed the bid submissions and recommend the award of the bid and contract for the Project to the lowest responsive and responsible bidder, Crossroads Paving Co., whose main offices are located at 386 South Street, Newark, New Jersey 07105 (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 responsive and responsible 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:	2023 Capital Road Improvements For Various Roads
Successful Bidder:	Crossroads Paving Co.
Base Bid:	In the Amount Not to Exceed Three Hundred One Thousand One Hundred Eighty Five Dollars and Fifty Cents (\$301,185.50)

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Acting Borough Clerk to sign and/or execute a contract and all other necessary documents to engage the construction services of Crossroads Paving Co. 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 Crossroads Paving Co. for the Project known as the 2023 Capital Road Improvement Program For Various Roads.

RESOLUTION NO. 06-26-23-03c 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:

1814-33-010-012	Texas Roadhouse Holdings, LLC. 1258 Route 22
1814-33-001-003	L. Penaloza, LLC.

t/a The Bridge

RESOLUTION NO. 06-26-23-03d A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH PLAINFIELD ACCEPTING A DONATION FROM V.I.P. CYCLE AND SPORTS CENTER FOR THE USAGE OF A VEHICLE FOR UNDERCOVER OPERATIONS IN THE NORTH PLAINFIELD POLICE DEPARTMENT

WHEREAS, the North Plainfield Police Department has an ongoing need for an undercover police vehicle; and,

WHEREAS, the public will learn the make and model of the undercover police vehicle after a period of time, thereby making it less effective; and,

WHEREAS, changing the police undercover vehicle periodically is an ideal solution; and,

WHEREAS, V.I.P. Cycle and Sports Center has donated to local police departments the usage of used vehicles of about \$11,500.00 or less for undercover police use; and,

WHEREAS, V.I.P. Cycle and Sports Center is offering to donate the usage of a vehicle to the Borough of North Plainfield Police Department for undercover usage and change the vehicle periodically.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that:

1. The Borough of North Plainfield agrees to accept the donation of the usage of a vehicle from V.I.P. Cycle and Sports Center specifically for police undercover use;
2. The Borough of North Plainfield agrees to register and insure the vehicle during the time of its use.
3. The Borough of North Plainfield agrees that V.I.P. Cycle and Sports Center and/or the Borough of North Plainfield may end this agreement with forty-eight (48) hours' written notice and the Borough agrees to return the vehicle thereafter.

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

RESOLUTION NO. 06-26-23-03e WHEREAS, applications have been filed pursuant to N.P.R.G.O. 4-10 for licenses to utilize certain lots within the Borough of North Plainfield for the display or storage for sale of motor vehicles; and

WHEREAS, the Council of the Borough of North Plainfield has received certifications from the appropriate Borough officials that the applicants have satisfactorily complied with all applicable laws, ordinances and regulations;

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 applicants listed below for the utilization of certain lots within the Borough for the display or storage for sale of motor vehicles for the period July 1, 2023 through June 30, 2024.

1. Cartopia, LLC
897 Route 22 West
2. GPB Cars 12 LLC, d/b/a North Plainfield Nissan
545 Route 22 West
3. Global Motors Corp., t/a Global Auto Mall
1099-1155 Route 22 West
4. Mike Joseph Masi, t/a M&R Auto Sales
505 Somerset Street
5. VIP Cycle & Sport Center Inc., t/a VIP Honda Inc.
700 Route 22 East
6. VIP Cycle & Sport Center Inc., t/a VIP Honda Inc.
726-750 Route 22 East
7. VIP Cycle & Sport Center Inc., t/a VIP Honda Inc.
767 Route 22 West
8. VIP Cycle & Sport Center Inc., t/a VIP Honda Inc.
16-18 Hudson Avenue

RESOLUTION NO. 06-26-23-03f BE IT RESOLVED by the Council of the Borough of North Plainfield that it does hereby grant permission for the public display of fireworks on July 1, 2023 with a rain date of July 2, 2023; and

BE IT FURTHER RESOLVED that all appropriate permissions, clearances and conventions appertaining to the traditional North Plainfield Community Day to be granted and appropriately applied to the scheduled municipal festivities of Monday, July 1, 2023; and

BE IT FINALLY RESOLVED that any fees regarding these municipally sponsored activities are hereby waived.

RESOLUTION NO. 06-26-23-03g 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 26th 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: None.

REQUESTS FOR AGENDA ITEMS: None.

PUBLIC COMMENTS:

Francine Gargano, 57 Willow Avenue, North Plainfield, questioned the lack of Agenda Conference meetings held recently. She then inquired after the passage of the evening's two ordinances without public hearings, affirming this is a violation of the sunshine ordinance. She called to question the list of communications no longer included on meeting agendas. Mr. Stabile noted that the communications were not typically discussed. He further noted that the evening's ordinances had been discussed at a prior agenda conference meeting. Mr. George assured that the evening's ordinances were introduced in accordance with the law.

Richard Phoenix, 58 Sycamore Avenue, North Plainfield, commented on the evening's ordinances, specifically the corresponding resolutions which erroneously list June 26, 2023 as the date for the public hearing and adoption. The speaker stressed that the two resolutions would need to be amended to include the appropriate date, time and location for the public hearings or the legality of the ordinances could be challenged. Mr. George confirmed that Resolution No. 06-26-23-01 and Resolution No. 06-26-23-02 would both be amended to reflect a public hearing and final adoption date of July 10, 2023 at 7:30 p.m.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor La Ronde announced that the summer concert series set to begin that week would be postponed due to impending weather. The Fireworks and Community Day are scheduled for Saturday, July 1 and the Fourth of July parade for Tuesday, July 4. Addressing Ms. Gargano's comments, the Mayor indicated that discussion of the evening's two new ordinances was held at the May 8, 2023 Agenda Conference.


Mr. Merrill commented on the success of the Summer Camp program, confirming the registration of 143 kids.

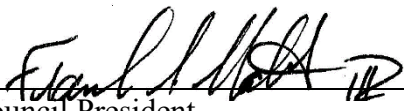
Ms. Given commented on the success of the high school graduation ceremony which was held at the West End School field.

Ms. Corzo re-emphasized the spirit of the Council Pride Month Proclamation, noting that North Plainfield is a beautiful inclusive community.

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

Meeting adjourned at 8:08 p.m.


Acting Borough Clerk



Council President