

DRAFT MINUTES

*These are the Draft Minutes of the Regular Meeting
of the North Plainfield Borough Council held on Monday, 27 March 2017.*

*Every attempt has been made to make these as comprehensive
and conclusive as possible. However, as it is a draft document, it is
not to be construed as a formal depiction of the official conduct of business and is subject to
revision up to and following the Governing Body's actual approval of same. If changes are
necessary, revised minutes will be posted to the website.*

MINUTES of the Regular Meeting of the Council of the Borough of North Plainfield held on Monday, **March 27, 2017** at 8:20 p.m. at the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

PRESENT:

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

Also Present: David E. Hollod, Business Administrator
Phil George, Esq., Associate Borough Attorney
Richard K. Phoenix, RMC, Borough Clerk

The Council President read the following Notice of Compliance:

"This is a Regular Meeting of the Council of the Borough of North Plainfield, scheduled by resolution of the Council adopted on November 28, 2016. Adequate notice of this meeting was given pursuant to *N.J.S.A. 10:4-6 et seq.* by transmitting said notice to the *Courier News*, *The Star-Ledger*, *The Alternative Press* and *WKMB* Radio on November 29, 2016, by publication of the announcement in the *Courier News* on December 1, 2016 and by posting a copy of this notice on the bulletin boards in the Municipal Building and Memorial Library reserved for such purpose."

The Clerk had submitted copies of the minutes of the Agenda Conference and Regular Meeting of March 13, 2017.

Council President La Ronde called for a Roll Call on the minutes of the Agenda Conference and Regular Meeting of March 13, 2017:

Aye: Righetti, Schaefer, Singleterry, Stabile, La Ronde

Abstain: Miller

HEARING:

ORDINANCE NO. 17-05 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE BY AMENDING SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE AS TO CHAPTER 4, "GENERAL LICENSING," MOST NOTABLY AMENDING SECTION 4-6.1, ENTITLED "LICENSE REQUIRED"

The Clerk read the Ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Mr. Stabile, seconded by Mr. Righetti and on Roll Call carried all six voting aye.

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

RESOLUTION NO. 03-27-17-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 17-05 be adopted and advertised as required by statute.

Seconded by Mr. Righetti and on Roll Call carried all six voting aye.

HEARING:

ORDINANCE NO. 17-06 CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

The Clerk read the Ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Ms. Schaefer, seconded by Mr. Stabile and on Roll Call carried all six voting aye.

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

RESOLUTION NO. 03-27-17-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 17-06 be adopted and advertised as required by statute.

Seconded by Mr. Righetti and on Roll Call carried all six voting aye.

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

RESOLUTION NO. 03-27-17-03 BE IT RESOLVED by the Borough Council of North Plainfield that an Ordinance numbered 17-07 be read by its title by the Borough Clerk and be passed on its first reading and advertised as required by statute, fixing April 10, 2017 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 as the place for hearing and final adoption.

Seconded by Mr. Stabile and on Roll Call carried all six voting aye.

The Clerk read the ordinance by its title as follows:

ORDINANCE NO. 17-07 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER IV, ENTITLED "GENERAL LICENSING," ARTICLE 4-1 ENTITLED "TAXICABS"

Mr. Stabile made a motion to table Ordinance No. 17-08.

Motion was seconded by Ms. Schaefer and on Roll Call carried all six voting aye.

The Clerk read the tabled ordinance by its title as follows:

ORDINANCE NO. 17-08 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER IV ENTITLED, "GENERAL LICENSING," ARTICLE 4-1A BY CREATING A NEW ARTICLE ENTITLED, "LIMOUSINES"

Clerk's Note: As the above Ordinance No. 17-08 was ordered tabled by the Governing Body, Resolution No. 03-27-17-04 which would have passed the ordinance on first reading was not moved.

CONSENT AGENDA

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

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

RESOLUTION NO. 03-27-17-05 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

03-27-17-05a, b, c, d, e and f

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

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

APPROVED RESOLUTIONS:

RESOLUTION NO. 03-27-17-05a 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 June 17, 2017; 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 June 17, 2017 at 40 Mercer Avenue, North Plainfield, New Jersey.

RESOLUTION NO. 03-27-17-05b RESOLUTION ESTABLISHING CANVASSING/SOLICITING PERMIT FEES

WHEREAS, the North Plainfield Borough Code Section 4-6.3 provides for the establishment of the canvassing/soliciting permit fees by Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Borough of North Plainfield, County of Somerset, New Jersey, that the following canvassing/soliciting fees are hereby established pursuant to North Plainfield Borough Code Section 4-6.3:

1. Canvassing/soliciting permit valid for no longer than sixty (60) calendar days from date of issuance: \$25.00
2. Canvassing/soliciting permit valid for no longer than one (1) calendar year from date of issuance: \$100.00

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough of North Plainfield, County of Somerset, New Jersey, that the forgoing canvassing/soliciting permit fees shall remain in effect until such time that same are superseded by a subsequent Resolution.

RESOLUTION NO. 03-27-17-05c Resolution Supporting the 2017 UDrive. UText. UPay. Distracted Driving Crackdown April 1 - 21, 2017

Whereas, distracted driving is a serious, life-threatening practice that is preventable; and

Whereas, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

Whereas, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

Whereas, in 2014 alone distracted driving-related crashes resulted in 3,179 deaths and 431,000 injuries on our nation's roads; and

Whereas, in New Jersey distracted driving was listed as a contributing circumstance in more than 800,000 crashes between 2010-2014; and

Whereas, the State of New Jersey will participate in the nationwide Distracted Driving 2017 Crackdown from April 1 - 21, 2017 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

Whereas, the national slogan for the campaign is UDrive. UText. UPay; and

Whereas, a reduction in distracted driving in New Jersey will save lives on our roadways;

Therefore, be is resolved that North Plainfield Borough declares its support for the Distracted Driving 2017 Crackdown both locally and nationally from April 1 - 21, 2017 and pledges to increase awareness of the dangers of distracted driving.

RESOLUTION NO. 03-27-17-05d 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 27th day of March, 2017 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

RESOLUTION NO. 03-27-17-05e RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING VERIZON WIRELESS TO USE UTILITY POLES IN THE PUBLIC RIGHT-OF-WAY TO DEPLOY SMALL NETWORK NODES IN THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless (hereinafter referred to as "Verizon Wireless"), is a provider of commercial mobile data service subject to regulation by the Federal Communications Commission; and,

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way to deploy small network nodes in the Borough of North Plainfield; and,

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, that:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way to deploy no more than five (5) small network nodes in the Borough of North Plainfield, subject to the following:

- a. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and local laws regarding safety requirements related to the use of the public right-of-way;
 - b. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of North Plainfield;
 - c. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of North Plainfield, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy of poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of North Plainfield;
 - d. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000.00 for injury to or death of one or more persons in any one occurrence and \$500,000.00 for damage or destruction to property in any one (1) occurrence. Verizon Wireless shall include the Borough of North Plainfield as an additional insured;
 - e. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its utilities;
 - f. Notwithstanding any provision contained herein, neither the Borough of North Plainfield nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument;
 - g. This instrument shall be adopted on behalf of the Borough of North Plainfield by the Borough Council of the Borough of North Plainfield and attested to by the Borough of North Plainfield Borough Clerk who shall affix the Borough of North Plainfield Seal thereto; and,
 - h. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.
2. If additional small network nodes are required in the Borough of North Plainfield, an additional resolution will be required from this Borough Council.

BE IT FURTHER RESOLVED that this resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of North Plainfield by parties that have the lawful right to maintain such poles to deploy small network nodes.

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

RESOLUTION NO. 03-27-17-05f RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE COUNTY OF SOMERSET FOR A CERTIFIED RECYCLING PROFESSIONAL TO SIGN ANNUAL RECYCLING TONNAGE REPORTS FOR THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield has duly enacted a recycling plan for all recyclable materials as designated by the Somerset County Solid Waste Management Plan and amendments thereto codified in the Borough Code under section 14-7, "Recycling Program" and,

WHEREAS, pursuant to the Recycling Enhancement Act, N.J.S.A. 13:1E-96.2 et seq., the Borough of North Plainfield is in need of a Certified Recycling Professional to approve and sign a mandatory Annual Recycling Tonnage Report to be submitted to the New Jersey Department of Environmental Protection; and,

WHEREAS, the County of Somerset, a body politic having its offices located at 20 Grove Street, P.O. Box 3000, Somerville, New Jersey 08876 (hereinafter referred to as the "County"), has a Certified Recycling Professional on staff; and,

WHEREAS, while it is understood that the responsibility for the accuracy of all tonnage and materials reported lies with the Borough of North Plainfield, the Borough is desirous of retaining the services of the County's Certified Recycling Professional for the signing of said Annual Recycling Tonnage Report to be submitted to the New Jersey Department of Environmental Protection at a rate of Thirty-Three Dollars and Fifty Cents (\$33.50) per hour as needed, not to exceed an annual amount of One Thousand Dollars (\$1,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, that the Borough Council does hereby authorize the Mayor and Borough Clerk to enter into said contract with the County of Somerset, a copy of which is attached hereto and made a part hereof, for the services of the County's Certified Recycling Professional to sign the Borough's Annual Recycling Tonnage Reports at a rate of Thirty-Three Dollars and Fifty Cents (\$33.50) per hour as needed, not to exceed an annual amount of One Thousand Dollars (\$1,000.00).

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute any and all documents on behalf of the Borough to effectuate this Resolution.

BE IT FURTHER RESOLVED that the execution 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 of this contract to Somerset County, pursuant to N.J.S.A. 13:1E-99.14, is an exception to the bidding requirements as set forth in the Local Public Contracts Law of the State of New Jersey, pursuant to N.J.S.A. 40A:11-5(2).

COMMUNICATIONS:

Somerset County Office of Public Information

Various Communications, Advisories and

Somerville, NJ	News Releases
Richard K. Phoenix, RMC – Borough Clerk & Chief Operator, WPQJ970 – 1630-AM Radio	Calendar Updates and Advisories; Time-Sensitive
Tri-County Chamber of Commerce	Radio Scripts
South Plainfield, NJ	Newsletters and Advisories
NJ State League of Municipalities	Newsletters and Advisories
Trenton, NJ	Various Newsletters and Advisories
NJ Dept. of Environmental Protection	Agenda and minutes
Trenton, NJ	The Source Newsletter
Plainfield Area Regional Sewerage Authority	Invitation to Grand Opening Event
Middlesex, NJ	Report and Invoicing
Information Station Specialists	Invitation to Event
Zeeland, Michigan	MS4 Permit
Creative Furniture, North Plainfield	Newsletter
Plainfield Area Humane Society	Feral Feline Information
Plainfield, NJ	No-Knock Sticker Sample & estimate
Tri-County Chamber of Commerce	MCANJ Annual Educational Conference
South Plainfield, NJ	Alterations to T-Mobile monopole
NJ DEP	Application
Trenton	
Verizon NJ, Newark, NJ	
Craig Kruger, North Plainfield, NJ	
Butler Printing, South Plainfield	
Denise Szabo, RMC	
Bernards Twp. Clerk	
ATC Group Services	
Burlington, NJ	
Frank N. D'Amore Sr.	
North Plainfield	

REQUESTS FOR AGENDA ITEMS:

Ms. Schaefer requested a discussion regarding banning the sales of cats and dogs from pet stores. The Council President requested further discussion of the limousine ordinance.

PUBLIC COMMENT:

Frank D'Amore, Sr., 40 Willow Avenue, North Plainfield, encouraged businesses and private citizens to register their surveillance cameras with the police department. Reporting that seven vehicles had been burglarized from March 21 through 25, the speaker reminded residents to always lock their vehicles.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mr. Hollod reported that the Mayor had attended the Be Smart Campaign on March 22 and also the ROTC inspection at the high school. He announced that Clean Communities Day would be held on Saturday, May 6 at 9:00 a.m. at the Vermeule Community Center.

Motion to adjourn by Ms. Miller, seconded by Mr. Stabile and carried unanimously.

Meeting adjourned at 8:34 p.m.

Borough Clerk

Council President