

DRAFT MINUTES

These are the Draft Minutes of the Regular Meeting of the North Plainfield Borough Council held on Monday, 26 June 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, **June 26, 2017** at 8:07 p.m. at the North Plainfield Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey.

Mr. Phoenix read the following notice:

NOTICE: *An Executive Session on the topic of **Attorney/Client Privilege** is scheduled to be called at the close of regular business of this meeting. It is anticipated that recess for the Executive Session may be called approximately fifteen minutes following the convening of the Regular Meeting. Following the Executive Session, formal action may be taken.*

PRESENT:

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

Also Present: Michael Giordano, Jr., Mayor
David E. Hollod, Business Administrator
Eric M. Bernstein, Esq., Borough Attorney
Richard K. Phoenix, RMC, Borough Clerk
Stephanie Sherwood, RMC, CMR, Deputy 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, Regular Meeting, and Executive Session of June 12, 2017.

Council President La Ronde called for a Roll Call on the minutes of the Agenda Conference, Regular Meeting, and Executive Session of June 12, 2017: All in favor.

HEARING:

ORDINANCE NO. 17-11 AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE BY ADDING A SECTION TO THE NORTH PLAINFIELD BOROUGH CODE AS TO CHAPTER 3, "POLICE REGULATIONS," BANNING THE SALE OF DOGS AND CATS

The Clerk read the Ordinance by its title.

PUBLIC COMMENT:

Jonathan DuGrey, Owner, Shake-A-Paw Pet Stores, 14 US Route 22, Green Brook, NJ, said that he had never been cited by the municipal health department, and commented that New Jersey pet stores are required to abide by the laws enforced by local health departments and the NJ Division of Consumer Affairs. Regarding shelter dogs, they are only examined once yearly. He concluded that pet shops are a great American business, and invited all to visit his shop.

Janice Fisher, 58 Morris Avenue, Manasquan, NJ, said that although pet stores often pass their inspections, that they are known to buy from prohibited breeders. Seventy-Two breeder violations, she alleged, were racked up from last year, that the reports would make you cringe, and pet shops should switch to "rescue" animals.

Larry Cohen, 24 McLendon Place, Fanwood, NJ, found it disturbing to hear that people involved with caring for animals were creating class warfare, which was verified by research he had personally done. He decried puppy mills where animals were bred for profit. Missouri, he said, is a hotbed of puppy mills, and a breeder could bury up to 1,000 pounds of dead animals per acre per year. The USDA, he affirmed, has appalling standards, and the Animal Welfare Act suffers from lax regulations.

Elizabeth Dente, 182 Rockview Avenue, advised that she sits on the Borough Office of Emergency Management, and that she had tried to track down information. She offered paperwork indicating that, in the 07060 region, at least 1,363 dogs are available, and the vast majority have local origins. She criticized the on-line lists from Furrylicious and Shake-A-Paw as being misleading, that they were offering dogs originating from puppy mill states and that it only costs \$10.00 to gain USDA recognition.

Jack Morton, Shake-A-Paw, remarked that this was not a legal proceeding, and that lies were being given without recourse. He recalled being in the animal business for 26 years in a variety of roles, and that they could only buy from the best of breeders. He affirmed that he was the stakeholder with a business

located just one mile away, and further explained that the aforementioned 1,000-pound limit also applied to livestock.

Bonita (last name indistinct), 50 Rockview Avenue, North Plainfield, said that she cares for others' dogs, that people had had horrendous experiences with dogs from Shake-A-Paw and that she had seen disgusting things.

Brian Hackett, Director, NJ State Humane Society, advised that his is the largest, most respected agency of its kind in the world, and criticized Mr. Morton's comments. Mr. Hackett reported that 104 similar ordinances to this one had been adopted by municipalities throughout the state of New Jersey without citing a specific business. He concluded that the curtain is closing on pet shops that source their animals from puppy mills.

Joan Rogauskas, 128 Sandford Avenue, North Plainfield, said that she had never bought a pet from a pet store, and had always adopted. She commented on the abundance of stray cats, saying that people need to be encouraged to adopt. Although she admitted to being a "crazy cat lady," she expressed her support of the dog people.

Theresa Vaccaro, 260 Corbett Place, North Plainfield, supported the ordinance.

Kimberly Bowers, 418 Catalpa Avenue, North Plainfield, reported on shutting down many pet stores in Atlantic County, where eight out of ten puppies wound up in shelters.

Maria Castro, 381 Watchung Avenue, North Plainfield, said that she had once gone to Shake-A-Paw and was horrified. A friend had fallen in love with a puppy at the shop. They researched the breeder and determined that the puppy had come from a puppy mill breeder with violations. She concluded that puppy mill dogs develop problems as they age.

Motion to close public hearing by Mr. Merrill, seconded by Mr. Stabile and on voice vote carried all six in favor.

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

RESOLUTION NO. 06-26-17-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 17-11 be adopted and advertised as required by statute.

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

HEARING:

ORDINANCE NO. 17-12 BOND ORDINANCE PROVIDING FOR VARIOUS 2017 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, APPROPRIATING \$2,296,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$223,500) AND AUTHORIZING THE ISSUANCE OF \$1,968,875 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

The Clerk read the Ordinance by its title.

PUBLIC COMMENT: None.

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

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

RESOLUTION NO. 06-26-17-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 17-12 be adopted and advertised as required by statute.

Seconded by Ms. Schaefer and on Roll Call carried all six voting aye.

HEARING:

ORDINANCE NO. 17-13 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE OF THE BOROUGH OF NORTH PLAINFIELD, CHAPTER VI ENTITLED "ALCOHOLIC BEVERAGES," ARTICLE IV ENTITLED "REGULATION OF LICENSES"

The Clerk read the Ordinance by its title.

PUBLIC COMMENT: None.

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

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

RESOLUTION NO. 06-26-17-03 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 17-13 be adopted and advertised as required by statute.

Seconded by Ms. Schaefer and on Roll Call carried all six voting aye.

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. Singleterry presented the following Resolution and moved its adoption:

RESOLUTION NO. 06-26-17-04 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

06-26-17-04a, b, c, d, e, f, g, h, i, j

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

Seconded by Ms. Miller and on Roll Call carried all six voting aye.

APPROVED RESOLUTIONS:

RESOLUTION NO. 06-26-17-04a WHEREAS, the following applicants have applied for renewal of Plenary Retail Consumption or Plenary Retail Distribution Licenses for the period July 1, 2017 through June 30, 2018 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 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, 2017 through June 30, 2018:

1814-32-011-011	J & N Wine and Spirits LLC, t/a Buy Rite 967 US Highway 22 West
1814-33-001-003	L Penaloza LLC, t/a The Bridge 50-54 Watchung Avenue
1814-33-003-004	El Salvador Inc, t/a Tesoro Salvadoreño Restaurant 64 Somerset Street
1814-33-004-004	Toson Food & Beverages North Plainfield LLC 1250 Route 22 East
1814-33-008-006	Mi Mundo Latino LLC, t/a Mi Mundo Latino 375 Somerset Street
1814-33-010-012	Texas Roadhouse Holdings LLC 1258 Route 22 Eastbound
1814-44-005-008	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
1814-44-012-005	Shivaam LLC, t/a Herb's Liquor 194 Somerset Street
1814-44-013-013	NB Liquors Inc. 1290 US Highway 22

RESOLUTION NO. 06-26-17-04b 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 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, 2017 through June 30, 2018.

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

RESOLUTION NO. 06-26-17-04c 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 8, 2017 with a rain date of July 9, 2017; and

BE IT FURTHER RESOLVED that all appropriate permissions, clearances and conventions appertaining to the traditional North Plainfield Independence Day Parade be granted and appropriately applied to the scheduled municipal festivities of Tuesday, July 4, 2017; and

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

RESOLUTION NO. 06-26-17-04d 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 8, 2017 with a rain date of July 9, 2017 for an amount not to exceed \$9,000.00.

RESOLUTION NO. 06-26-17-04e 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 certificates as follows:

Block 131 Lot 4	30 Rockview Terr.	Cert #10-00122	issued 08/25/10
		# 12-00160	issued 10/23/12

Block 161.02 Lot 2	310 Susan Court	Cert# 12-00194	issued 10/23/12
		# 13-00252	issued 12/04/13
		# 15-00184	issued 10/29/15

RESOLUTION NO. 06-26-17-04f WHEREAS, Corelogic Inc., c/o Capital One Bank inadvertently paid fourth quarter taxes on Block 162 Lot 19 and has requested refund of that payment; and

WHEREAS, Elite Title Company had already paid the taxes as they should have;

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 Erroneous Tax Payment:

Capital One	\$2,690.71
P.O. Box 9212	
Coppell, Texas 75019-9228	

RESOLUTION NO. 06-26-17-04g WHEREAS, Lereta, LLC Tax Service for Advisors Mortgage Group inadvertently paid first quarter taxes on Block 75 Lot 24 and has requested refund of that payment and:

WHEREAS Lereta Tax Service had already paid the taxes as they should have;

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 Erroneous Tax Payment:

Advisors Mortgage Group	\$2,691.75
c/o Lereta, LLC Tax Service	
1123 Parkview Drive	
Covina, CA 91724	
Attn: Refund Department	

RESOLUTION NO. 06-26-17-04h REQUESTING APPROVAL OF INSERTION OF \$33,941.96 FOR THE 2017 BUDGET REVENUE AVAILABLE FROM THE CLEAN COMMUNITIES PROGRAM 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 2017 in the sum of \$33,941.96 which item is now available as a revenue from the Clean Communities Program Grant.

BE IT FURTHER RESOLVED that a like sum of \$33,941.96 be and the same is hereby appropriated under the caption of:

Clean Communities Program Grant

RESOLUTION NO. 06-26-17-04i BE IT RESOLVED, by the Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Treasurer is hereby authorized to refund the following:

Refund of Dumpster Permit:

Christine Rosen	\$ 200.00
221 Maple Terrace	
North Plainfield, N.J. 07060	

RESOLUTION NO. 06-26-17-04j 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, 2017 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

HEARING:

RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1814-33-007-008
(DOMBAR LLC, d/b/a INTERNATIONAL CLUB & SPORTS BAR)

The Clerk read the above title.

Mr. Bernstein conducted the hearing, explaining that tonight's hearing had originated from a neighboring business owner's complaint, and opened the floor to comment.

Mr. Stephen A. Caputo, Esq. identified himself as representing DOMBAR LLC, while Mr. Phillip Rosenbach, Esq. advised that he was representing the owners of Somerset Square.

Henry M. Long, 880 Liberty Corner Road, Warren, identified himself as a principle of 815 Corporation, d/b/a Somerset Square.

Mr. Rosenbach stated that they opposed the renewal of DOMBAR's Plenary Retail Consumption License No. 1814-33-007-008, and that the International Club was having a detrimental effect on Somerset Square.

Mr. Long said that he and his father had been co-owners of Somerset Square since 1985. It houses several tenants, the main one being Quick Chek, which is open around the clock. Other tenants keeping night hours until 11:00 p.m. are the Chinese restaurant and La Strada Pizzeria, while others stay open until 10:00 p.m. The pass-through driveway is the only separation between the International Club and Somerset Square. He assured that he had no daytime difficulties with the Club, but that when everyone exits at 2:00 a.m., there are a variety of problems that often continue until 3:00 a.m. Mr. Long acknowledged that he had assembled surveillance videos and delivered them to the Clerk's Office which were shared with the Governing Body and administration. He added that he and his father who is now hospitalized had had some nasty experiences with Club patrons, and that a vehicle on his premises had been damaged.

Mr. Rosenbach shared a letter received from Quick Chek's corporate offices, and Mr. Long interjected that although the letter was pretty passive in nature, problems had peaked in 2014 and 2016. Mr. Long noted lewdness with patrons urinating on the night manager's vehicle and the corner of the Quick Chek itself, and there had been a disagreeable encounter between him and Mr. Dominguez over another matter.

Mr. Bernstein called for the interchange to focus on actions derived from statements appearing in a transcript of the above encounter. He added that actions depicted were neither grounds for renewal nor denial.

Mr. Long commented that much after-hours traffic in his lot revolved around taxis picking up bar patrons, and it wasn't clear from where. Mr. Caputo asked Mr. Long to characterize his tenants (retailers) at Somerset Square. He confirmed that they try to maintain a high level of local tenants and to specifically avoid tenants that would cause trouble. He added that although the Quick Chek is a desirable, responsible tenant, that their 24-hour operation encouraged increased late-night traffic. Mr. Bernstein reminded that the hearing was dedicated to the licensed premises.

Mr. Long explained the 90-minute audio recording he had provided between himself and Mr. Dominguez. It had been made at the laundromat. He characterized the conversation as threatening. Mr. Caputo advised of a police report from the Borough's Officer Dzubella, who had investigated the vandalism of one of Mr. Long's surveillance cameras. The attorney noted that there was no means of identifying people in the parking lot area as being from the International Club or another establishment. Mr. Long commented on bottles being thrown from vehicles operated by International Club patrons.

RECESS:

Mr. Bernstein called for a recess at 9:59 p.m., with the hearing being reconvened at 10:18 p.m., all Council Members again marked present that were present at the initial roll call.

RECONVENE:

Mr. Bernstein obtained reassurance from Mr. Caputo that his client would not seek to close down or prevent the license renewal of the International Club between now and 10 July 2017. The Borough Attorney advised that Mr. Caputo now had at least three witnesses for tonight that might not be available on 10 July. Mr. Bernstein commented that about 18 employees of the International Club were available to testify tonight including eight members of the security staff. Both Messrs. Caputo and Rosenbach agreed that there would be no action until the Council's scheduled July 10th Regular Meeting.

Taisha McCall, Head Bartender, International Club, under questioning from Mr. Rosenbach, said that her patrons were civilized, and that the club's patrons typically feel safe and secure. Patrons that have exited the club, she said, are monitored by security, and watched for possible fights and disagreements which they endeavor to quell.

Yurkas Taranta Peralta, another club employee, affirmed that it is the cleanest bar in the Plainfield/North Plainfield area, and that there were huge fights at other bars in the region. Any altercations at the International Club are handled professionally. If there are any potential disagreements, she said, the patrons are escorted out of the premises.

Steven Jaran, 42 Steiner Place, spoke on his experience as a neighbor, living behind the Somerset Square laundromat for sixteen years. He noted improvements instituted by the club, having endeavored to clean up and secure a vacant lot that had been a nuisance over the years. A security camera had initially been installed too near his teenage daughter's bedroom window. Its coverage had been adjusted on request, and he was satisfied, adding that his three dogs were barking less; but, he added that his property still experiences litter from the Quick Chek.

Replying to Mr. Bernstein, Mr. Jaran confirmed that he has his own security cameras on the front of his house, and that he had helped Somerset County to prosecute crimes.

Mr. Bernstein requested a motion to adjourn the hearing until the Council's scheduled July 10th Regular Meeting.

Mr. Stabile so moved, seconded by Ms. Miller and on voice vote carried unanimously

Mr. Bernstein added that the evening's scheduled executive session would not be held.

COMMUNICATIONS:

Somerset County Office of Public Information
Somerville, NJ
Richard K. Phoenix, RMC – Borough Clerk &
Chief Operator, WPQJ970 – 1630-AM Radio
Tri-County Chamber of Commerce
South Plainfield, NJ
NJ State League of Municipalities
Trenton, NJ

Various Communications, Advisories and
News Releases
Calendar Updates and Advisories; Time-Sensitive
Radio Scripts
Newsletters and Advisories
Newsletters and Advisories

NJ Dept. of Environmental Protection Trenton, NJ	Various Newsletters and Advisories
Highlands Coalition Boonton, NJ	Newsletters
Frank N. D'Amore Sr., North Plainfield NJ Transit, Hoboken, NJ	Property Maintenance Memos Summer Track Repair Advisory
Tina Totten, North Plainfield NJ Local Technology Assistance Program New Brunswick	Green Brook Flood Control Meeting Newsletter(s)
Sustainable Jersey, New Brunswick NJ Healthcare Quality, Trenton, NJ	Conference & Awards Ceremony Mayors' Wellness Campaign
Hon. Leonard Lance, Westfield, NJ Executive Media Group, Washington, DC	Town Hall Meeting Advisory Cuts in Community Development Block Grants
Plainfield Area Regional Sewerage Authority Middlesex, NJ	Meeting Minutes & Agenda
Somerset Co. Sheriff, Somerville, NJ NJ State Dept. of Transportation, Trenton, NJ	Flag Day Festival Municipal Aid for Sandford Ave. Improvement
Capehart Scatchard, P.C. Mount Laurel, NJ	NJ Public Entity Law Monthly
FEMA, Washington, DC Tri-County Chamber of Commerce, South Plainfield	Prepare for Hurricane Season Newsletters
Gerry Montague, Ridewise, Bridgewater NJ American Water, Voorhees, NJ	Safe Routes to School Silver Award Water Quality Report
Det. Eric Fowler, North Plainfield Police Dept. Verizon, Newark, NJ	Invitation to DARE Graduation Newsletter
Ken Wedeen, Somerset Co. Planning Bd. Somerville, NJ	Raritan Valley Rail Coalition Press Release

REQUESTS FOR AGENDA ITEMS: None.

PUBLIC COMMENT:

Frank D'Amore, Sr., 40 Willow Avenue, North Plainfield, questioned how Public Works had been dealing with grass clippings and vegetative waste collections.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

The Mayor described coming events including the "Smooth" concert at Vermeule, the 4th of July Parade and Community Day on July 8th.

He added that July 21st would be North Plainfield Day at the Somerset Patriots, then offered sincere thanks to the NJ Dept. of Transportation and to Ridewise for the Silver Award presented at tonight's meeting.

Ms. Miller wished a wonderful evening to one and all, and Ms. Schaefer expressed her sincere thanks to all that had supported the dog and cat ordinance that had been finally adopted.

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

Meeting adjourned at 10:57 p.m.

Borough Clerk

Council President