

DRAFT MINUTES

*These are the Draft Minutes of the Regular Meeting
of the North Plainfield Borough Council held on Tuesday, 10 October 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 Tuesday, **October 10, 2017** at 8:55 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 (absent – excused)
Frank Righetti
Wendy Schaefer
Douglas M. Singleterry
Frank “Skip” Stabile (absent – excused)
Lawrence La Ronde, Council President

Also Present: 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 Regular Meeting of September 25, 2017.

Council President La Ronde called for a Roll Call on the minutes of the Regular Meeting of September 25, 2017:

Aye: Merrill, Schaefer, La Ronde
Abstain: Righetti, Singleterry

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. 10-10-17-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

10-10-17-01a, 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 Mr. Merrill and on Roll Call carried all five voting aye.

APPROVED RESOLUTIONS:

RESOLUTION NO. 10-10-17-01a 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 35	Lot 4	120 Delacy Ave	Cert. #12-00065	issued 10-23-12
Block 15.03	Lot 32	254 Oneida Place	Cert.#06-00016	issued 06-29-06
			Cert.#08-00024	issued 12-04-08
			Cert.#10-00014	issued 08-25-10

RESOLUTION NO. 10-10-17-01b APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE CLINTON AVENUE ROAD IMPROVEMENT PROJECT

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-2018-Clinton Avenue Road Improvements-00422 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. 10-10-17-01c RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH CCM CONTRACTING, INC. FOR THE 2017 CAPITAL ROAD PROGRAM – VARIOUS STREETS IN THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield is in need of certain capital road improvements within the Borough of North Plainfield (hereinafter referred to as the “Project”); and,

WHEREAS, the Borough of North Plainfield solicited bids for the Project and six (6) bids were received. The following three (3) bids were the lowest bids received:

<u>Bidding Entity</u>	<u>Total Amount</u>
CCM Contracting, Inc.	\$519,476.94
Schifano Construction Corp.	\$536,540.15
Top Line Construction Corp.	\$567,529.59

WHEREAS, the Borough Engineer, David Testa, P.E. and the Director of Law/Borough Attorney Eric M. Bernstein, Esq. and the offices of Eric M. Bernstein & Associates, LLC, have reviewed the bid submissions and recommend the award of the bid and contract for the Project to the lowest responsive and responsible bidder, CCM Contracting, Inc. whose main offices are located at 336 Route 22, Green Brook, New Jersey 08812 (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: 2017 Capital Road Improvements Program – Various Roads

Successful Bidder: CCM Contracting, Inc., 336 Route 22, Green Brook, New Jersey 08812

Total Bid: In the Amount of Five Hundred Nineteen Thousand Four Hundred Seventy-Six Dollars and Ninety-Four Cents (\$519,476.94).

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute the contract and all necessary documents to engage the construction services of CCM Contracting, Inc. 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 CCM Contracting Inc. for the Project known as the 2017 Capital Road Program – Various Streets.

RESOLUTION NO. 10-10-17-01d RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH MESSERCOLA EXCAVATING CO., INC. FOR THE NORTH PLAINFIELD 2017-2018 ON-CALL SERVICES – EMERGENCY REPAIRS FOR THE BOROUGH OF NORTH PLAINFIELD

WHEREAS, the Borough of North Plainfield is in need of a service provider of on-call services and emergency repairs for the 2017-2018 year throughout the Borough (hereinafter referred to as the “Project”); and,

WHEREAS, the Borough of North Plainfield solicited bids for the Project and the following two (2) bids were received:

<u>Bidding Entity</u>	<u>Total Amount of Schedule “A” Hourly Charges</u>
Messercola Excavating Co., Inc.	\$913.00
Reivax Contractors	\$1,009.00

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq. and the offices of Eric M. Bernstein & Associates, LLC, have reviewed the bid submissions and recommend the award of the bid and contract for the Project to the lowest responsible and responsive bidder, Messercola Excavating Co., Inc. whose main offices are located at 545 East Third Street, Plainfield, New Jersey 07060 (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 responsible and responsive bidder for the Project pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

and found to be correct as of this 10th day of October, 2017 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

COMMUNICATIONS:

Somerset County Office of Public Information Somerville, NJ	Various Communications, Advisories and News Releases
Richard K. Phoenix, RMC – Borough Clerk & Chief Operator, WPQJ970 – 1630-AM Radio	Calendar Updates and Advisories; Time-Sensitive Radio Scripts
NJ State League of Municipalities Trenton, NJ	Newsletters and Advisories
NJ Dept. of Environmental Protection Trenton, NJ	Newsletters and Advisories
Highlands Coalition Boonton, NJ	Various Newsletters and Advisories
Capehart Scatchard, P.C. Mount Laurel, NJ	NJ Public Entity Law Monthly
Tri-County Chamber of Commerce, South Plainfield Frank D’Amore Sr., North Plainfield, NJ	Newsletters Property Maintenance Advisory
NJ Local Technical Assistance Program New Brunswick, NJ	Newsletter & Survey
Public Service Electric & Gas, Newark, NJ	Advisory of Public Safety Instructional Sessions
NJ State Treasurer, Trenton, NJ	Municipal Hotel & Motel Tax Distribution

REQUESTS FOR AGENDA ITEMS:

Mr. Singleterry requested follow-up with the Green Brook Park situation.

PUBLIC COMMENT:

Frank D’Amore, Sr., 40 Willow Avenue, suggested that the Green Brook Park area residents meet with the Chief of Police about the traffic and parking violators.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Ms. Schaefer commented that the noise generated at Green Brook Park during the soccer games is significant. Advising that the police department does issue tickets to illegally parked vehicles, she called for the council to look into the matter further.

Mr. Singleterry thanked Dr. McLaughlin and noted that charter schools do encourage improvements within public schools.

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

RESOLUTION NO. 10-10-17-02 BE IT RESOLVED by the Council of the Borough of North Plainfield that prior to the adjournment of this meeting it shall convene in executive session from which the public will be excluded for the purpose of discussion on:

ATTORNEY/CLIENT PRIVILEGE

Exclusion of the public for this purpose is specifically permitted by N.J.S.A. 10:4-6 et seq. The contents of this discussion will not be disclosed until such time as the disclosure of same will not adversely affect the public interest and upon resolution of the Council. Formal action may be taken following end of executive session.

Seconded by Mr. Merrill and on Roll Call carried all five voting aye.

EXECUTIVE SESSION

Motion to come out of Executive Session by Mr. Righetti, seconded by Mr. Merrill and carried unanimously.

Council President La Ronde reconvened the meeting at 9:20 p.m. with all five council members present.

Mr. Bernstein briefly explained that discussions in the Executive Session had concerned qualifications for the issuance of a certain taxi owner license.

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

RESOLUTION NO. 10-10-17-03 BE IT RESOLVED by the Council of the Borough of North Plainfield that, pursuant to N.P.R.G.O. 4-1 et seq., it does hereby authorize the issuance of licenses for the owner/operation of taxicabs to the following for two years in accordance with the applications heretofore submitted:

Fabian P. Soria, t/a
Primo Taxi Cab LLC
1100 U.S. Highway 22
North Plainfield, NJ 07060

Seconded by Mr. Singleterry and on Roll Call all five voted nay.

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

Meeting adjourned at 9:25 p.m.

Borough Clerk

Council President