

CONSENT AGENDA

September 12, 2016

RESOLUTION NOS. 09-12-16-07a through m

RESOLUTION NO. 09-12-16-07

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

09-12-16-07a, b, c, d, e, f, g, h, i, j, k, l and m

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

Council Vice President

Council Member

Introduced: September 12, 2016

Adopted: September 12, 2016

RESOLUTION NO. 09-12-16-07a

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**RESOLUTION TO
APPROVE PERSON-TO-PERSON AND PLACE-TO-PLACE
TRANSFER OF PLENARY RETAIL CONSUMPTION
LICENSE NO. 1814-33-004-003
FROM 164 SOMERSET STREET, LLC TO
TOSON FOOD & BEVERAGES NORTH PLAINFIELD, LLC,
d/b/a AROOGA'S GRILLE HOUSE AND SPORTS BAR
AS A POCKET LICENSE**

WHEREAS, 164 Somerset Street, L.L.C. (hereinafter "Owner") is the present holder of Plenary Retail Consumption License 1814-33-004-003 (hereinafter the "License") situated at premises located at 164 Somerset Street, in the Borough of North Plainfield, County of Somerset and State of New Jersey (hereinafter the "Licensed Premises"); and,

WHEREAS, the Owner has entered into a contract to sell the License to Toson Food & Beverages North Plainfield LLC, a New Jersey limited liability company d/b/a Arooga's Grille House and Sports Bar ("Purchaser"), with its principal place of business located at 1200 Route 22 East, North Plainfield, New Jersey 07060; and,

WHEREAS, the Owner has consented to transfer the License person to person and place to place under Title 33 of the Alcoholic Beverage Control Law; and,

WHEREAS, the Purchaser of the License has submitted and amended its License application for transfer as a person to person and place to place transfer, pocket license, in due and complete form and has caused the due and required notices to be published; and,

WHEREAS, the Purchaser has applied to have the License transferred to it as a "pocket" license; and,

WHEREAS, the location for the activation of the License has not yet been completed and inspected; and,

WHEREAS, the Purchaser has acknowledged that it will be required to apply to the Borough of North Plainfield before activating and operating the License at its physical location that will utilize the License; and,

WHEREAS, the Borough Council of North Plainfield conducted a hearing for the person to person and place to place transfer of the License as a pocket license on September 12, 2016 at its regular meeting of the Borough Council; and,

WHEREAS, the Council having considered the application submitted by the Purchaser and the Borough Police Department reports of investigation in this matter; and,

WHEREAS, upon all due consideration and evaluation of the application, the Borough Council of the Borough of North Plainfield has determined that the Purchaser qualifies for transfer person to person and place to place of the License to it as a pocket license.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of North Plainfield Plenary Retail Consumption License No. 1814-33-004-003 be and is hereby APPROVED FOR TRANSFER to Toson Food & Beverages North Plainfield LLC, a New Jersey limited liability company d/b/a Arooga's Grille House and Sports Bar as a person to person and place to place transfer as a pocket license, upon condition of approval of the transfer by the State of New Jersey, Department of the Treasury, Division of Alcoholic Beverage Control, duly required publication, and presentation of the same to the Borough Clerk.

Council Vice President

Council Member

Introduced: September 12, 2016
Adopted: September 12, 2016

CERTIFICATION

I, Richard K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a regular meeting of the Borough Council held on September 12, 2016.

Richard K. Phoenix, R.M.C.
Borough Clerk, Borough of North Plainfield

Date signed: _____, 2016

RESOLUTION NO. 09-12-16-07b

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

WHEREAS, Garage Sales, Yard Sales and Estate Sales are popular in North Plainfield, as a means of getting to know neighbors while realizing a modest profit for the sellers; and

WHEREAS, the Borough Mayor and Governing Body have heard sincere requests from the citizenry for a town-wide, fee-free weekend garage sale that would accrue to all Borough residences; and

WHEREAS, N.P.R.G.O. 4:11.2(b) calls for a \$10.00 fee to be charged for every garage sale permit issued by the Borough Clerk's Office; due to requests heard from residents throughout North Plainfield, the Borough Council is interested in having the above fee waived for such sales throughout the Borough on Saturday, September 24, 2016 and Sunday, September 25, 2016 for a town-wide public garage sale.

AND, BE IT RESOLVED that this special sale opportunity would not impact residents' three-per-year paid permit allotment while the hours on this special free event would run from 9:00 a.m. until 4:00 p.m. local time on both the Saturday and the Sunday.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that for purposes of allowing a town-wide garage sale on Saturday, September 24, 2016 and Sunday, September 25, 2016, the fee for such a two-day sale per N.P.R.G.O. 4:11.2(b) shall be waived for this event.

Council Vice President

Council Member

Introduced: September 12, 2016

Adopted: September 12, 2016

RESOLUTION NO. 09-12-16-07c

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR
AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH YOUR WAY
CONSTRUCTION, INC. FOR SOMERSET STREET AND PEARL STREET
MUNICIPAL PARKING LOTS FOR THE BOROUGH OF NORTH PLAINFIELD**

WHEREAS, the Borough of North Plainfield is in need of certain construction of the Borough parking lots located on Somerset Street and Pearl Street (hereinafter referred to as the "Project"); and,

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

<u>Bidding Entity</u>	<u>Base Bid</u>	<u>Add Alternate A</u>	<u>Total Amount</u>
Your Way Construction, Inc.	\$172,183.65	\$22,410.00	\$194,593.65
S. Brothers, Inc.	\$212,723.60	\$19,000.00	\$231,723.60

WHEREAS, Grotto Engineering Associates, LLC, the Borough's consulting engineer supervising on this Project, has reviewed the bid submissions and has recommended the award of the bid and contract for the Project to the lowest responsible bidder, Your Way Construction Inc., whose main offices are located at 404 Coit Street, Irvington, New Jersey 07111 (hereinafter referred to as the "Contractor"), for the Base Bid only; and,

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 find no material defect with the bid proposal for the Contractor; 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 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: Somerset Street & Pearl Street Municipal Parking Lot in the Borough of North Plainfield
Successful Bidder: Your Way Construction, Inc.
Total Bid: In the Amount of One Hundred Seventy-Two Thousand One Hundred Eighty-Three Dollars and Sixty-Five Cents (\$172,183.65).
(Base Bid Only)

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 Your Way Construction, 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 Your Way Construction, Inc. for the Project known as Somerset Street and Pearl Street Municipal Parking Lot.

Council Vice President

Council Member

Introduced: September 12, 2016

Adopted: September 12, 2016

CERTIFICATION

I, Richard K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a regular meeting of the Borough Council held on September 12, 2016.

Date:

Richard K. Phoenix, R.M.C.
Borough Clerk, Borough of North Plainfield

RESOLUTION NO. 09-12-16-07d

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

AUTHORIZING AN ELECTRONIC TAX SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services,

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/Real Auction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of North Plainfield wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of North Plainfield, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

Council Vice President

Council Member

Introduced: September 12, 2016
Adopted: September 12, 2016

CERTIFICATION

I, Richard K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a regular meeting of the Borough Council held on September 12, 2016.

Richard K. Phoenix, R.M.C.
Borough Clerk, Borough of North Plainfield

Date signed: _____, 2016

RESOLUTION NO. 09-12-16-07e

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

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 Road Opening Bonds

Crimson Builders, LLC	\$1,500.00
141 Union Ave., Suite #8	
Middlesex, NJ 08846	

Work site: 12-14 Duer Street

Council Vice President

Council Member

Introduced: September 12, 2016
Adopted: September 12, 2016

CERTIFICATION

I, Richard K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a regular meeting of the Borough Council held on September 12, 2016.

Richard K. Phoenix, R.M.C.
Borough Clerk, Borough of North Plainfield

Date signed: _____, 2016

RESOLUTION NO. 09-12-16-07f

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

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 182 Lot 33	645-56 Townsend Place	Cert. #10-00170	Issued 08-25-10
		Cert. #11-00189	Issued 90-20-11
Block 160.01 Lot 36	270 Stahls Way	Cert. #64-98	Issued 10-22-98
		Cert. #99-70	Issued 10-19-99

Council Vice President

Council Member

Introduced: September 12, 2016
Adopted: September 12, 2016

CERTIFICATION

I, Richard K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a regular meeting of the Borough Council held on September 12, 2016.

Richard K. Phoenix, R.M.C.
Borough Clerk, Borough of North Plainfield

Date signed: _____, 2016

RESOLUTION NO. 09-12-16-07g

BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY

RESOLUTION OF THE BOROUGH OF NORTH PLAINFIELD, IN
THE COUNTY OF SOMERSET, STATE OF NEW JERSEY
AUTHORIZING THE CANCELLATION OF PROSPECTIVE
ASSESSMENTS IN THE AMOUNT OF \$68,203.44 AS PREVIOUSLY
ADOPTED

WHEREAS, the Borough of North Plainfield found it necessary to adopt Ordinances to fund Prospective Assessments, and

WHEREAS, there are certain assessments that are over 20 years old and remain unconfirmed, unknown and are recommended by the Chief Finance Officer that they be cancelled.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Borough cancel the \$68,203.44 of the previously adopted prospective assessments as follows:

<u>Ord#</u>	<u>Improvement Description</u>	<u>Amount</u>
757	Improvement of Various Streets	\$25,000.00
83-15	Construction of Concrete Curbs	17,000.00
84-17	Reconstruction of Interhaven Avenue	15,000.00
91-08	Construction of Curbs	2,749.79
93.10	Granite Block Curbing-Brook Avenue	6,373.65
06-08	Granite Block-Rockview Avenue	<u>2,080.00</u>
	Total	\$68,203.44

2. A certified copy of this resolution shall be filed with the Chief Finance Officer.
3. This resolution shall take effect immediately

Council Vice President

Council Member

Introduced: September 12, 2016
Adopted: September 12, 2016

RESOLUTION NO. 09-12-16-07h

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

BE IT RESOLVED by the Council of the Borough of North Plainfield that it does hereby authorize the issuance of a license to drive a taxicab for two years, pursuant to N.P.R.G.O. 4-1 et seq., to the following in accordance with the applications heretofore submitted:

Juan A. Pazmino
16 Howard Street
North Plainfield, NJ 07060

Council Vice President

Council Member

Introduced: September 12, 2016

Adopted: September 12, 2016

RESOLUTION NO. 09-12-16-07i

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

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 limousines/taxicabs to the following for two years in accordance with the applications heretofore submitted:

Silvita M. Nunez, t/a
Gray Taxi Inc.
63 Watchung Avenue
North Plainfield, NJ 07060

Farhat Sultana, t/a
Watchung Limousine LLC
108 Ridge Avenue
North Plainfield, NJ 07060

Council Vice President

Council Member

Introduced: September 12, 2016

Adopted: September 12, 2016

RESOLUTION NO. 09-12-16-07j

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR
AND BOROUGH CLERK TO EXECUTE AN AGREEMENT
WITH KEANE CONSTRUCTION, LLC FOR BOROUGH HALL
CONFERENCE ROOM AND HALLWAY REHABILITATION (2016)
FOR THE BOROUGH OF NORTH PLAINFIELD**

WHEREAS, the Borough of North Plainfield is in need of certain rehabilitation in the Borough Municipal Building, specifically the upstairs conference room and hallway (hereinafter referred to as the "Project"); and,

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

<u>Bidding Entity</u>	<u>TotalAmount</u>
Keane Construction, LLC	\$37,800.00
360 Degree Construction	\$38,665.00
O'Donnell Construction, Inc.	\$42,827.00

WHEREAS, Suburban Consulting Engineers, Inc., the Borough's consulting engineer supervising on this Project, has reviewed the bid submissions and has recommended the award of the bid and contract for the Project to the lowest responsible bidder, Keane Construction, LLC, whose main offices are located at 9 Condit Street, Succasunna, New Jersey 07876 (hereinafter referred to as the "Contractor"); and,

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 find no material defect with the bid proposal for the Contractor; 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 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: Borough of North Plainfield Municipal Building Conference Room and Hallway Renovation (2016)
Successful Bidder: Keane Construction, LLC
Total Bid: In the Amount of Thirty-Seven Thousand Eight Hundred Dollars and Zero Cents (\$37,800.00).

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 Keane Construction, LLC 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 Keane Construction, LLC for the Project known as the Borough of North Plainfield Municipal Building Conference Room and Hallway Renovation (2016).

Council Vice President

Council Member

Introduced: September 12, 2016
Adopted: September 12, 2016

CERTIFICATION

I, Richard K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a regular meeting of the Borough Council held on September 12, 2016.

Date:

Richard K. Phoenix, R.M.C.
Borough Clerk, Borough of North Plainfield

RESOLUTION NO. 09-12-16-07k

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**RESOLUTION OF THE BOROUGH COUNCIL
AUTHORIZING THE MAYOR AND BOROUGH CLERK
TO EXECUTE AN AGREEMENT WITH SOMERSET COUNTY
AUTHORIZING A MUNICIPAL ALLIANCE GRANT AGREEMENT
FOR FISCAL YEAR 2016-2017**

WHEREAS, the County of Somerset has prepared a contract that would provide Fifteen Thousand Four Hundred Fifty-Nine Dollars and Two Cents (\$15,459.02) to the Borough of North Plainfield for municipal alliance activities in the prevention of alcoholism and drug abuse and the Borough would provide a seventy-five percent (75%) match of Eleven Thousand Five Hundred Ninety-Four Dollars and Twenty-Seven Cents (\$11,594.27) in in-kind services and a further twenty-five percent (25%) cash match of Three Thousand Eight Hundred Sixty-Four Dollars and Seventy-Five Cents (\$3,864.75) will be raised by the Municipal Alliance Committee or provided by the Borough and a copy of the proposed agreement is on file in the office of the Borough Clerk.

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 agrees to accept the provisions of this grant and meet those conditions thereof. The Borough Council further authorizes the Mayor and Borough Clerk to execute the original of this agreement and any other documents to effectuate same.

Council Vice President

Council Member

Introduced: September 12, 2016

Adopted: September 12, 2016

CERTIFICATION

I, Richard K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a regular meeting of the Borough Council held on September 12, 2016.

Richard K. Phoenix, R.M.C.

Borough Clerk, Borough of North Plainfield

Date:

RESOLUTION NO. 09-12-16-07I

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR
AND BOROUGH CLERK TO EXECUTE A PROFESSIONAL SERVICES
AGREEMENT WITH BARNICKEL ENGINEERING CORPORATION FOR
PROFESSIONAL ENGINEERING SERVICES FOR THE FIREMAN'S LIVING
AND SLEEPING QUARTERS STUDY AND REPORT OF EXISTING HVAC
SYSTEMS FOR THE BOROUGH OF NORTH PLAINFIELD.**

WHEREAS, the Borough of North Plainfield is in need of a Professional Engineer to provide certain professional engineering services associated with the Study and Report of existing HVAC systems at the fireman's living and sleeping quarters within the Borough of North Plainfield; and,

WHEREAS, Barnickel Engineering Corporation, with a principal place of business located at 860 King George Road, Fords, New Jersey 08863, is in the business of providing such engineering services and previously submitted a proposal for the proposed Study and Report of the existing HVAC system at the fireman's living and sleeping quarters for the Borough of North Plainfield, Somerset County, New Jersey; and,

WHEREAS, the Borough of North Plainfield is desirous of obtaining the services of Barnickel Engineering Corporation to perform all of those services contemplated in the afore-referenced proposal.

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 award said contract in a lump sum amount of Six Thousand Three Hundred (\$6,300.00) Dollars to Barnickel Engineering Corporation, 860 King George Road, Fords, New Jersey 08863 and authorizes the Mayor and the Borough Clerk to sign and/or execute a Professional Services Agreement with Barnickel Engineering Corporation without the need for any further action of this Borough Council.

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.

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.

Council Vice President

Council Member

Introduced: September 12, 2016
Adopted: September 12, 2016

CERTIFICATION

I, Richard, K. Phoenix, Municipal Clerk of the Borough of North Plainfield, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council at a regular meeting of the Borough Council held on September 12, 2016.

Richard K. Phoenix, R.M.C.
Borough Clerk, Borough of North Plainfield

Date signed: _____

RESOLUTION NO. 09-12-16-07m

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

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 September, 2016 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

Council Vice President

Council Member

Introduced: September 12, 2016

Adopted: September 12, 2016