MINUTES of the Regular Meeting of the Council of the Borough of North Plainfield held on Monday, **March 27**, **2023** at 10:10 p.m. via Zoom.

PRESENT:

Council Members: Aimee Corzo, Council Vice President

Suezette 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 Brian Hak, 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 Council President also announced that the governing body would convene in Executive Session at the conclusion of the Regular Meeting agenda for purposes of Attorney/Client Privilege and discussions on affordable housing.

APPROVAL OF COUNCIL MEETING MINUTES:

The Acting Clerk had submitted copies of two sets of minutes.

The Council President called for a roll call on the Agenda Conference and Regular Meeting minutes of February 14, 2023: All in favor.

The Council President called for a roll call on the Regular Meeting minutes of February 27, 2023:

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

Abstain: Miller

HEARING:

ORDINANCE NO. 23-05 CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S. 40A:45-14)

The Acting Clerk read the ordinance by its title.

PUBLIC COMMENT: None.

Motion to close public comment by Ms. Miller, seconded by Ms. Schaefer and on roll call carried unanimously.

RESOLUTION:

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

RESOLUTION NO. 03-27-23-01 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 23-05 be adopted and advertised as required by statute.

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

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

RESOLUTION NO. 03-27-23-02 BE IT RESOLVED by the Council of the Borough of North Plainfield, pursuant to N.J.S.A. 40A:4-8, that the approved 2023 Municipal Budget of the Borough of North Plainfield be read by its title; and

BE IT FURTHER RESOLVED that it is the determination of the Council that a complete copy of the approved budget, as aforesaid, has been made available for public inspection at the North Plainfield Memorial Library and the Somerset County Library at least one week prior to today's date, and that a copy of said budget has been made available to each person requesting the same during said week and during this public hearing.

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

HEARING:

MUNICIPAL BUDGET OF THE BOROUGH OF NORTH PLAINFIELD, COUNTY OF SOMERSET, FOR THE FISCAL YEAR 2023

PUBLIC COMMENT: None.

Motion to close public comment by Ms. Schaefer, seconded by Mr. McIntyre and on roll call carried unanimously.

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

RESOLUTION NO. 03-27-23-03 BE IT RESOLVED by the Council Members of the Borough of North Plainfield, County of Somerset, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$30,742,973.85 (Thirty Million, Seven Hundred Forty-Two Thousand, Nine Hundred Seventy-Three Dollars and Eighty-Five Cents) Item Two below for municipal purposes, I so move.

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

HEARING:

ORDINANCE NO. 23-06 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 22 OF THE BOROUGH CODE ENTITLED "LAND DEVELOPMENT", MOST NOTABLY ARTICLE VIII ENTITLED "ZONING BOARD OF ADJUSTMENT," AND MORE SPECIFICALLY BY AMENDING, REVISING AND SUPPLEMENTING § 22-122-4, ENTITLED "DESIGNATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS," BY AMENDING, SUPPLEMENTING AND REVISING § 22-122.4.7 ENTITLED "NOTIFICATION TO NEW PROPERTY OWNERS."

The Acting Clerk read the ordinance by its title.

PUBLIC COMMENT:

Francine Gargano, 57 Willow Avenue, North Plainfield, voiced her opposition to the ordinance, fearing it may cause more confusion for new homeowners in the district.

Motion to close public comment by Ms. Miller, seconded by Ms. Corzo and on roll call carried unanimously.

RESOLUTION:

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

RESOLUTION NO. 03-27-23-04 BE IT RESOLVED by the Council of the Borough of North Plainfield that an ordinance numbered 23-06 be adopted and advertised as required by statute.

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

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. 03-27-23-05 BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

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. 03-27-23-05a RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH T. FIOTAKIS CONSTRUCTION, L.L.C., FOR THE BOROUGH SIDEWALK REPLACEMENT – VARIOUS LOCATIONS PROJECT.

WHEREAS, the Borough of North Plainfield (hereinafter referred to as the "Borough") is in need of certain excavation, grading, concrete work and related services for the replacement of sidewalks at various locations in the Borough (hereinafter referred to as the "Project"); and,

WHERESAS, the Borough solicited bids for the Project and the following two (2) bids were received:

Bidding Entity	Base Bid	Add A	lternate Bid	Total Bid
T. Fiotakis Construction, L.L.C.	\$ 87,5	555.00	\$35,500.00	\$123,055.00
Cifelli & Son General Construction.,	Inc. \$111,	100.00	\$44,450.00	\$155,550.00

WHEREAS, the estimate of Grotto Engineering Associates, L.L.C., the Borough's Engineer on the Project, was One Hundred Fourteen Thousand Eight Hundred and Ninety Five Dollars (\$114,895.00) for the Project, indicating that the lowest bid was seven percent (7%) over the Engineer's estimate, but that rebidding of the project was unlikely to produce any lower bids, and that, upon review, the low bid prices are reasonable; and,

WHEREAS, the Borough Engineer therefore recommended, in its review of bids and recommendation for award of contract dated March 6, 2023, a copy of which is on file in the office of the Acting Municipal Clerk of the Borough of North Plainfield, that the Borough award the contract to T. Fiotakis Construction, L.L.C. both as to the Base and Alternate Bid; 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 base bid and alternate bid contract for the Project to the lowest responsive and responsible bidder, T. Fiotakis Construction, L.L.C., whose main offices are located at 197 Central Avenue, Edison, New

Jersey 08817 (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 Base Bid, Alternate Bid and Contract, subject to any and all approvals by other governmental agencies for the work:

Project: Sidewalk Replacement – Various Locations

Successful Bidder: T. Fiotakis Construction, L.L.C.

Base Bid: In the Amount Not to Exceed Eighty Seven Thousand Five Hundred Fifty Five Dollars and No Cents (\$87,555.00)

Add Alternate: In the Amount Not to Exceed Thirty Five Thousand Five Hundred Dollars and No Cents (\$35,500.00)

Total Bid: In the Amount Not to Exceed One Hundred Twenty Three Thousand Fifty Five Dollars and No Cents (\$123,055.00)

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 T. Fiotakis Construction, L.L.C., 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 T. Fiotakis Construction, L.L.C., for the Project known as the Sidewalk Replacement – Various Locations Project.

RESOLUTION NO. 03-27-23-05b WHEREAS, the following organization has been issued identification number 352-5-42611 by the New Jersey Legalized Games of Chance Control Commission and has submitted applications to conduct raffles; and

WHEREAS, investigation has shown that this organization meets the requirements for the issuance of raffles licenses;

NOW, THEREFORE, BE IT RESOLVED that the Acting Clerk be and is hereby authorized to issue a raffles license to the following:

North Plainfield Education Foundation 33 Mountain Avenue, North Plainfield On-premises merchandise draw raffle – RL # 2302 March 16-18, 2023 at 5pm to 11pm March 23, 2023 at 5pm to 9pm

RESOLUTION NO. 03-27-23-05c RESOLUTION OF THE BOROUGH COUNCIL APPOINTING JAMES DIPAOLO AS MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR.

WHEREAS, App. A 9:40.1(a) of the New Jersey State Statutes states that the Mayor shall appoint a municipal Emergency Management Coordinator for a term of three (3) years to perform all such duties as may be required of an Emergency Management Coordinator for the Borough of North Plainfield; and,

WHEREAS, James DiPaolo possesses the skills and training required for such position.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, pursuant to the nomination by the Mayor, James DiPaolo be, and hereby is, appointed as Coordinator of the North Plainfield Office of Emergency Management for a three (3) year term retroactive to January 2, 2023, through January 1, 2026 and until his successor shall have been appointed and qualified.

RESOLUTION NO. 03-27-23-05d 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:

Jose Suarez Cardenas 43 Sycamore Avenue North Plainfield, NJ 07060

RESOLUTION NO. 03-27-23-05e WHEREAS, the following applicant has filed application for an Outdoor Sidewalk Café license for the period ending December 31, 2023:

El Rincon Latino Restaurant 109 Somerset Street North Plainfield, NJ 07060

WHEREAS, review of the application and investigations of the site by appropriate Borough Officials discloses that the granting of said application would be in order;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that an Outdoor Sidewalk Café license be issued to the applicant in accordance with the filed application, subject to all requirements set forth in N.P.R.G.O. 14-10 and the following conditions:

- 1. Restaurant management shall keep the outdoor dining area clear of litter, food scraps and soiled dishes and utensils at all times.
- 2. Trash receptacles shall be provided in outdoor dining areas used for consuming take-out items unless public trash receptacles are located nearby.
- 3. At the end of each business day, the establishment is to clean and sweep the entire sidewalk in and around the outdoor dining area.
- 4. No debris shall be swept, washed, or blown into the sidewalk, gutter or street.
- 5. Trash receptacles shall be emptied daily.
- 6. If awnings or umbrellas are used, they shall be washed whenever they become dirty.
- 7. Applicant must not block adjacent doorway with any tables, chairs or planters, and must maintain six (6) feet of clear space between tables/planters and curb and/or structures to ensure A.D.A. compliance.

RESOLUTION NO. 03-27-23-05f RESOLUTION OF THE BOROUGH OF NORTH PLAINFIELD AUTHORIZING A CONTRACT WITH BUSINESS & GOVERNMENT INSURANCE AGENCY FOR PROFESSIONAL RISK MANAGEMENT CONSULTING SERVICES

WHEREAS, the bylaws of the Garden State Municipal Joint Insurance Fund require professional risk management consulting services to be performed; and

WHEREAS, the Business & Government Insurance Agency has offered its professional risk management consulting services to the Borough of North Plainfield for the Fund Year January 1, 2023 to December 31, 2023; and

WHEREAS, the Business & Government Insurance Agency has proposed compensation for its services in the amount of seven percent (7%) of the Borough's annual assessment as promulgated by the Garden State Municipal JIF.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that Business & Government Insurance Agency be and is hereby appointed to provide professional risk management consulting services as referenced herein and that the Fund Commissioner and Borough Clerk are hereby authorized to execute all documents relevant to this service.

RESOLUTION NO. 03-27-23-05g RESOLUTION APPOINTING FRANCESCO TADDEO AS NORTH PLAINFIELD MUNICIPAL COURT JUDGE

WHEREAS, the Borough of North Plainfield has a shared municipal court agreement with the Borough of Watchung and the shared municipal court agreement requires the appointment a

municipal court judge by Watchung with conformance by North Plainfield and for which the Borough of North Plainfield now wishes to confirm such appointment made by Watchung.

NOW, THEREFORE, BE IT RESOLVED that the Mayor hereby nominates and the Borough Council hereby appoints Francesco Taddeo, Esquire as Municipal Judge for the Borough of North Plainfield for the total annual salary of Sixty-Six Thousand Forty Dollars (\$66,040.00) Dollars (for both courts), of which the Borough of North Plainfield's share of said salary is seventy (70%) percent or Forty-Six Thousand Two Hundred Twenty Eight (\$46,228.00) Dollars less all applicable deductions. Said appointment shall be retroactive to March 16, 2023 and Judge Taddeo shall serve an unexpired three (3) year term ending December 31, 2024 and until a successor is qualified and appointed.

RESOLUTION NO. 03-27-23-05h RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT WITH BRUNO ASSOCIATES, INC. FOR 2023 GRANT WRITING SERVICES.

WHEREAS, the Borough of North Plainfield is aware of the availability of competitive grants and other funding opportunities which are provided through County, State, Federal and private non-profit projects and funding sources; and,

WHEREAS, the Borough Council of the Borough of North Plainfield believes that it is in the best interests of the residents of the Borough of North Plainfield to use the services of a professional grant writing entity to prepare and submit grant proposals to such funding sources to pursue funding for various municipal projects; and,

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq. and the offices of Eric M. Bernstein & Associates, LLC, have reviewed the proposal of Bruno Associates, Inc., 1373 Broad Street, Suite 203B, Clifton, New Jersey 07013 to provide grant writing services on an hourly blended rate of One Hundred Twenty Five Dollars (\$125.00) per hour, not to exceed Seventeen Thousand Five Hundred Dollars (\$17,500.00) for calendar year 2023, including consulting with the Borough's officials and employees, research in the area of available funding, identifying grant opportunities, preparing and submitting such grants as may receive the authorization of the Borough for submission, and has recommended that a contract be issued to Bruno Associates, Inc., pursuant to *N.J.S.A.* 40A11-3(a) for the same; and,

WHEREAS, the Borough of North Plainfield is desirous of obtaining the services of Bruno Associates, Inc., to perform all those services contemplated in the Borough's solicitation of a proposal submitted by Bruno Associates, Inc., for grant writing services.

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 a contract to Bruno Associates, Inc., to provide grant writing services to the Borough for the period of March 1, 2023 through December 31, 2023, for an hourly blended rate of One Hundred Twenty Five Dollars (\$125.00) per hour, not to exceed Seventeen Thousand Five Hundred Dollars (\$17,500.00) for calendar year 2023, subject to finalizing the form of a contract by and through the office of the Director of Law/Borough Attorney; and,

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Borough Clerk to sign and/or execute a contract and all other necessary documents to engage the services of Bruno Associates, Inc. for the grant writing services so authorized; 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 and the proposal for professional services contract submitted by Bruno Associates, Inc.

RESOLUTION NO. 03-27-23-05i 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, 2023 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

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

RESOLUTION NO. 03-27-23-06 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 – Affordable Housing

Exclusion of the public for this purpose is specifically permitted by <u>N.J.S.A.</u> 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 Ms. Schaefer and on roll call carried all seven voting aye. Executive Session convened at 10:29 p.m.

EXECUTIVE SESSION

Motion to come out of Executive Session by Mr. McIntyre, seconded by Ms. Corzo and carried unanimously.

Council President Stabile reconvened the meeting at 10:57 p.m. with all seven council members present.

Mr. Hak indicated that all seven council members were present as well as the Mayor, Administrator, Acting Borough Clerk, IT Consultant, and Assistant Borough Attorney. Discussion was held relative to affordable housing.

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

RESOLUTION NO. 03-27-23-07 RESOLUTION AUTHORIZING THE DESIGNATION OF VILLANI REALTY GROUP AS REDEVELOPER OF THOSE CERTAIN PARCELS OF PROPERTY DESIGNATED AS BLOCK 110, LOTS 2.02 THROUGH 2.13 ON THE OFFICIAL TAX MAP THE BOROUGH OF NORTH PLAINFIELD.

WHEREAS, the Borough of North Plainfield ("Borough") previously determined that property designated as Block 110, Lots 2.02 through 2.14 on the Official Tax Map of the Borough (the "Property") also known as the Villa Maria site, is an area in need of redevelopment in accordance with the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and,

WHEREAS, the Borough desires to designate a redeveloper for the development of the Property that would include thirteen (13) very low-, low- and moderate-income family rental dwelling units on Lots 2.02 through 2.13 (Lot 2.14 will remain as open space) to help fulfill the Borough's Third (3rd) Round affordable housing obligations and implement the Borough's adopted Housing Element and Fair Share Plan; and,

WHEREAS, Villani Realty Group ("Villani") proposes to develop thirteen (13) units of affordable housing rental dwelling units for very low-, low- and moderate-income families, in accordance with the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) along with eleven (11) to nineteen (19) market-rate rental dwelling units on Lots 2.02 through 2.13 of the Property ("Project"); and,

WHEREAS, the Borough desires to designate Villani as the redeveloper ("Redeveloper") for Lots 2.02 through 2.13 of the Property in accordance with Villani's proposal.

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

- 1. The above recitations are incorporated herein as if set forth at length; and,
- 2. Villani is hereby designated as the Redeveloper for the redevelopment of Block 110, Lots 2.02 through 2.13 of the Property; and,
- 3. This designation is expressly contingent upon the Redeveloper being responsible for and assuming all costs incurred by the Redeveloper, including, but not limited to its own legal, appraisal, title, environmental, financial, engineering, etc.; and,
- 4. This designation is also expressly contingent upon the Redeveloper obtaining all funds necessary for the acquisition (if applicable), relocation, property maintenance, any and/or all of which amongst other things is necessary at the Property and for the construction of the proposed Project; and,

5. The designation herein is for a period of three hundred sixty five (365) calendar days, which period may be extended if necessary, at the sole discretion of the Borough for an additional period of three hundred sixty five (365) calendar days. The Borough also reserves the right to withdraw such designation with thirty (30) calendar days notification to Villani for any reason.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute any and all documents and/or agreements necessary to effectuate this Resolution on behalf of the Borough, subject to review and approval of the Borough Attorney.

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

REQUESTS FOR AGENDA ITEMS: None.

PUBLIC COMMENTS: None.

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS:

Mayor La Ronde reported that there are collection bins in Borough Hall and the Community Center for plastic bags which the Boy Scouts will collect. The Easter Egg Hunt will be held on Saturday, April 1 at 2:00 p.m. at the Community Center.

Mr. Hollod thanked the council for their support of the Budget. Detailing an incident with an impatient driver attempting to pass him illegally to enter Route 22, he spoke of the need for a public relations campaign to try and instill good habits, courtesy and respect in all drivers.

Mr. Merrill shared his disappointment to learn that Dr. Jerard Stephenson would no longer be the high school principal after eighteen years. The councilman commended Ms. Given and Ms. McGovern for advocating and facilitating for Dr. Stephenson at the Board of Education meeting.

Ms. Given stated that Dr. Stephenson has been a pillar of the school community and it will be virtually impossible to replace him. Commenting on the recent school shooting in Tennessee, the Councilwoman spoke of the need to continue efforts to ensure safety for schools.

Ms. Corzo thanked Ms. Given for spearheading the traffic safety discussion, admiring her questioning of the Chief as methodical, logical, and intelligent.

Ms. Miller again stressed the importance of public relation campaigns.

Mr. McIntyre commented on Ordinance No. 23-06, reminding that buyers of the houses would still be notified that the house they are purchasing is in the historic district.

Council President Stabile thanked Mayor La Ronde, Messrs. Hollod and DeBlasio, and Ms. Intravartolo for their work on this year's budget.

Motion to adjourn by Mr. McIntys unanimously.	e, seconded	by M	r. Merrill	and (on voice	vote	carried
Meeting adjourned at 11:18 p.m.							
	Acting Boro	ough C	lerk				
Council President	-						