

CONSENT AGENDA

September 26, 2016

RESOLUTION NOS. 09-26-16-06a through d

RESOLUTION NO. 09-26-16-06

**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

09-26-16-06a, b, c and d

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

Council President

Council Member

Introduced: September 26, 2016

Adopted: September 26, 2016

RESOLUTION NO. 09-26-16-06a

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

**RESOLUTION APPROVING PERSON-TO-PERSON
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 under Title 33 of the Alcoholic Beverage Control Law; and,

WHEREAS, the Purchaser of the License has submitted its License application for transfer as a person to person, 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 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 of the License to it as a pocket license.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of North Plainfield that Resolution No. 09-12-16-07a be and is hereby partially rescinded to delete the reference to “place-to-place”; and,

BE IT FURTHER RESOLVED, that 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 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 President

Council Member

Introduced: September 26, 2016
Adopted: September 26, 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. 09-26-16-06b

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

**REQUESTING APPROVAL OF INSERTION OF \$10,000.00 FOR THE
2016 BUDGET REVENUE AVAILABLE FROM THE
BODY WORN CAMERA (BWC) ASSISTANCE PROGRAM**

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 2016 in the sum of \$10,000.00 which item is now available as a revenue from the Body Worn Camera Assistance Program Grant.

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 be and the same is hereby appropriated under the caption of:

Body Worn Camera Assistance Program Grant

Council President

Council Member

Introduced: September 26, 2016

Adopted: September 26, 2016

RESOLUTION NO. 09-26-16-06c

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

**GOVERNING BODY CERTIFICATION OF
THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations," and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of North Plainfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Council President

Council Member

Introduced: September 26, 2016
Adopted: September 26, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED
AT THE MEETING HELD ON 26 September 2016

Richard K. Phoenix, RMC
Borough Clerk

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT

Group Affidavit Form

No photo copies of signatures

State of New Jersey
County of Somerset

We, members of the governing body of the Borough of North Plainfield in the County of Somerset being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Borough Council of the Borough of North Plainfield in the County of Somerset.
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2015;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Sworn to and subscribed before me this
_____ day of _____
Notary Public of State of New Jersey

Richard K. Phoenix, RMC
Borough Clerk

Reason for absence of signature of any governing body member:

(Certificate must be sent to Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, NJ 08625)

RESOLUTION NO. 09-26-16-06d

**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 26th 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 President

Council Member

Introduced: September 26, 2016

Adopted: September 26, 2016