



**BOROUGH OF NORTH PLAINFIELD
REGULAR COUNCIL MEETING AGENDA**

**MONDAY, APRIL 10, 2023
7:30 p.m.**

Virtual meeting via Zoom

<https://us02web.zoom.us/j/89231207352?pwd=aEoyMHNBVjVGVTh1ckpmbnF0ZUdXUT09>

Meeting ID: 892 3120 7352

Passcode: 385983

NOTICE: Pursuant to the Executive Order of New Jersey Governor Murphy requiring social distancing due to Covid-19, this meeting excludes public attendance. The entire meeting proceedings, including opportunity for public comment will be made available live, in real time via the “Zoom” system at Join Zoom Meeting via the following Link:

ROLL CALL:

Council Members: Aimee Corzo, Council Vice President
Suzette Given
Steven McIntyre
Everett Merrill
Keiona R. Miller
Wendy Schaefer
Frank “Skip” Stabile, Council President

APPROVAL OF COUNCIL MEETING MINUTES:

Agenda Conference & Regular Meeting for March 27, 2023

Roll Call

RESOLUTIONS:

CONSENT AGENDA

Statement by Council President

- a. Resolution Approving Change Order #1 for Whirl Construction – Vermeule Community Center Courtyard Project
- b. Resolution of Acceptance for 7-Eleven Project – Release of Performance Guarantee, Cash Bond, and Escrow
- c. Resolution for Refund of Road Opening Bonds
- d. Resolution for Amending Council Rule of Order 2023-2025
- e. Resolution for Revolution NJ
- f. Resolution Issuing Outdoor Café License to La Tia Rose Restaurant
- g. Consolidated Bill List of April 6, 2023

REPORTS:

REQUESTS FOR AGENDA ITEMS

PUBLIC COMMENT

General public comments shall be limited to five minutes for each individual.
(Rule 29 of the Borough Council's Rules of Order)

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS

ADJOURNMENT

RESOLUTION NO. 04-10-23-01a

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

**RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING THE
MAYOR AND ACTING BOROUGH CLERK TO ACCEPT CHANGE ORDER
1 IN THE AMOUNT OF A NET CREDIT OF TWENTY-TWO THOUSAND
EIGHT HUNDRED ELEVEN DOLLARS (\$22,811.00) RELATED TO THE
VERMEULE COMMUNITY CENTER PUBLIC COURTYARD PROJECT
WITH WHIRL CONSTRUCTION, INC. AND TO EXECUTE ANY AND ALL
DOCUMENTS ON BEHALF OF THE BOROUGH TO EFFECUTATE SAME.**

WHEREAS, the Borough of North Plainfield was in need of certain improvements to the Vermeule Community Center and previously entered into a contract with Whirl Construction, Inc., to construct the Vermeule Community Center Public Courtyard Project in due course; and,

WHEREAS, the Borough of North Plainfield has received a request for Change Order #1, dated March 17, 2023, from Whirl Construction, Inc., per drawings received on Friday, March 21, 2023, eliminating the need to trench along Vermeule Place, removing the need for ductile iron pipe and fittings, etc. and asphalt repairs along Vermeule Place, for a credit of Twenty-Seven Thousand Twenty-Five Dollars and No Cents (\$27,025.00) against the total contract price; and,

WHEREAS, under this Change Order #1, Whirl Construction, Inc. shall be compensated for additional work, including adding nyloplast inlet with frame and grate, and adding thirty-three (33) feet of perforated pipe, stone and geotex fabric, with excavation to locate the proper elevation. The total cost of additional materials and excavation is Four Thousand Two Hundred Fourteen Dollars and No Cents (\$4,214.00); and,

WHEREAS, the Borough Engineer, Grotto Engineering Associates, L.L.C., recommends accepting the credit and paying the additional material and excavation costs specified in Change Order # 1, which will result in a net credit of Twenty-Two Thousand Eight Hundred Eleven Dollars and No Cents (\$22,811.00) against the total contract price.

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 accepts Change Order No. 1 to the contract between Whirl Construction, Inc. and the Borough of North Plainfield for the Public Courtyard Project at the Vermeule Community Center removing certain work for a credit of Twenty Seven Thousand Twenty Five Dollars and No Cents (\$27,025.00) against the total contract price and adding the cost of additional materials and excavation in the amount of Four Thousand Two Hundred Fourteen Dollars and No Cents (\$4,214.00), resulting in a total credit in the amount of Twenty Two Thousand Eight Hundred and Eleven Dollars and No Cents (\$22,811.00) in accordance with the request made by Whirl Construction, Inc., dated March 17, 2023; and,

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the Mayor and the Acting Borough Clerk to sign and/or execute any and all other necessary documents related to the payment for the services of Whirl Construction, Inc. for the Public Courtyard Project at the Vermeule Community Center; and,

BE IT FURTHER RESOLVED that the payment for these services 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 payment for said services shall be consistent with all applicable laws, the Borough's bid documents and the recommendation of Grotto Engineering Associates, L.L.C., pertaining to the Project known as the Public Courtyard Project at the Vermeule Community Center.

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: April 10, 2023

Adopted: April 10, 2023

CERTIFICATION

I, Michele Irby Garry, Acting 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 meeting of the Borough Council held on April 10, 2023.

Michele Irby Garry
Acting Borough Clerk
Borough of North Plainfield

Date signed: _____

RESOLUTION NO. 04-10-23-01b

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

**RESOLUTION OF THE BOROUGH COUNCIL ACCEPTING CERTAIN
IMPROVEMENTS AND AUTHORIZING THE RELEASE OF A
PERFORMANCE GUARANTEE, BONDS AND ESCROW POSTED BY THE
DEVELOPER OF BLOCK 204.0, LOT 3, 7-ELEVEN, INC., DOING BUSINESS
AS 7-ELEVEN CONVENIENCE STORE & FUELING STATION.**

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Borough of North Plainfield to accept certain improvements and to release performance guarantees, bonds and/or escrows posted by developers when said improvements have been certified as complete by the Borough Engineer; and,

WHEREAS, 7-Eleven, Inc., the developer of the 7-Eleven Convenience Store & Fueling Station (hereinafter referred to as the “Developer”), with a main business address of 1023 U.S. Route 22 West, North Plainfield, New Jersey 07060, has deposited with the Borough of North Plainfield a performance guarantee, bonds and escrows, which were used to guarantee the completion of certain improvements on the premises located at 1023 U.S. Route 22 West, North Plainfield, New Jersey 07060, also known as Block 204.3, Lot 3 as shown on the official Tax Map of the Borough of North Plainfield; and,

WHEREAS, David J. Testa, P.E., C.M.E., C.P.W.M. of Grotto Engineering Associates, LLC, representing the Borough as its engineer, has advised the Borough’s Business Administrator, by letter dated March 29, 2023, a copy of which is on file in the office of the Borough Clerk and made a part of this Resolution hereof, that the improvements have been completed, all appropriate performance guarantees have been submitted and that the Borough Engineer recommends the acceptance of same and the release of the aforementioned performance guarantee, bonds and escrows; and,

WHEREAS, any remaining escrow fees shall not be released until such time as the Developer has submitted and the Borough has accepted a one (1) year Landscaping Maintenance Guarantee in the amount of Fourteen Thousand Six Hundred Fifty Five Dollars and No Cents (\$14,655.00) and any and all outstanding professional invoices have also been satisfied; and,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the improvements referred to above are hereby accepted, as per the aforesaid correspondence of David J. Testa, P.E., C.M.E., C.P.W.M. and the full release of the performance

guarantee, bonds and escrow for 7-Eleven, Inc., are hereby released, canceled and/or discharged, subject to the conditions set forth herein and the letter from David J. Testa, P.E., C.M.E., C.P.W.M., dated March 29, 2023 and attachments thereto, as well as the provisions set forth in this Resolution.

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: April 10, 2023
Adopted: April 10, 2023

CERTIFICATION

I, Michele Irby-Acting 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 April 10, 2023.

Michele Irby-Garry
Acting Borough Clerk, Borough of North Plainfield

Date signed: _____

RESOLUTION NO. 04-10-23-01c

**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

Ultimate Drain Cleaning & Service LLC.
\$ 7500.00

23 Stockbridge Court
Shamong, New Jersey 08088

Work done at:

74 Washington Avenue
123 Sweetbriar Lane
324 Jefferson Avenue
349 Richard Way
339 Harvey Avenue

Council President

Council Member

Introduced: April 10, 2023

Adopted: April 10, 2023

CERTIFICATION

I, Michele Irby Garry, Acting 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 meeting of the Borough Council held on April 10, 2023.

Michele Irby Garry
Acting Borough Clerk
Borough of North Plainfield

Date signed:

RESOLUTION NO. 04-10-23-01d

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

RESOLUTION OF THE BOROUGH COUNCIL AMENDING AND REVISING THE RULES OF ORDER OF THE BOROUGH OF NORTH PLAINFIELD COUNCIL TO ADD A NEW RULE, RULE 31 GOVERNING CANCELLATION AND REIMBURSEMENT FOR COUNCIL EVENTS.

WHEREAS, the Borough Council of the Borough of North Plainfield is authorized to adopt Rules of Order regarding the conduct of Borough Council meetings and the conduct of Borough Council business by and for the elected members of the Borough Council of the Borough of North Plainfield; and,

WHEREAS, the Borough Council supports the engagement of the Council members to attend for seminars, lectures, programs and other events in which the members of the Borough Council may participate and gather knowledge, information and ideas which may provide new methods for efficient governing or interaction with other elected and appointed officials; and,

WHEREAS, the Borough Council may from time to time authorize the payment of attendance fees at such events which provide such benefits, but such funds are public funds expended for public purposes and timely notice of cancellation can prevent the expenditure of funds if the member of the Borough Council cannot attend, or which should be reimbursed to the Borough of North Plainfield if circumstances prevent such timely cancellations.

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 amends and revises its Rules of Order to insert a new Rule, Rule 31, as follows:

RULE 31

“When a member of Council requests that the Borough pay for an event related to the business of the Borough and the member of Council is unable to attend the event, the member of Council shall notify the Borough in sufficient time to cancel the member of Council’s attendance and obtain a refund for the cost of the event. Otherwise, the member of Council shall reimburse the Borough for the cost of the missed event.”

Frank A. “Skip” Stabile
Council President

Council Member

Introduced: April 10, 2023
Adopted: April 10, 2023

CERTIFICATION

I, Michele Irby Garry, Acting 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 meeting of the Borough Council held on April 10, 2023.

Michele Irby Garry
Acting Borough Clerk
Borough of North Plainfield

Date signed: _____

RESOLUTION NO. 04-10-23-01e

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

**A RESOLUTION OF THE NORTH PLAINFIELD, COUNTY OF SOMERSET
SUPPORTING REVOLUTIONNJ**

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and the Borough of North Plainfield; and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds

contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of North Plainfield hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that: 1. The Borough Council commemorates the 250th anniversary of the establishment of the United States as an independent Nation. 2. The Borough Council authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations. 3. The Borough Council further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

Council President

Council Member

Introduced: April 10, 2023

Adopted: April 10, 2023

CERTIFICATION

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Michele Irby Garry
Acting Borough Clerk
Borough of North Plainfield

Date signed: April 10, 2023

RESOLUTION NO. 04-10-23-01f

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

WHEREAS, the following applicant has filed application for an Outdoor Sidewalk Café license for the period ending December 31, 2023:

La Tia Rosa Restaurant
115 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.

Council President

Council Member

Introduced: April 10 2023
Adopted: April 10, 2023

CERTIFICATION

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Michele Irby Garry
Acting Borough Clerk
Borough of North Plainfield

Date signed: