

**MUNICIPAL COUNCIL OF THE CITY OF PLAINFIELD
PLAINFIELD, NEW JERSEY
REGULAR MEETING AGENDA**

DATE: MONDAY, AUGUST 18, 2008
TIME: 8:00 P.M.
PLACE: MUNICIPAL COURT-COUNCIL CHAMBERS
325 WATCHUNG AVENUE

AT THE REGULAR MEETING, A SEGMENT WILL BE PROVIDED FOR PUBLIC COMMENTS, LIMITED TO RESOLUTIONS, MOTIONS AND ORDINANCES TO BE INTRODUCED ON FIRST READING, WHICH APPEARS ON THIS EVENING'S AGENDA PRIOR TO CITY COUNCIL ACTION ON ANY ITEM THAT MAY BE APPROPRIATE FOR PRESENTATION TO THE GOVERNING BODY.

MUNICIPAL COUNCIL MEMBERS

PRESIDENT
AND
COUNCILMAN-AT-LARGE
Honorable Harold Gibson

COUNCILMAN-AT-LARGE, SECOND AND THIRD WARDS
Honorable Rashid Burney

CHAIR, COMMITTEE OF THE WHOLE
AND
COUNCILWOMAN-AT-LARGE, FIRST AND FOURTH WARDS
Honorable Linda Carter

COUNCILMAN, THIRD WARD
Honorable Don Davis

COUNCILMAN FIRST WARD
Honorable William Reid

COUNCILMAN, FOURTH WARD
Honorable Elliott Simmons

COUNCILMAN, SECOND WARD
Honorable Cory Storch

MUNICIPAL CLERK
Honorable Laddie Wyatt, RMC/CMC/MMCA
Clerk of the Council

MAYOR
Honorable Sharon M. Robinson-Briggs

CITY ADMINISTRATOR
Marc D. Dashield



CORPORATION COUNSEL
Daniel A. Williamson, Esq.

FOR SPECIAL ASSISTANCE, PLEASE CALL (908) 753-3223.

ORDER OF BUSINESS FOR THE PLAINFIELD CITY COUNCIL

THE HONORABLE HAROLD GIBSON, PRESIDING

1. **ROLL CALL:**

PRESIDENT TO ANNOUNCE:

THE NOTICE REQUIREMENT PROVIDED FOR THE "OPEN PUBLIC MEETING LAW" HAS BEEN SATISFIED. NOTICE WAS PROPERLY GIVEN, SAID NOTICE HAVING BEEN PUBLISHED IN THE COURIER-NEWS AND THE STAR-LEDGER ON *MONDAY, MARCH 31, 2008* AS WELL AS POSTING ON THE BULLETIN BOARD IN THE CITY CLERK'S OFFICE.

2. **PLEDGE OF ALLEGIANCE:**

3. **INVOCATION:**

4. **APPROVAL OF MINUTES:**

Regular Meeting of June 16, 2008

4A. CEREMONIAL MATTERS:

LEGISLATIVE CITATIONS, COMMENDATIONS AND OTHER SPECIAL AWARDS:

NONE.

5. **COMMUNICATIONS FROM THE MAYOR:**

❖ FOR THE PURPOSE OF MEMORIALIZATION HER HONOR, THE MAYOR, SHARON ROBINSON-BRIGGS HAS SUBMITTED THE FOLLOWING PROCLAMATIONS/APPOINTMENTS:

- COPY OF PROCLAMATION PRESENTED TO THE HONORABLE CHIEF THEOPHILUS BRIGHT OLAOKPU, RPh PROCLAIMING AUGUST 2, 2008 AS "CHIEF OLAOKPU DAY."
- COPY OF CORRESPONDENCE DATED AUGUST 6, 2008 ADDRESSED TO THE GOVERNING BODY REQUESTING ADVICE AND CONSENT TO THE APPOINTMENT OF THE FOLLOWING NOMINEE TO SERVE AS A MEMBER OF THE *BEAUTIFICATION COMMITTEE: ROSALYN BRADSHAW, 945 LEWIS AVENUE WITH TERM TO EXPIRE 01/01/2010. SAID TERM SHALL BE CONCURRENT WITH TERM OF MAYOR* EFFECTIVE IMMEDIATELY UPON ADOPTION AND CONFIRMATION OF OATH OF OFFICE.

6. **OTHER COMMUNICATIONS AND PETITIONS:**

NONE SUBMITTED.

7. **REPORT OF SPECIAL COMMITTEES:**

NONE

8. UNFINISHED BUSINESS:

NONE

9. CONSIDERATION OF PUBLIC HEARING, SECOND READING & FINAL PASSAGE:

NONE

9(A). PUBLIC COMMENTS, LIMITED TO RESOLUTIONS, MOTIONS, AND ORDINANCES TO BE INTRODUCED ON FIRST READING:

NEW BUSINESS

10. CONSENT AGENDA:

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ALL MATTERS LISTED WITH AN (*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION ON THESE ITEMS UNLESS A COUNCILMEMBER OR CITIZEN SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY UNDER NEW BUSINESS IN ITS NORMAL SEQUENCE LATER ON THE AGENDA.

APPROVAL OF CONSENT AGENDA:

RESOLUTION NUMBERS **R 352-08** THRU **R 357-08**; **R 363-08**; **R 366-08** AND **R 368-08** THRU **R 372-08** ARE LISTED ON THE CONSENT AGENDA SEGMENT WITH AN ASTERISK* TO BE APPROVED AND THAT EACH SPECIFIC ACTION ON THE CONSENT AGENDA BE APPROVED AS INDICATED.

11. RESOLUTIONS AND MOTIONS:
NEW BUSINESS:

LEGISLATIVE BODY

***R 352-08** COUNCILMANIC RESOLUTION APPOINTING MEMBERS OF THE PLAINFIELD MUNICIPAL COUNCIL TO SERVE AS LIAISONS TO THE MUHLENBERG SUBCOMMITTEE (INTRODUCED BY COUNCILMAN RASHID BURNEY) – CITY CLERK.

***R 353-08** COUNCILMANIC RESOLUTION DEMANDING SPECIFIC ASSURANCES OF COMMISSIONER OF HEALTH AND HUMAN SERVICES, HEATHER HOWARD IN RELATION TO THE CLOSURE OF MUHLENBERG REGIONAL MEDICAL CENTER (INTRODUCED BY COUNCILMAN RASHID BURNEY) – CITY CLERK.

***R 354-08** COUNCILMANIC RESOLUTION ESTABLISHING CITIZENS' BUDGET ADVISORY COMMITTEE IN SUPPORT OF THE CITY OF PLAINFIELD'S BUDGET DEVELOPMENT PROCESS (INTRODUCED BY COUNCILMAN RASHID BURNEY) – CITY CLERK.

***R 355-08** COUNCILMANIC RESOLUTION SALUTING FIRE PREVENTION FAIR DURING FIRE PREVENTION WEEK COMMENCING OCTOBER 7, 2008 THROUGH OCTOBER 13, 2008 – CITY CLERK.

***R 356-08** COUNCILMANIC RESOLUTION GRANTING PERMISSION TO THE PLAINFIELD FIRE DIVISION TO HOLD ITS ANNUAL FIRE PREVENTION FAIR. PERMISSION IS ALSO GRANTED FOR A SIDEWALK ENCROACHMENT AND THE CLOSING OF THE 100 BLOCK OF NORTH AVENUE (PARK AVENUE TO WATCHUNG AVENUE AND GAVETT PLACE). THE EVENT IS SCHEDULED FOR SATURDAY, OCTOBER 11, 2008 FROM 10:00 A.M. – 3:00 PM. (RAIN DATE: SATURDAY, OCTOBER 18, 2008) – **CITY CLERK.**

***R 357-08** COUNCILMANIC RESOLUTION GRANTING PERMISSION TO THE PLAINFIELD DIVISION OF RECREATION FOR THE INSTALLATION OF A BANNER TO BE HUNG OVER THE CITY'S SIDEWALK AND ROADWAYS ANNOUNCING PLAINFIELD'S 45TH ANNUAL ARTS FESTIVAL COMMENCING AUGUST 1 2008 THRU SEPTEMBER 8, 2008 – **CITY CLERK.**

R 358-08 COUNCILMANIC RESOLUTION AUTHORIZING RENEWAL OF A CERTAIN PLENARY RETAIL DISTRIBUTION LICENSE FOR THE 2008 – 2009 LICENSED TERM HERETOFORE ISSUED TO **AP-
VEN-BAM, INC., T/A GEORGE W. BANTLE LIQUORS** LOCATED AT 440 WATCHUNG AVENUE, LICENSE NO. 2012-44-001-003 – **CITY CLERK.**

R 359-08 COUNCILMANIC RESOLUTION APPROVING A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 2012-33-030-00 FROM WILLIAM J. SCHNEIDER T/A OPEN FIFTH TO CS57, LLC T/A TEQUILA CLUB, 313-315 EAST 5TH STREET, CITY OF PLAINFIELD – **CITY CLERK.**

IT SHOULD BE NOTED THAT THE PROPERTY LOCATED 313-315 EAST 5TH STREET HAS BEEN CLOSED FOR THE PAST TWO YEARS DUE TO FIRE AND WILL REQUIRE A CERTIFICATE OF OCCUPANCY PRIOR TO OPERATION OF ALCOHOLIC BEVERAGE BAR.

ADMINISTRATION/EXECUTIVE BRANCH

R 360-08 RESOLUTION AUTHORIZING ADVICE AND CONSENT TO THE APPOINTMENT OF ROSALYN BRADSHAW AS A MEMBER OF THE BEAUTIFICATION COMMITTEE WITH TERM TO EXPIRE 01/01/2010. SAID TERM SHALL BE CONCURRENT WITH TERM OF MAYOR EFFECTIVE IMMEDIATELY UPON ADOPTION AND CONFIRMATION OF OATH OF OFFICE – **MAYOR (CORRESPONDENCE PREVIOUSLY SUBMITTED).**

CORPORATION COUNSEL

R 361-08 RESOLUTION APPROVING QUALIFIED VENDORS AND SERVICE PROVIDERS IN ACCORDANCE WITH N.J.S.A. 40A:11-2(6) (CORRESPONDENCE PREVIOUSLY SUBMITTED).

DEPARTMENT OF ADMINISTRATION & FINANCE

R 362-08 RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE OF THE CITY TO APPLY TO THE LOCAL FINANCE BOARD FOR APPROVAL OF AN ORDINANCE ENTITLED: "BOND ORDINANCE PROVIDING FOR THE 2008 ROAD IMPROVEMENT PROGRAM IN THE CITY OF PLAINFIELD AND APPROPRIATING **\$1,000,000** THEREFORE AND AUTHORIZING THE ISSUANCE OF **\$950,000** OF BONDS AND/OR NOTES FOR SAID PURPOSE SET TO BE UNDERTAKEN IN AND BY THE CITY OF PLAINFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY" IN ACCORDANCE WITH THE MUNICIPAL QUALIFIED BOND ACT, N.J.S.A. 40A:3-1 ET. SEQ., AND PRIOR RESOLUTIONS OF THE LOCAL FINANCE BOARD – **ACTING CHIEF FINANCE OFFICER.**

- *R 363-08** RESOLUTION REQUESTING APPROVAL OF STATE DIRECTOR, DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR MUSIC IN THE PARK ACTIVITIES ESCROW ACCOUNT PURSUANT TO P.L. 1999, C.292 – **ACTING CHIEF FINANCE OFFICER (CORRESPONDENCE PREVIOUSLY SUBMITTED).**
- R 364-08**
NON-CONSENT RESOLUTION AUTHORIZING ACCEPTANCE OF CERTAIN CONDITIONS AND RESTRICTIONS RELATING TO BONDS AS SET FORTH IN THE RESOLUTIONS OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF **\$22,500,000** OF QUALIFIED GENERAL IMPROVEMENT BONDS OF THE CITY OF PLAINFIELD, IN THE COUNTY OF UNION, NEW JERSEY PURSUANT TO N.J.S.A. 40A:3-1 ET SEQ. – **ACTING CHIEF FINANCE OFFICER (CORRESPONDENCE PREVIOUSLY SUBMITTED).**
- R 365-08**
NON-CONSENT RESOLUTION AUTHORIZING APPROVAL FOR THE ADOPTION OF GENERAL FUND TEMPORARY APPROPRIATIONS PRIOR TO THE ADOPTION OF THE FY 2009 BUDGET IN ACCORDANCE WITH N.J.S.A. 40A:4-20 FOR THE MONTHS OF JULY, AUGUST AND SEPTEMBER 2008 – **ACTING CHIEF FINANCE OFFICER (CORRESPONDENCE PREVIOUSLY SUBMITTED).**
- *R 366-08** RESOLUTION AUTHORIZING APPROVAL FOR THE MAYOR AND THE CITY CLERK TO EXECUTE A NEW JERSEY STATE HEALTH BENEFITS PROGRAM RESOLUTION FOR THE PURPOSE OF ESTABLISHING A SUB-GROUP FOR THE CITY ADMINISTERED NON-PROFIT BILINGUAL DAY CARE CENTER – **PERSONNEL DIVISION (CORRESPONDENCE PREVIOUSLY SUBMITTED).**
- R 367-08**
NON-CONSENT RESOLUTION APPROVING AUTHORIZATION FOR THE MAYOR AND THE CITY CLERK TO SUBMIT A RENEWAL APPLICATION TO THE NJ DEPARTMENT OF EDUCATION, CHILD AND ADULT FOOD PROGRAM TO PROVIDE FOR ALL MEALS SERVED TO CHILDREN ENROLLED IN THE PLAINFIELD BILINGUAL DAY CARE CENTER FOR FY 2008 - 2009 – **\$77,128.20 – BILINGUAL DAY CARE CENTER (CORRESPONDENCE PREVIOUSLY SUBMITTED).**
- *R 368-08** RESOLUTION AUTHORIZING APPROVAL FOR THE MAYOR AND CITY CLERK TO EXECUTE A MEALS ON WHEELS DONOR AGREEMENT RETROACTIVE TO JANUARY 1, 2008 THRU DECEMBER 31, 2008 TO PROVIDE HOME DELIVERED MEALS TO ITS CITIZENS – **\$6, 210.00 – SENIOR CITIZENS CENTER (CORRESPONDENCE PREVIOUSLY SUBMITTED).**
- *R 369-08** RESOLUTION AUTHORIZING APPROVAL FOR THE MAYOR AND CITY CLERK TO EXECUTE A GRANT AGREEMENT BETWEEN THE CITY OF PLAINFIELD AND THE STATE DEPARTMENT OF HEALTH AND SENIOR SERVICES TO PROVIDE SERVICES FOR THE PREVENTION OF PRACTICING AND CONSUMPTION OF TOBACCO PRODUCTS BY UNDERAGE CHILDREN WITHIN THE CITY OF PLAINFIELD RETROACTIVE TO APRIL 1, 2008 THROUGH MARCH 31, 2009 – **\$4,500.00 – HEALTH DIVISION (CORRESPONDENCE PREVIOUSLY SUBMITTED).**
- *R 370-08** RESOLUTION AUTHORIZING APPROVAL FOR THE ISSUANCE OF A TAX REFUND DUE TO OVERPAID TAXES PAID TO SAID PROPERTY OWNERS HEREIN IDENTIFIED ON THE ATTACHED SCHEDULE A FOR A TOTAL AMOUNT OF **\$6,485.47 – TAX COLLECTOR (CORRESPONDENCE PREVIOUSLY SUBMITTED).**
- *R 371-08** RESOLUTION AUTHORIZING APPROVAL FOR THE ISSUANCE OF A REFUND DUE TO ERRONEOUS TAXES PAID TO SAID PROPERTY OWNERS HEREIN IDENTIFIED ON THE ATTACHED SCHEDULE B FOR A TOTAL AMOUNT OF **\$7,057.29 – TAX COLLECTOR (CORRESPONDENCE PREVIOUSLY SUBMITTED).**

DEPARTMENT OF PUBLIC AFFAIRS & SAFETY

- *R 372-08** RESOLUTION AUTHORIZING APPROVAL FOR THE PURCHASE OF EIGHTEEN (18) REPLACEMENT BODY ARMOR VESTS FROM ATLANTIC TACTICAL OF NJ, INC., AN AUTHORIZED STATE VENDOR # A67880 – \$16,491.00 – POLICE DIVISION (CORRESPONDENCE PREVIOUSLY SUBMITTED).

DEPARTMENT OF PUBLIC WORKS & URBAN DEVELOPMENT

- R 373-08** RESOLUTION AUTHORIZING APPROVAL FOR THE RELEASE OF PERFORMANCE GUARANTEE AND CASH DEPOSITS ASSOCIATED WITH DEVELOPMENT OF REAL PROPERTY COMMONLY KNOWN AS 1200-1354 RANDOLPH ROAD/1204-1248 PARK AVENUE, SHOWN ON THE CITY TAX MAP AS BLOCK 13, LOT 38 AND BLOCK 729, LOT 1 – \$450,000 – PLANNING DIVISION (CORRESPONDENCE PREVIOUSLY SUBMITTED).
NON-CONSENT

12. NEW ITEM(S):

- R 374-08** COUNCILMANIC RESOLUTION *AUTHORIZING RENEWAL* OF A CERTAIN PLENARY RETAIL DISTRIBUTION LICENSE FOR THE 2008 – 2009 LICENSED TERM HERETOFORE ISSUED TO *JASH-YOGI, INC., T/A BEN FRANKLIN LIQUORS* LOCATED AT 332 EAST FRONT STREET, LICENSE NO. 2012-44-003-007 – CITY CLERK.
NON-CONSENT
- R 375-08** COUNCILMANIC RESOLUTION *AUTHORIZING RENEWAL* OF A CERTAIN PLENARY RETAIL CONSUMPTION LICENSE FOR THE 2008 – 2009 LICENSED TERM HERETOFORE ISSUED TO *PUEBLO VIEJO CORP., T/A PUEBLO VIEJO* LOCATED AT 311-317 WEST FRONT STREET, LICENSE NO. 2012-33-031-004 – CITY CLERK.
NON-CONSENT

13. INTRODUCTION OF ORDINANCES ON FIRST READING:

MC 2008 - 10 AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 17, THE LAND USE ORDINANCE OF THE CITY OF PLAINFIELD TO CREATE A TRANSIT-ORIENTED DEVELOPMENT NETHERWOODS ZONE AND TO AMEND OTHER PROVISIONS OF THE LAND USE ORDINANCE– **PLANNING DIVISION.**

MC 2008 – 11 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11, PERSONNEL, AND CREATING ARTICLE 20 ENTITLED POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM – **PERSONNEL DIVISION.**

BOND ORDINANCE NO. 1245 BOND ORDINANCE PROVIDING FOR THE 2008 ROAD IMPROVEMENT PROGRAM IN THE CITY OF PLAINFIELD AND APPROPRIATING \$1,000,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$950,000 OF BONDS AND/OR NOTES FOR SAID PURPOSE SET TO BE UNDERTAKEN IN AND BY THE CITY OF PLAINFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY.

14. GENERAL PUBLIC COMMENTS:

ANY RESIDENT OR TAXPAYER OF PLAINFIELD IS WELCOME TO COMMENT ON ANY GOVERNMENTAL ITEM OF CONCERN TO THEM DURING THE GENERAL PUBLIC COMMENTS SEGMENT OF THE COUNCIL'S MEETING. CITIZENS MUST CLEARLY STATE THEIR NAME AND ADDRESS TO THE CLERK ONCE THE SPEAKER IS RECOGNIZED BY THE PRESIDING OFFICER TO SPEAK. A TOTAL OF THIRTY (30) MINUTES HAS BEEN ALLOCATED FOR ALL PUBLIC COMMENTS TO BE PRESENTED. LARGE GROUPS ARE URGED TO SELECT A SPOKESPERSON TO REPRESENT THEM. EACH PERSON IS ALLOCATED THREE (3) MINUTES TO SPEAK. THE PRESIDING OFFICER OR A MAJORITY ON THE COUNCIL MAY EXTEND THE LENGTH OF TIME ALLOCATED CUMULATIVELY OR INDIVIDUALLY.

NO SPEAKER SHALL ENGAGE IN ANY PERSONALLY OFFENSIVE, DEROGATORY OR ABUSIVE REMARKS. THE PRESIDENT SHALL IMMEDIATELY CALL TO ORDER ANY SPEAKER WHO VIOLATES THIS PROVISION. AN OFFICER FROM THE PLAINFIELD POLICE DIVISION MAY REMOVE ANY DISRUPTIVE PERSON AT THE DISCRETION OF THE PRESIDING OFFICER. PUBLIC COMMENT IS AN OPPORTUNITY FOR THE PUBLIC TO PRESENT THEIR VIEWS – BOTH POSITIVE AND NEGATIVE.

IT IS NOT A QUESTION AND ANSWER PERIOD. NEITHER THE PRESIDING OFFICER NOR COUNCIL MEMBERS WILL ENGAGE IN A BACK AND FORTH EXCHANGE SO SPEAKERS ARE ENCOURAGED TO PRESENT ALL THEIR VIEWS. THE PRESIDING OFFICER AS WELL AS ANY COUNCIL MEMBER MAY RESPOND TO ANY COMMENT AFTER SUCH SPEAKER IS FINISHED. THE PRESIDING OFFICER MAY REFER THE SPEAKER TO THE CITY ADMINISTRATOR OR AN APPROPRIATE DEPARTMENT HEAD AND ANY COUNCIL MEMBER MAY CHOOSE TO RESPOND IN WRITING TO INDIVIDUAL CITIZENS.

15. ADJOURNMENT:

TOTAL RESOLUTIONS = 24
TOTAL ORDINANCES = 3

THE NEXT REGULARLY SCHEDULED MEETING IS AN AGENDA FIXING SESSION TO BE HELD IN THE CITY HALL LIBRARY ON AUGUST 25, 2008.