

CONSENT AGENDA

November 17, 2020

RESOLUTION NOS. 11-17-20-06 a through o

RESOLUTION NO. 11-17-20-06

**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

11-17-20-06 a, b, c, d, e, f, g, h, i, j, k, l, m, n, o

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

Council President

Council Member

Introduced: November 17, 2020

Adopted: November 17, 2020

RESOLUTION NO. 11-17-20-06a

**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 RENEWAL OF A SHARED SERVICES
AGREEMENT WITH THE PLAINFIELD MUNICIPAL UTILITIES AUTHORITY
FOR THE DISPOSAL OF TYPE 23 SOLID WASTE FROM THE
BOROUGH OF NORTH PLAINFIELD**

WHEREAS, the Borough of North Plainfield is in need of a mode and manner by which it can dispose of its Type 23 Solid Waste; and,

WHEREAS, the Plainfield Municipal Utilities Authority is created pursuant to municipal ordinance and in accordance with the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq.; and,

WHEREAS, the Plainfield Municipal Utilities Authority is authorized to provide solid waste, recycling collection and disposal services, both within and outside of its solid waste district; and,

WHEREAS, the Borough of North Plainfield has previously entered into a Shared Services Agreement with the Plainfield Municipal Utilities Authority for the removal and disposal of its Type 23 solid waste from the Borough of North Plainfield (hereinafter referred to as the "Agreement"); and,

WHEREAS, the Borough of North Plainfield and the Plainfield Municipal Utilities Authority desire to renew said Agreement for an additional term of one (1) year, from January 1, 2021 to December 31, 2021 (hereinafter referred to as the "Renewal").

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 authorizes the Mayor and the Borough Clerk, on behalf of the Borough, to sign and/or execute a Renewal of a Shared Services Agreement with the Plainfield Municipal Utilities Authority, effective immediately, for removal and disposal of Type 23 solid waste from within the Borough of North Plainfield, which Agreement and Renewal is incorporated herein by reference as if same was fully set forth, without the need for any further action of this Borough Council.

By: _____
Frank "Skip" Stabile, Council President

Council Member

Introduced: November 17, 2020

Adopted: November 17, 2020

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 North Plainfield Borough Council at a regular meeting of the Borough Council held on November 17, 2020.

BOROUGH OF NORTH PLAINFIELD

By: _____
Richard K. Phoenix, R.M.C.
Borough Clerk

Date signed:

RESOLUTION NO. 11-17-20-06b

**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 RENEWAL OF A SHARED SERVICES
AGREEMENT WITH THE PLAINFIELD MUNICIPAL UTILITIES AUTHORITY
FOR THE DISPOSAL OF TYPE 13 SOLID WASTE FROM THE
BOROUGH OF NORTH PLAINFIELD**

WHEREAS, the Borough of North Plainfield is in need of a mode and manner by which it can dispose of its Type 13 Solid Waste; and,

WHEREAS, the Plainfield Municipal Utilities Authority is created pursuant to municipal ordinance and in accordance with the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq.; and,

WHEREAS, the Plainfield Municipal Utilities Authority is authorized to provide solid waste, recycling collection and disposal services, both within and outside of its solid waste district; and,

WHEREAS, the Borough of North Plainfield has previously entered into a Shared Services Agreement with the Plainfield Municipal Utilities Authority for the removal and disposal of its Type 13 solid waste from the Borough of North Plainfield (hereinafter referred to as the "Agreement"); and,

WHEREAS, the Borough of North Plainfield and the Plainfield Municipal Utilities Authority desire to renew said Agreement for an additional term of one (1) year, from January 1, 2021 to December 31, 2021 (hereinafter referred to as the "Renewal").

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 authorizes the Mayor and the Borough Clerk, on behalf of the Borough, to sign and/or execute a Renewal of a Shared Services Agreement with the Plainfield Municipal Utilities Authority, effective immediately, for removal and disposal of Type 13 solid waste from within the Borough of North Plainfield, which Agreement and Renewal are incorporated herein by reference as if same was fully set forth, without the need for any further action of this Borough Council.

By: _____
Frank "Skip" Stabile, Council President

Council Member

Introduced: November 17, 2020

Adopted: November 17, 2020

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 North Plainfield Borough Council at a regular meeting of the Borough Council held on November 17, 2020.

BOROUGH OF NORTH PLAINFIELD

By: _____
Richard K. Phoenix, R.M.C.
Borough Clerk

Date signed:

RESOLUTION NO. 11-17-20-06c

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

**A RESOLUTION AUTHORIZING THE TAX COLLECTOR
TO CANCEL TAXES**

WHEREAS, the owner of 729 Anna Place also known as Block 190 Lot 8 was deemed as a 100 % Disabled Veteran and is now exempt from property taxes per the Assessor and;

WHEREAS, taxes have been levied on the aforementioned parcel for fourth quarter to include 2020;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of North Plainfield of Somerset County, State of New Jersey, that the Tax Collector is hereby authorized to cancel taxes on this parcel.

Council President

Council Member

Introduced: November 17, 2020

Adopted: November 17, 2020

RESOLUTION NO. 11-17-20-06d

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

PROVIDING FOR THE TRANSFER OF SURPLUS FUNDS

WHEREAS, N.J.S. 40A:4-58 provides for the transfer of surplus funds from one account to the other during the last two months of the calendar year:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of North Plainfield that transfers be made in the Boroughs' 2020 budget appropriations in accordance with the following schedule:

BE IT FURTHER RESOLVED that this Resolution shall take effect upon adoption.

<u>A/C #</u>	<u>NAME</u>	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>			
23-220-200	Group Insurance	\$45,000.00	
22-195-100	Construction-S&W		20,000.00
26-310-200	Building & Grounds-OE	_____	<u>25,000.00</u>
Totals		<u>\$45,000.00</u>	<u>\$45,000.00</u>

Council President

Council Member

Introduced: November 17, 2020

Adopted: November 17, 2020

RESOLUTION NO. 11-17-20-06e

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

CANCEL UNEXPENDED BUDGET APPROPRIATION BALANCES

WHEREAS, certain unexpended budget appropriation balances have been reviewed and can be cancelled, and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to surplus.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of North Plainfield, County of Somerset, State of New Jersey, that the following unexpended balances appropriations be cancelled:

<u>Sewer Utility</u>		
<u>Acc Number</u>	<u>Title/Description</u>	<u>Amount Cancelled</u>
55-501-101	Sewer-Salaries and Wages	\$ 25,000.00
55-501-299	Sewer-OE	25,000.00
55-502-299	PARSA	<u>100,000.00</u>
	Totals	\$150,000.00

Council President

Council Member

Introduced: November 17, 2020

Adopted: November 17, 2020

RESOLUTION NO. 11-17-20-06f

**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 MESSERCOLA EXCAVATING, INC. FOR THE GROVE STREET
SANITARY SEWER REPLACEMENT PROJECT**

WHEREAS, the Borough of North Plainfield is in need of certain sanitary sewer replacement improvements as it relates to the Grove Street Sanitary Sewer Replacement Project (hereinafter referred to as the “Project”); and,

WHEREAS, the Borough of North Plainfield solicited bids for the Project and received eleven (11) bids, the three (3) lowest of which are as follows:

<u>Bidding Entity</u>	<u>Base Bid</u>
Messercola Excavating, Inc.	\$187,021.00
Montana Construction Corp., Inc.	\$243,718.00
Underground Utilities Corp.	\$276,211.10

WHEREAS, Director of Law/Borough Attorney Eric M. Bernstein, Esq. and the offices of Eric M. Bernstein & Associates, LLC, as well as Mott MacDonald, LLC, the Borough’s Engineer on the Project, have reviewed the bid submissions and recommend the award of the bid and contract for the Project to the lowest responsive and responsible bidder, Messercola Excavating, Inc., whose main offices are located at 549 East Third Street, Plainfield, New Jersey 07060 (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 Bid and Contract:

Project: Grove Street Sanitary Sewer Replacement
Successful Bidder: Messercola Excavating, Inc.

Base Bid: In the Amount Not to Exceed One Hundred and Eighty-Seven Thousand and Twenty-One Dollars (\$187,021.00)

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 paving services of Messercola Excavating, 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 Messercola Excavating, Inc. for the Project, known as the Grove Street Sewer Replacement Project.

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: November 17, 2020
Adopted: November 17, 2020

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 meeting of the Borough Council held on November 17, 2020.

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

Date signed:

RESOLUTION NO. 11-17-20-06g

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

**RESOLUTION TO ESTABLISH SALARIES AND WAGES
FOR THE YEAR 2020 FOR EMPLOYEES NOT COVERED BY THE TERMS
AND CONDITIONS OF A COLLECTIVE BARGAINING AGREEMENT**

*(Resolution being prepared – will be available
prior to the scheduled Tuesday, November 17, 2020
Virtual Meeting at 7:30 p.m.)*

Council President

Council Member

Introduced: November 17, 2020

Adopted: November 17, 2020

RESOLUTION NO. 11-17-20-06h

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

**RESOLUTION TO ESTABLISH SALARIES AND WAGES
FOR THE YEAR 2020 FOR EMPLOYEES NOT COVERED BY THE TERMS
AND CONDITIONS OF A COLLECTIVE BARGAINING AGREEMENT**

*(Resolution being prepared – will be available
prior to the scheduled Tuesday, November 17, 2020
Virtual Meeting at 7:30 p.m.)*

Council President

Council Member

Introduced: November 17, 2020

Adopted: November 17, 2020

RESOLUTION NO. 11-17-20-06i

**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 EXTENSION OF A GENERAL ENGINEERING
SERVICES AGREEMENT WITH MOTT MACDONALD FOR GENERAL
ENGINEERING SERVICES FOR A PERIOD BETWEEN JANUARY 1, 2021
THROUGH JUNE 30, 2021 FOR THE BOROUGH OF NORTH PLAINFIELD**

WHEREAS, the Borough Council for the Borough of North Plainfield previously approved a General Engineering Services Agreement with Mott MacDonald for the Calendar Year 2020; and,

WHEREAS, the Borough of North Plainfield is in need of an extension of the General Engineering Services Agreement for the period January 1, 2021 and running through June 30, 2021; and,

WHEREAS, Mott MacDonald, with a principal place of business located at 3 Paragon Way, Freehold, New Jersey 07728, is in the business of providing general engineering services and has submitted a proposal dated November 10, 2020, to extend the previously authorized General Engineering Services Agreement for a total proposed budget of Two Hundred and Two Thousand Dollars (\$202,000.00); One Hundred and Five Thousand Five Hundred Dollars (\$105,500.00) for Task 1 – Engineering Services for Application Coordination, Design, Bidding Assistance and Construction Administration and Inspection of Projects funded through the Somerset County Community Development Block Grant (“CDBG”) program; Twenty-Three Thousand Five Hundred Dollars (\$23,500.00) for Task 2 – Engineering Services for Design, Bidding Assistance and Construction Administration and Inspection Services Necessary for the Borough’s Implementation of Capital Improvements Projects; and, Seventy-Three Thousand Dollars (\$73,000.00) for Task 3 – Additional General Engineering Services, which are contemplated and set forth in the afore-referenced proposal, a copy of said proposal being maintained in the Office of the Borough Clerk, and the contents of which are incorporated herein; and,

WHEREAS, the Borough of North Plainfield is desirous of extending the term of the previously authorized General Engineering Services Agreement by extending the engineering services agreement of Mott MacDonald 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 authorize the Mayor and the Borough Clerk to sign and/or execute an extension of the General Engineering Services Agreement with Mott MacDonald, 3 Paragon Way, Freehold, New Jersey

07728, as contemplated in the afore-referenced proposal 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 in the 2021 budget 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.

Frank A. “Skip” Stabile
Council President

Council Member

Introduced: November 17, 2020
Adopted: November 17, 2020

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 November 17, 2020.

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

RESOLUTION NO. 11-17-20-06j

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

**Resolution to Engage Grotto Engineering Associates, LLC
to Provide Various Engineering Services to the Borough**

*(Resolution being prepared – will be available
prior to the scheduled Tuesday, November 17, 2020
Virtual Meeting at 7:30 p.m.)*

Frank A. “Skip” Stabile
Council President

Council Member

Introduced: November 17, 2020

Adopted: November 17, 2020

RESOLUTION NO. 11-17-20-06k

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

**RESOLUTION ENDORSING THE AMENDMENT TO THE
HOUSING ELEMENT AND FAIR SHARE PLAN
TO THE BOROUGH OF NORTH PLAINFIELD’S MASTER PLAN PREVIOUSLY
ADOPTED BY THE BOROUGH PLANNING BOARD**

WHEREAS, by Resolution, dated July 22, 2020, the Planning Board of the Borough of North Plainfield (hereinafter the “Board”) adopted an amendment to the Housing Element and Fair Share Plan to the Borough’s Master Plan prepared by the Borough’s Planner, Phillips Preiss Grygiel Leheny Hughes LLC; and,

WHEREAS, the Borough Council agrees with the Board’s finding that the amendment to the Housing Element and Fair Share Plan complies with N.J.S.A. 40:55D-28b(3) and N.J.S.A. 52:27D-310 in that it is designed to achieve the goal of providing realistic development of affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing; and,

WHEREAS, the Borough Council further agrees with the Board’s determination that the Housing Element and Fair Share Plan (HEFSP) is consistent with the goals and objectives of the Borough of North Plainfield’s Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan (HEFSP) is in the public interest and will protect public health and safety and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey hereby approves and endorses the amendment to the Housing Element and Fair Share Plan (HEFSP) that has been adopted by the Board.

Frank A. “Skip” Stabile
Council President

Council Member

Introduced: November 17, 2020
Adopted: November 17, 2020

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 November 17, 2020.

Richard K. Phoenix, R.M.C.

RESOLUTION NO. 11-17-20-06/

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

**RESOLUTION OF INTENT TO PARTICIPATE IN ANY GRANT OPPORTUNITIES
OR OTHER FUNDING SOURCES AS TO AFFORDABLE HOUSING ACTIVITIES
THROUGH THE COUNTY’S REHABILITATION PROGRAM**

WHEREAS, the Borough of North Plainfield filed a declaratory judgment action entitled In the Matter of the Application of the Borough of North Plainfield, Docket No. SOM-L-000935-15 seeking a judicial determination that the Borough is in compliance with its affordable housing obligations; and,

WHEREAS, the Court has entered a Conditional Judgment of Compliance and Repose, which will provide the Borough and the Borough Planning Board and Borough Zoning Board of Adjustment with immunity from Mount Laurel lawsuits through July 1, 2025, subject to certain conditions identified by the Court-appointed Special Master, one of which is that the Borough adopt a Resolution expressing its intent to participate in the Somerset County rehabilitation program.

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 hereby expresses its intent to participate in any grant opportunities or any other possible funding that may be made available for affordable housing activities through the County of Somerset’s rehabilitation program.

Frank A. “Skip” Stabile
Council President

Council Member

Introduced: November 17, 2020
Adopted: November 17, 2020

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 November 17, 2020.

Richard K. Phoenix, R.M.C.

RESOLUTION NO. 11-17-20-06m

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

**RESOLUTION OF INTENT TO FUND ANY SHORTFALL IN THE BOROUGH OF
NORTH PLAINFIELD'S AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**

WHEREAS, the Borough has adopted development fee ordinance creating a dedicated revenue source for affordable housing and establishing an Affordable Housing Trust Fund; and,

WHEREAS, N.J.A.C. 5:97-8.1(d) requires that a municipality with an affordable housing trust fund receive approval of a spending plan from the Council on Affordable Housing or a Court prior to spending any of the funds in its affordable housing trust fund; and,

WHEREAS, the Borough's planning consultant, Phillips Preiss Grygiel Leheny Hughes LLC, has prepared an updated Affordable Housing Trust Fund Spending Plan for the Borough; and;

WHEREAS, the Borough has submitted the updated Affordable Housing Trust Fund Spending Plan to the Court for its review and approval as part of its obligations under the Settlement Agreement between the Borough of North Plainfield and the Fair Share Housing Center; and,

WHEREAS, the Court has entered a Conditional Judgment of Compliance and Repose, which will provide the Borough and the Borough Planning Board and Borough Zoning Board of Adjustment with immunity from Mount Laurel lawsuits through July 1, 2025 subject to certain conditions identified by the Court-appointed Special Master one of which is that the Borough adopt a resolution expressing its intent to bond should insufficient revenues be available through the Borough's Affordable Housing Trust Fund Spending Plan.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that in the event that adequate funding is not available from the Borough's Affordable Housing Trust Fund Spending Plan to fund the Borough's Housing Element and Fair Share Plan, the Borough will provide the funding needed to cover any such shortfall through municipal bonding, or any other legal means, when and if that may become necessary.

Frank A. "Skip" Stabile
Council President

Council Member

Introduced: November 17, 2020
Adopted: November 17, 2020

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 November 17, 2020.

Richard K. Phoenix, R.M.C.

RESOLUTION NO. 11-17-20-06n

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

**RESOLUTION PROVIDING FOR THE COMBINATION OF
CERTAIN BOND ORDINANCES AND DETERMINING
THE FORM AND OTHER DETAILS OF THE OFFERING
OF \$15,070,000 GENERAL OBLIGATION BONDS,
SERIES 2020 CONSISTING OF \$11,291,000
GENERAL IMPROVEMENT BONDS, SERIES 2020 AND
\$3,779,000 SEWER UTILITY BONDS, SERIES 2020
OF THE BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF
SOMERSET, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF NORTH PLAINFIELD, IN THE COUNTY OF SOMERSET, STATE
OF NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough of North Plainfield, in the County of Somerset, State of New Jersey (the “Borough”), authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Improvement Bonds, Series 2020 in the aggregate principal amount of \$11,291,000 (the “General Improvement Bonds”).

Section 2. The principal amount of bonds authorized by each bond ordinance to be combined into a single issue of General Improvement Bonds as provided above, and the bond ordinances authorizing the General Improvement Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and period of usefulness determined in each of the bond ordinances are, respectively, as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
16-10	Various Capital Improvements, finally adopted 6/13/16	\$ 1,866,000	10.54 Years
17-12	Various 2017 Capital Improvements, finally adopted 6/26/17	1,968,000	8 Years
18-08	Various 2018 Capital Improvements, finally adopted 6/25/18	1,650,000	9.08 Years

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
19-04	Various Capital Improvements, finally adopted 6/10/19	2,566,000	9.75 Years
20-08	Various 2020 Capital Improvements, finally adopted 9/22/20	3,241,000	9.36 Years
TOTALS		<u>\$11,291,000</u>	

Section 3. The following matters are hereby determined with respect to the combined issue of General Improvement Bonds:

(a) The average period of usefulness, computed on the basis of the respective principal amounts of General Improvement Bonds presently authorized to be issued pursuant to each of the bond ordinances described in Section 2 and the respective periods or average periods of usefulness therein determined, is not more than 9.37 years.

(b) The General Improvement Bonds of the combined issue shall be designated “General Improvement Bonds, Series 2020” and shall mature within the average period of usefulness determined in Section 3(a) above.

(c) The General Improvement Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), specifically N.J.S.A. 40A:2-26(f), that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the General Improvement Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law.

Section 5. The General Improvement Bonds shall mature in the principal amounts on April 1 in each of the years as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2021	\$ 710,000	2026	\$1,230,000
2022	710,000	2027	1,250,000
2023	780,000	2028	1,420,000
2024	1,136,000	2029	1,420,000
2025	1,215,000	2030	1,420,000

The General Improvement Bonds are subject to redemption prior to their stated maturities in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit C. The General Improvement Bonds shall be ten (10) in number, with one bond certificate being issued for each year of maturity, and shall be designated and numbered GI-1 to GI-10, inclusive.

Section 6. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 7 hereof, shall be combined into a single issue of Sewer Utility Bonds, Series 2020 in the aggregate principal amount of \$3,779,000 (the “Sewer Utility Bonds”).

Section 7. The principal amount of bonds authorized by each bond ordinance to be combined into a single issue of Sewer Utility Bonds as provided above, and the bond ordinances authorizing the Sewer Utility Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and period of usefulness determined in each of the bond ordinances are, respectively, as follows:

* Preliminary, subject to change

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
13-06	Replacement of Sanitary Sewers at Northwood Apartments, finally adopted 12/9/13	\$ 95,000	40 years
14-08	2014 Sanitary Sewer Inspection and Repair Program, finally adopted 9/8/14	151,000	15 years
16-11	Various Sewer Utility Improvements, finally adopted 6/13/16	711,425	35.14 years

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
18-09	2018 Sanitary Sewer Inspection and Repair Program and various Sewer Utility Capital Improvements, finally adopted 6/25/18	522,000	10 years
19-05	2019 Sanitary Sewer and Repair Program of the Sewer Utility, finally adopted 6/10/19	1,097,000	30 years
20-09	2020 Sanitary Sewer and Repair Program of the Sewer Utility, finally adopted 9/22/20	1,202,575	30 years
TOTALS		<u>\$3,779,000</u>	

Section 8. The following matters are hereby determined with respect to the combined issue of Sewer Utility Bonds:

(a) The average period of usefulness, computed on the basis of the respective principal amounts of Sewer Utility Bonds presently authorized to be issued pursuant to each of the bond ordinances described in Section 7 and the respective periods or average periods of usefulness therein determined, is not more than 27.86 years.

(b) The Sewer Utility Bonds of the combined issue shall be designated “Sewer Utility Bonds, Series 2020” and shall mature within the average period of usefulness determined in Section 8(a) above.

(c) The Sewer Utility Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law, specifically N.J.S.A. 40A:2-26(f), that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 9. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Sewer Utility Bonds described in Section 7 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 7 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 7 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 7 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and such improvements or purposes, if applicable and permitted by law, and provided that the Sewer Utility of the Borough is self-liquidating, are deductible from gross debt in any annual or supplemental debt statement of the Borough.

Section 10. The Sewer Utility Bonds shall mature in the principal amounts on April 1 in each of the years as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2021	\$110,000	2031	\$200,000
2022	110,000	2032	205,000
2023	110,000	2033	210,000
2024	179,000	2034	210,000
2025	180,000	2035	215,000
2026	185,000	2036	220,000
2027	185,000	2037	220,000
2028	190,000	2038	220,000
2029	195,000	2039	220,000
2030	195,000	2040	220,000

The Sewer Utility Bonds are subject to redemption prior to their stated maturities in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit C. The Sewer Utility Bonds shall be twenty (20) in number, with one bond certificate being issued for each year of maturity, and shall be designated and numbered SU-1 to SU-20, inclusive.

Section 11. The General Improvement Bonds and the Sewer Utility Bonds are collectively referred to hereinafter as the “Bonds”.

* Preliminary, subject to change

Section 12. The Bonds will be issued in fully registered book-entry only form, without coupons. One certificate shall be issued for the aggregate principal amount of the Bonds of each series maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as Securities Depository (the “Securities Depository”) for the Bonds. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book entry system for recording the interests of its Participants (“Participants”) or the transfers of the interests among its Participants. The Participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 each or any integral multiple thereof, with a minimum purchase of \$5,000 required, except that

any Bonds in excess of the largest principal amount equaling a multiple of \$5,000 shall be in denominations of \$1,000 or any integral multiple thereof, through book entries made on the books and records of DTC and its Participants. The Bonds will be dated their date of delivery and shall bear interest from such date, which interest shall be payable semiannually on the first (1st) day of April and October in each year (each an “Interest Payment Date”) until maturity or prior redemption, commencing April 1, 2021, at a rate or rates per annum as proposed by the successful bidder in accordance with the Notice of Sale authorized herein. The principal of and the interest on the Bonds will be paid to the Securities Depository by the Borough, or some other paying agent as the Borough may designate and appoint, on the maturity dates and due dates set forth therein and will be credited on the maturity dates and due dates to the Participants of DTC as listed on the records of DTC as of each March 15 and September 15 (the “Record Dates”) preceding an Interest Payment Date. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer of the Borough under the official seal affixed, imprinted, or reproduced thereon and attested to by the manual signature of the Clerk or Deputy Clerk of the Borough. The following matters are hereby determined with respect to the Bonds:

Date of Bonds:	Date of Delivery;
Principal Payment Date:	April 1, 2021 and each April 1 thereafter until respective maturity or prior redemption;
Interest Payment Dates:	Semiannually on each April 1 and October 1 until respective maturity or prior redemption, commencing April 1, 2021;
Place of Payment:	Cede & Co., New York, New York.

Section 13. The Bonds shall be substantially in the forms set forth in Exhibit A and Exhibit B, respectively, attached hereto with such additions, deletions, and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of DTC, upon advice of Bond Counsel (as hereinafter defined) and the Municipal Advisor (as hereinafter defined) to the Borough.

Section 14. The Bonds shall be sold upon receipt of electronic bids on Tuesday, December 1, 2020 at or prior to 10:45 a.m. (or on such other date and/or time as may be designated by the Chief Financial Officer of the Borough) by the Chief Financial Officer of the Borough on i-Deal’s Bidcomp®/PARITY® electronic competitive bidding system (“PARITY”), in accordance with the Notice of Sale authorized herein, substantially in the form set forth in Exhibit C herein. The use of the services provided by PARITY and the fees associated therewith are hereby approved. Bond Counsel to the Borough, on behalf of the Clerk of the Borough, is hereby authorized and directed to arrange for the publication of a summary of such Notice of Sale to be published not less than seven (7) days prior to the date of sale in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York and the full text of such Notice of Sale in the Courier News, such Notice of

Sale to be published not less than seven (7) days prior to the date of sale. Pursuant to N.J.S.A. 40A:2-34, the Borough hereby designates the Chief Financial Officer of the Borough as the financial officer authorized to sell and award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officer shall report in writing the results of the sale to the Borough Council at its next regularly scheduled meeting thereafter. The Chief Financial Officer is hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to effectuate the offering and sale of the Bonds.

Section 15. The Notice of Sale for the Bonds shall be in the form set forth in Exhibit C attached hereto with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, upon advice of the Municipal Advisor and Bond Counsel to the Borough.

Section 16. The Bonds shall have attached thereto a copy of the written opinion with respect to such Bonds that is to be rendered by the law firm of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Borough (“Bond Counsel”). The Clerk of the Borough is hereby authorized and directed to file a signed duplicate of such written opinion in the office of the Clerk of the Borough.

Section 17. Bond Counsel is hereby authorized and directed to arrange for the printing of the Bonds and for the printing and electronic posting of the Preliminary Official Statement (as hereinafter defined) and the Final Official Statement (as hereinafter defined), which Preliminary Official Statement and Final Official Statement are each hereby authorized and directed to be prepared by Bond Counsel, Hodulik & Morrison, P.A. a division of PKF O’Connor Davies, Accountants and Advisors, Highland Park, New Jersey, auditor to the Borough (the “Auditor”), Acacia Financial Group, Inc., Mount Laurel, New Jersey, municipal advisor to the Borough (the “Municipal Advisor”) and other Borough officials. Bond Counsel, the Auditor, and the Municipal Advisor are also authorized and directed to arrange for the distribution of the Preliminary Official Statement on behalf of the Borough to those financial institutions that customarily submit bids for such Bonds. The Mayor, Chief Financial Officer and Clerk of the Borough are each authorized and directed to execute and deliver any certificates necessary in connection with the distribution of the Preliminary Official Statement and the Final Official Statement. Bond Counsel, the Auditor, and the Municipal Advisor are hereby further authorized and directed to obtain ratings on the Bonds and, if necessary, to prequalify the Bonds for municipal bond insurance and to prepare and submit financial and other information related to the Borough to, as applicable, rating agencies and municipal bond insurers.

Section 18. The Borough hereby covenants that it will comply with any conditions and actions imposed by the Internal Revenue Code of 1986, as amended (the “Code”), to preserve the exemption from Federal income taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 19. The Borough is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 20. In the event DTC may determine to discontinue providing its services with respect to the Bonds or is removed by the Borough and if no successor securities depository is appointed, the Bonds which were previously issued in book-entry only form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000 each or any integral multiple thereof, except that any Bonds in excess of the largest principal amount equaling a multiple of \$5,000 shall be in denominations of \$1,000 or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 21. The Chief Financial Officer is hereby authorized and directed to "deem final" the Official Statement (the "Official Statement") prepared with respect to the marketing, sale and issuance of the Bonds and pursuant to the provisions of the Rule (as hereinafter defined) and to execute a certificate regarding same. The Chief Financial Officer is hereby authorized and directed to authorize and approve the use and distribution of the Official Statement in preliminary form (the "Preliminary Official Statement") in connection with the marketing, offering and sale of the Bonds. Upon the sale of the Bonds, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel and the Municipal Advisor, to reflect the effect of the sale of the Bonds and said modified Preliminary Official Statement shall constitute the final Official Statement (the "Final Official Statement"). The Chief Financial Officer is hereby authorized and directed to execute and deliver the Final Official Statement to the purchaser of the Bonds in accordance with the provisions of the Rule for its use in the sale, resale and distribution of the Bonds, where and if applicable.

Section 22. The Borough hereby covenants and agrees that it will comply with and carry out all of the provisions of a Continuing Disclosure Certificate to be executed for the Bonds (the "Certificate"), which will set forth the obligation of the Borough to file, as applicable, budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material with respect to the Bonds, in accordance with the provisions of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented. The Chief Financial Officer of the Borough is hereby authorized and directed to execute and deliver the Certificate to the purchaser of the Bonds evidencing the Borough's undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Borough to comply with the Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Borough to comply with its obligations hereunder and thereunder.

Section 23. The Chief Financial Officer of the Borough is hereby authorized and directed to sell the aforesaid Bonds and to determine all matters in connection with the Bonds (including adjusting the maturity schedule or any other matters set forth in this resolution that are deemed necessary and advisable to change by the Chief Financial Officer, prior to the sale or closing of the Bonds, all in consultation with Bond Counsel, the Auditor and the Municipal Advisor), and the manual or facsimile signature of the Chief Financial Officer of the Borough upon the Bonds and any other certificates, documents, or agreements related thereto shall be conclusive as to all such determinations. The Mayor, Chief Financial Officer, Clerk of the Borough and any other Borough Official or professional, including, but not limited to, Bond Counsel, the Auditor, the Municipal Advisor, the Borough Engineer and the Borough Attorney (collectively, the “Borough Officials”), are each hereby authorized and directed to execute and deliver such certificates, documents, or agreements as are necessary to consummate the sale and closing of the Bonds, and to take such actions or refrain from such actions as are necessary for the authorization, marketing, sale, issuance, and delivery of the Bonds and all such actions or inactions previously taken by the aforesaid Borough Officials are hereby ratified and confirmed.

Section 24. This resolution shall take effect immediately.

Council President

Council Member

Introduced: November 17, 2020
Adopted: November 17, 2020

CERTIFICATION

I, RICHARD K. PHOENIX, Clerk of the Borough of North Plainfield, in the County of Somerset, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the foregoing annexed extract from the minutes of the regular meeting of the Borough Council of the Borough duly called and held on November 17, 2020, in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended and supplemented, has been compared by me with the original minutes thereof as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough this ____ day of November, 2020.

(SEAL)

RICHARD K. PHOENIX,
Clerk of the Borough of North Plainfield

RESOLUTION NO. 11-17-20-06o

**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 17th day of November, 2020 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: November 17, 2020

Adopted: November 17, 2020