

Minutes from the December 19, 2011 Public Meeting of the South Plainfield Mayor and Council

The meeting was called to order at 7:15pm by Mayor Anesh in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, with adequate notice of this meeting of the Borough Council being provided to the borough's two official newspapers and also published on the Borough's website.

Clerk Graf called the roll. Present were Council Members: Bengivenga, Buteas, Frank, McConville, Salerno and Rusnak.

After the Pledge of Allegiance, the Invocation was offered by Mr. Bengivenga.

Mr. Bengivenga made a motion to approve the minutes of Agenda, Public and Executive meetings of December 19, 2011; seconded by Mr. Rusnak.

YES: Bengivenga, Buteas, Frank, McConville, Salerno, Rusnak Motion Carried

The Mayor opened the meeting to the Public for comments on Agenda items only. No one wished to speak so the Mayor closed the public portion and called for Ordinance # 1943.

Ms. Graf read Ordinance # 1943 by title only for Public Hearing and final adoption as follows:

#1943 entitled: Bond Ordinance providing for various road improvements and the acquisition of road easements in and by the Borough of South Plainfield, in the County of Middlesex, New Jersey, appropriating \$680,000 therefor and authorizing the issuance of \$645,000 bonds or notes of the Borough to finance part of the cost thereof.

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$680,000, including the sum of \$35,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$645,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various road improvements and the acquisition of road easements, consisting of improvements and acquisitions to West 7th Street, easement acquisitions for Corporate Court, New Durham Road, New Durham Avenue and Stelton Road, New Market Avenue extension, the resurfacing of Oak Tree Avenue, and improvements to the Truck Bypass Route, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake is a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$645,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$85,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Bengivenga made a motion to adopt Ordinance # 1943, seconded by Mr. McConville.

As this is a final reading, Mayor Anesh opened a public hearing on the ordinance.

No comments were offered so Mayor Anesh closed the public hearing and asked if the council had any questions or comments.

Ms. Buteas asked what the total bonding was in 2011. Mr. Cullen responded that the total was \$1.7 million.

YES: Bengivenga, Buteas, Frank, McConville, Salerno and Rusnak Motion Carried

Prior to the vote on resolutions, Ms. Buteas asked what the cost of ambulance service is for the residents.

Mr. Rusnak replied that SMC will charge \$1,000 and will bill the insurance company for payment. They will take whatever is covered by insurance and will not bill the resident for the difference if there is an unpaid balance.

Ms. Buteas also inquired if the funds being saved could be applied to the rescue squad for supplemental insurance.

Mr. Bengivenga made a motion to approve Resolutions 11-318 through 11-339 excluding #11-311, seconded by Mr. McConville, which all begin with **BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT:**

#11-318

WHEREAS, in accordance with N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the fiscal year, for the purposes specified and in excess of sums appropriated in the Budget; and

WHEREAS, such transfers must be approved by a vote of not less than two-thirds of the full membership of the governing body;

NOW, THEREFORE, BE IT RESOLVED that the following transfers be approved in accordance with State Statute:

**BOROUGH of SOUTH PLAINFIELD
TRANSFERS – 2011**

CURRENT FUND

FROM:			<u>AMOUNT</u>
1-01-20-120-000-101	Borough Clerk	S&W	2,500.00
1-01-20-130-000-101	Financial Administration	S&W	10,000.00
1-01-20-140-000-101	Computer Services	S&W	2,500.00
1-01-20-145-000-101	Collection of Taxes	S&W	2,500.00
1-01-21-180-001-221	Planning	O & E	3,000.00
1-01-23-210-000-661	Other Insurance	O & E	5,000.00
1-01-25-240-001-101	Police	S&W	5,000.00
1-01-25-240-003-241	Crossing Guards	O & E	5,000.00
1-01-25-250-000-101	Emergency Management	S&W	2,000.00
1-01-25-265-003-581	Fire Service Charges	O & E	2,000.00
1-01-26-290-001-101	Public Works Administration	S&W	3,000.00
1-01-26-290-002-102	Road Repairs & Maintenance	S&W	2,500.00
1-01-26-305-003-101	Recycling	S&W	2,500.00
1-01-28-370-001-101	Recreation	S&W	5,000.00
1-01-36-472-000-675	SSI	Statutory	12,500.00
Total FROM:			<u><u>65,000.00</u></u>

TO:			<u>AMOUNT</u>
1-01-20-150-000-101	Assessing	S&W	2,500.00

1-01-25-265-001-475	Fire Department	O & E	1,500.00
1-01-26-290-002-435	Road Repairs & Maintenance	O & E	2,500.00
1-01-26-315-000-401	Vehicle Maintenance	O & E	10,000.00
1-01-28-370-000-300	Recreation	O & E	2,000.00
1-01-28-370-002-101	Office on Aging	S&W	6,000.00
1-01-28-370-002-501	Office on Aging	O & E	2,000.00
1-01-30-410-001-535	Municipal Support	O & E	3,500.00
1-01-31-435-002-555	Street Lights	O & E	3,000.00
1-01-31-465-001-565	Gasoline	O & E	20,000.00
1-01-32-465-001-545	Landfill	O & E	12,000.00
Total TO:			<u>65,000.00</u>

#11-319

WHEREAS, the Local Public Contracts Law of the State of New Jersey (NJSA 40A:11-1 et seq.) establishes standards and procedures for the awards of contracts and the purchase of goods and services which are to be paid with public funds; and

WHEREAS, it has been determined that a need exists for the installation of alarms and fire systems for the police evidence room; and

WHEREAS, NJSA 40A:11-6.1 requires the solicitation of quotations for purchases estimated to be in excess of \$2,640.00 or more but less than \$17,500.00; and

WHEREAS, quotes were received from:

- | | |
|-----------------------------|-------------|
| 1. Foremost Fire Protection | \$10,555.00 |
| 2. Approved Fire Protection | \$57,925.00 |

WHEREAS, the availability of funds for this purpose have been certified by the Chief Financial Officer; and

WHEREAS, it is the recommendation of the Police Chief and the Borough Administrator that the award of contract to Foremost Fire Protection of South Plainfield. at a cost not to exceed \$10,555.00

NOW THEREFORE BE IT RESOLVED by the South Plainfield Borough Council that the Mayor and Municipal Clerk are hereby authorized to execute a contract with Foremost Fire Protection of South Plainfield for the installation of alarms and fire systems for the police evidence room at a cost not to exceed \$10,555.00.

#11-320

the Borough of South Plainfield and the South Plainfield Exempt Fire Association agree to extend the existing Lease Amendment dated February 8, 1982 indefinitely until a final lease agreement is ratified. This extension is to be effective January 1, 2012.

#11-321

WHEREAS, the taxpayer, Navitak Capital, ("Taxpayer") has appealed the real estate tax assessment on its properties located at 1 Cragwood Road, also known as Block 528.01, Lot 45.08 for the tax years 2009, 2010 and 2011, in the Tax Court of the State of New Jersey, Docket Nos. 003601-2009, 001027-2010 and 002416-2011; and

WHEREAS, the Borough appraiser, Russell Sterling, MAI, opined that the property was over assessed in the 2009, 2010 and 2011 years under appeal and that in his opinion the assessments should be adjusted to a reflect a true value opinion of \$14,000,000 x average ratio in each respective year; and

WHEREAS, the taxpayer has agreed to settle the tax appeals by withdrawing the 2009 appeal and accepting reductions of the total tax assessments in 2010 to a total tax assessment of \$6,649,000 (true value of \$19, 250,000 x average ratio of 34.54%); and accepting reductions of the total tax assessments in 2011 to a total tax assessment of \$5,191,800 (true value of \$14,800,000 x average ratio of 35.08%); and by agreeing that the total 2012 assessment be set to a total tax assessment of \$4,683,900 (true value of \$13,000,000 x average ratio of 36.03%); and

WHEREAS, the parties agreed that in consideration of the settlement, either party shall have the right to file a tax appeal for the 2012 tax year solely for the purpose of implementing, enforcing and/or confirming the agreed upon assessment, and that this agreement shall be binding upon any assignees, tenants and successors in interests with regard to the subject property, and that except for this limited right to appeal, Taxpayer, its successors and/or assignees waive the right to seek a further reduction in the 2012 assessment, and that Taxpayer warrants to the Borough that the property has not been sold and is not currently being marketed for sale for an equalized value in excess of the proposed 2012 assessment, and that no sale of the property is currently pending or anticipated to close for an equalized value in excess of the proposed 2012 assessment; and

WHEREAS, the Borough appraiser, Russell Sterling, MAI, recommended the settlement be approved because his preliminary opinions that the Borough was not able to defend the assessments in 2009, 2010 or 2011, the opinions of the Borough appraiser being incorporated in to a memorandum a copy of which has been reviewed by the Mayor and Council, and therefore, this proposed settlement is reasonable and reflects the correct market values for the property which was over assessed for all three years under appeal; and

WHEREAS, the Stipulation of Settlement is annexed hereto and incorporated herein by this reference and has been reviewed and approved by the Borough Council; and

WHEREAS, the taxpayer has agreed to waive interest due on any overpayment pursuant to N.J.S.A. 54:3-27.2; and

WHEREAS, refunds regarding overpayments in the 2010 tax year only, which are to be made payable to "Garippa, Lotz & Giannuario, P.C." and forwarded to Adam Jones, Esq., Garippa, Lotz & Giannuario, 66 Park Street, Montclair, New Jersey 07042; and

WHEREAS, in the discretion of the Borough Tax Collector, the Taxpayer has agreed to accept credits in lieu of any refund for any overpayment in the 2011 tax year only, to be exhausted commencing with the first quarterly payment due after Judgment; and

WHEREAS, the Borough Tax Assessor and the Attorney for the Borough have reviewed and recommend the settlement to the Borough Council; and

WHEREAS, the aforesaid reductions in assessment have no general application to other properties within the Borough of South Plainfield as a result of the aforesaid specific fact situation; and

WHEREAS, the Borough Council leaves the allocation between land and improvements of the aforesaid tax assessment reductions to the Borough's Assessor's discretion with the direction that the same be set so as to be most beneficial to the Borough; and

WHEREAS, the Borough Council makes this settlement with the taxpayer without prejudice to its dealings with any other Borough taxpayers' request for tax assessment reduction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, as follows:

1. The Borough Tax Assessor is hereby directed to establish allocation between land

and improvements of a \$1,481,000 total tax assessment reduction for the 2010 tax year for Block 528.01, Lot 45.08, which is most beneficial to the Borough and advise the Borough Attorney of that allocation.

2. The Borough Tax Assessor is hereby directed to establish allocation between land and improvements of a \$336,800 total tax assessment reduction for the 2011 tax year for Block 528.01, Lot 45.08, which is most beneficial to the Borough.

3. The Borough Tax Assessor is hereby directed to establish allocation between land and improvements on the tax assessment for the 2012 tax year of \$4,683,900 for Block 528.01, Lot 45.08, which is most beneficial to the Borough.

4. The Borough Attorney is hereby authorized to execute the Stipulation of Settlement, a copy of which is annexed hereto, relative to the tax appeals of Navitak Capital/South Field Crown Realty vs. Borough of South Plainfield, Docket No. 005760-2009, Navika Capital/South Field Crown Realty vs. Borough of South Plainfield, Docket Nos. 001027-2010 and 002416-2011; which results in the withdrawal of the taxpayer's 2009 tax year appeal, and a reduction in the 2010 total tax assessment on the property from \$8,130,000 to \$6,649,000 and a reduction in the 2011 total tax assessment on the property from \$5,528,600 to \$5,191,800; and which further provides that the Property's 2012 total tax assessment shall be set to reflect a total tax assessment of \$4,683,900; and which further provides that either party shall have the right to file a tax appeal for the 2012 tax year solely for the purpose of implementing, enforcing and/or confirming the agreed upon assessment; and which further provides that this agreement shall be binding upon any assignees, tenants and successors in interests with regard to the subject property; and which further provides that Taxpayer, its successors and/or assignees waive the right to seek a further reduction in the 2012 assessment; and which further provides that Taxpayer warrants to the Borough that the property has not been sold and is not currently being marketed for sale for an equalized value in excess of the proposed 2012 assessment and that no sale of the property is currently pending or anticipated to close for an equalized value in excess of the proposed 2012 assessment; and which further provides that the taxpayer agreed to waive interest due on any and all overpayments pursuant to N.J.S.A. 54:3-27.2; and which further provides that any refunds regarding overpayments in the 2010 tax year only, are to be made payable to "Garippa, Lotz & Giannuario, P.C." and forwarded to Adam Jones, Esq., Garippa, Lotz & Giannuario, 66 Park Street, Montclair, New Jersey 07042; which further provides that, at the discretion of the Borough Tax Collector, the taxpayer will accept credits in lieu of refunds regarding any overpayments in the 2011 tax year only which will be exhausted commencing with the first quarterly payment due after Judgment;

5. The settlement outlined above shall be without prejudice to the Borough of South Plainfield's dealings with any other Borough taxpayers request for tax assessment reductions.

#11-322

WHEREAS, N.J.S.A. 40a:4-19 Local Budget Act provides that where any contracts, commitments or payments are to be made prior to the final adoption of the budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is prior to the adoption of the CY2012 Budget, and

WHEREAS, the temporary budget set forth below does not exceed twenty six and one quarter percent of the total appropriations in the previous years budget (exclusive of any appropriations made for Debt Service, Capital Improvements Fund and Public Assistance).

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the temporary appropriations of Total General Appropriations in the amount of \$5,320,000.00; Total Sewer Utility in the amount of \$1,682,100.00 and Total Pool Utility in the amount of \$6,000.00 are hereby authorized and that a certified copy of this resolution be transmitted to the Chief Financial Officer. A copy of the Budget document is attached.

#11-323

WHEREAS, the Superintendent of Public Works has determined that, during snow storms, the current workforce at DPW cannot adequately provide the required coverage for snow removal and therefore needs to supplement staff with outside contractors; and

WHEREAS, a Request for Proposals was advertised and six (6) vendors responded who qualify to provide snow removal services to the borough;

NOW, THEREFORE, the Mayor and Municipal Clerk are hereby authorized to execute a service contracts between the Borough of South Plainfield an the following list of vendors to provide snow removal services for the 2011/2012 winter season per the bid specifications submitted.

- Stilo Excavating, So. Plainfield, NJ
- Fimiani Construction, Edison, NJ
- NuScape Landscaping, South Plainfield, NJ
- Disch Tree Service, South Plainfield, NJ 07080
- Mike Iarrapino – Edison Heating & Cooling
- Omni Construction
- Fischer Contracting

#11-324

WHEREAS, Chapter 141, Article III of the Code of the Borough of South Plainfield permits machines or devices, which may be operated by the public for entertainment or amusement, in established places of business situated in the Borough of South Plainfield providing said places of business first obtain a license approved by the Mayor and Council in accordance with Chapter 141 of the Code, and

WHEREAS, the following establishments or owners of devices placed in same have requested renewal for the year 2012 and have met all conditions required and paid all required fees for renewal:

<u>NAME AND ADDRESS</u>	<u>NUMBER OF MACHINES</u>
Flanagan's, 2501 Plainfield Ave.	2
Italian American Club, 1001 Garibaldi Ave.	2
K.C. Korner, 100 Oak Tree Ave.	1
Liquid Assets	2
Polish Home, 312 New Market Ave.	5
Sal's Spirit Shop, 1645 Park Ave.	3
Regal Cinema Hadley, 1000 Corporate Court	5
Pizza Hut, 5251 Stelton Road	4
Red Robin, 6200 Hadley Road	3
VFW Post 6767, 155 Front Street	1

NOW, THEREFORE, in accordance with Chapter 141 of the Code of the Borough of South Plainfield, the governing body hereby approves the issuance of licenses to the establishments listed above for 2012.

#11-325

WHEREAS Absolute Fire Protection Co., Inc., A.J.V. Auto Air & Service, Inc., Conti Enterprises, H. K. Truck Services and Prevost Car (US), Inc. have met all requirements of the Borough Ordinance #742 to conduct the sale or exchange of motor vehicles; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that Absolute Fire Protection Co., Inc., A.J.V. Auto Air & Service, Inc., Conti Enterprises, H. K. Truck Services, Prevost Car (US), Inc. be and are hereby issued licenses to conduct the sale or exchange of motor vehicles for the year 2012.

#11-326

WHEREAS, the owner of Gene's Auto Wreckers in the Borough of South Plainfield has made an application in accordance with the Borough Code, Chapter 118 for renewal of the license to operate a junkyard for the year 2012, and

WHEREAS, after proper investigation it was deemed that all requirements of the Code have been met.

NOW THEREFORE BE IT RESOLVED that the Governing Body that a junk yard license be issued to Gene's Auto Wreckers for 2012.

#11-327

WHEREAS, the following list of Laundromat operator have made application in accordance with the Borough Code, Chapter 122 for renewal of their license to operate for the year 2012;

1. Laundry Land, 1243 West 7th Street
2. Quick Wash Laundromat, 4993 Stelton Road
3. Smile Laundromat, 2099 New Brunswick Ave.
4. Kobike Corp. 3600 Park Avenue, Suite M
5. The Best Laundromat, 1711 Park Ave

WHEREAS, after proper investigation, it was deemed that all requirements of the Code have been met by each applicant;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, that licenses be issued to the four laundry owners listed above for 2012.

#11-328

WHEREAS, the New Jersey Department of Transportation (NJDOT) is accepting applications for FY2012 Safe Routes to School projects, and NJDOT will provide financial assistance to municipalities for bicycle and pedestrian improvements which are selected through the grant application process; and

WHEREAS, the Borough lacks adequate crosswalks in the vicinity of a number of Borough public schools, and these schools are in need of crosswalk improvements to protect the health and safety of school children who walk and/or bicycle to and from school; therefore, the Borough of South Plainfield will submit a Safe Routes to School Grant Application for the South Plainfield Borough Pedestrian Improvements project, which will include installing crosswalks near Roosevelt Elementary School, Grant Elementary School, John F. Kennedy Elementary School, John E. Riley Elementary School, South Plainfield Middle School, and South Plainfield High School;

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of South Plainfield, formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Mayor and Administrator are hereby authorized to submit an electronic grant application identified as SRS-I-2012-South Plainfield Borough-00138 to the New Jersey Department of Transportation on behalf of the Borough of South Plainfield;

BE IT FURTHER RESOLVED that the Mayor and Administrator are hereby authorized to sign the grant agreement on behalf of the Borough of South Plainfield and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

#11-329

WHEREAS, a need exists to provide members of the South Plainfield Police Department with certain health care services; and

WHEREAS, the Borough wishes to engage the services of JFK Medical Center as an independent professional service provider to furnish necessary medical examinations and tests; and

WHEREAS, this agreement shall be in force upon passage of this resolution and shall automatically renew for successive one year terms unless either party give notice of intent to terminate;

NOW, THEREFORE, the South Plainfield Borough Council hereby authorizes the Mayor and Municipal Clerk to execute a Professional Service Agreement with JFK Medical Center to provide the medical services designated at the rates so indicated on the "Company Data Sheet" (see attached) for a one year renewable term ending November 30, 2012 and each year thereafter until either party give notice to terminate.

#11-330

WHEREAS, a need exists for primary ambulance service for medical emergencies, fire scene responses, and mutual aid responses in the borough; and

WHEREAS, the Borough has solicited proposals from several area emergency ambulance service organizations; and

WHEREAS, it is the recommendation of the Borough Administrator that the Borough continue to utilize the services of Somerset Medical Center for emergency ambulance services and enter into a three year contract with automatic one year renewals; and

WHEREAS, service will be provided at no cost to the Borough of South Plainfield and Somerset Medical Center will be allowed to bill patients directly for their services; and

WHEREAS, SMC will provide service seven (7) days per week from 7:00am to 5:00pm;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute a Professional Service Agreement between the Borough of South Plainfield and Somerset Medical Center to provide Emergency Ambulance Service seven days per week, at no cost to the Borough for an initial term of three years effective January 1, 2012

#11-331

WHEREAS, a need exists to supplement the workforce of the Department of Public Works during the winter months for snow removal efforts; and

WHEREAS, winter seasonal employees shall be hired as temporary, per diem employees who are paid on an hourly basis and shall be given work assignments at the discretion and the direction of the Borough Administrator or his delegate; and

WHEREAS, the term "per diem" is intended to encompass those municipal employees whose compensation is predicated upon a seasonal hourly basis of payment, exclusive of benefits, as follows:

- Truck Driver (CDL License required) \$30.00 per hour
- Snow Shoveling or Snow Blower manpower \$15.00 per hour
- Vendor with own snow blower \$20.00 per hour

NOW THEREFORE BE IT RESOLVED that authorization is hereby granted to establish a list of Per Diem seasonal employees in the Department of Public Works for the purpose of borough-wide snow removal; said employees to work at the direction of the Administrator for the title and rate indicated. The current list is as follows:

- MIKE DOWNES, SR.
- MIKE DOWNES, JR.
- ZIGGY SUTOR
- TOM WALSH
- ADAM KAPLAN
- CHRIS PAPIANNI
- SCOTT MUDRICK
- FRANK LICATO III

KEN CALDERONI, JR.
BRANDON DOWNES
FRANK GASPARI
MIKE GLOWACKI
ANTHONY LAPIERRE
RYAN HUGHES
SAL ESPOSITO
ANGELO PARADISO

#11-332

authorization is hereby given to waive the Building & Zoning permit fees for The Nativity of the Blessed Virgin Church, 400 Delmore Ave, for the installation of a storage shed.

#11-333

authorization is hereby granted to waive the Senior Center rental fee for the Almost Famous Players' fundraiser to benefit Zack Szala, the nephew of a local resident, Barbara Drumgould, who was bitten by a rattlesnake. The event will take place on January 15, 2012.

#11-334

WHEREAS, the Tax Collector advises that the following taxpayers and/or their agents have overpaid their sewer and have requested refunds:

Block 267; Lot 1.26
Account # 5083-0
Church of Sacred Heart
149 South Plainfield Avenue
South Plainfield, NJ 07080
\$1,455.19

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Chief Financial Officer is hereby authorized to issue a check(s) in the amount(s) as mentioned above.

#11-335

WHEREAS, the following list of taxpayers have filed appeals with the Middlesex Tax Court and have received judgments reducing their assessments:

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Mariano & Maria DeSantis 242 St. Nicholas Avenue South Plainfield, NJ 07080	445	10.06	2011	\$19,044.54

Make check payable to:

Daniel G. Keough, Trustee for DeSantis
80 Main Street, Suite 410
West Orange, NJ 07052

Total **\$19,044.54 ***

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Chief Financial Officer is hereby authorized to issue a check(s) in the amount(s) as mentioned above.

#11-337

The following persons are hereby hired on a full time basis, effective December 20, 2011 at a rate of \$19.48 per hour based on a Laborer III level:

1. Paul Zawacki
2. Anthony Del Paoli
3. Randy Vargas

#11-338

WHEREAS, the Local Public Contracts Law of the State of New Jersey (NJSA 40A:11-1 et seq.) establishes standards and procedures for the awards of contracts and the purchase of goods and services which are to be paid with public funds; and

WHEREAS, it has been determined that a need exists for the replacement of the copiers located in the Clerk’s office and the Finance Dept.; and

WHEREAS, NJSA 40A:11-6.1 requires the solicitation of quotations for purchases estimated to be in excess of \$2,640.00 or more but less than \$17,500.00; and

WHEREAS, it is the recommendation of the Borough Administrator that the borough enter into a contract with Atlantic Business Products under NJ State Contract # A51464, utilizing an investment option of \$301.02 per month for the Clerk’s office and \$182.56 per month for the Finance Dept.; and

WHEREAS, the availability of funds for this purpose have been certified by the Chief Financial Officer; and

NOW THEREFORE BE IT RESOLVED by the South Plainfield Borough Council that the Mayor and Municipal Clerk are hereby authorized to execute a lease/purchase agreement with Atlantic Business Products for two new copiers for the Clerk’s office AND THE Finance Dept. at a rate of \$301.02 per month for the Clerk’s office and \$182.56 per month for the Finance Dept. utilizing NJ State Contract # A51464.

#11-339

WHEREAS, CY2011 was adopted by the Governing Body of the Borough of South Plainfield on the 25th day of July, 2011; and

WHEREAS, it is the desire of the Governing Body to amend said adopted capital budget section.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, that the amendment(s) to the adopted capital budget section of the 2011 Budget be made as follows :

Projects:

Various Road & Easement Improvements	\$680,000.00
Capital Improvement Fund:	\$ 35,000.00
<u>Total Debt Authorized:</u>	\$645,000.00

BE IT FURTHER RESOLVED that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

YES: Bengivenga, Buteas, Frank, McConville, Salerno, Rusnak

Mr. McConville made a motion to accept the Correspondence as listed below, seconded by Ms. Buteas.

1. Business Advisory Group minutes – October 5, 2011
2. Zoning board of Adjustment minutes – November 10, 2011
3. Planning Board minutes – November 22, 2011
4. Environmental Dept. Report – November 2011
5. Letter from John Petriello, Jr. re: Letter of intent to retire eff. 4/1/2012
6. Traffic Safety Advisory Commission minutes – October 26, 2011
7. Comcast: Cable changes
8. Letter from The Nativity of the Blessed Virgin Church requesting waiver of fees
9. Recycling Report – November 2011

YES: Bengivenga, Buteas, Frank, McConville, Salerno, Rusnak

Mr. McConville made a motion to approve the Bills List as summarized below, seconded by Mr. Rusnak.

PAYMENT OF BILLS

Current Fund 1-01		\$348,823.76
Sewer Utility Operating Fund 1-07		\$ 13,109.11
Pool Utility Operating Fund 1-26		\$ 4,135.00
General Capital C-04		\$ 64,117.54
Grant Fund G-02		\$ 15,299.48
Treasurers Trust T-13		\$ 1,245.70
Recreation Trust T-14		<u>\$ 15,008.89</u>
TOTAL ALL FUNDS		\$461,739.48

YES: Bengivenga, Buteas, Frank, McConville, Salerno, Rusnak

REPORTS:

Mr. Cullen reported that he has arranged with Hall's Warehouse for the storage of the Christmas wreaths at probably no cost to the borough. So with the saving with the ambulance service and the copiers, a total savings of approximately \$35,000 will be realized.

Ms. Graf wished everyone a Merry Christmas.:

Mr. Barletta thanked McCriskins for sponsoring the annual tree lighting ceremony and complimented everyone who worked to make it such a good event. He also thanked PBA President Pete Magnani for inviting him to the annual Dinner held this past weekend.

Mr. White also commented on the PBA dinner as well as the Senior Citizen Holiday luncheon and the grand opening of 365.

Mr. Salerno : As this is his last regular meeting, Mr. Salerno expressed his appreciation to the public for their interest and support and thanked them for the honor of serving.

Mr. Frank echoed the remarks of the other Council members regarding the various events of the past week. He noted how many good things are happening in our community

Mr. Bengivenga reported on the UNICO Keystone Holiday lunch which he MC'd and also the Tree Lighting at McCriskins. He gave a special thanks to Marge Ackerman and her staff for their tremendous efforts with the holiday food and gift drive. Mr. Bengivenga expressed thanks also to the PBA for their cooperation and support this year and DPW for an outstanding year.

Mr. McConville also commented on the PBA dinner and Senior Center luncheon and what great events they were. He spoke about the Sons of the Legion fundraising efforts which benefits the scholarship fund. Mr. McConville also wished the new staff members hired for DPW good luck.

Ms. Buteas commended McCrisky's for their annual Tree Lighting. She reported that over 200 people attended the Breakfast with Santa and \$600 was raised which will go to the Make a Wish Foundation. She asked Mr. Barletta for the status of a street vacation request for Chelsea St. He advised that the interested party is going to get an appraisal after which the matter will be addressed further. Ms. Buteas asked for the status of the Piece of the WTC monument. Ms. Buteas concluded her report by offering the incoming Councilmen best wishes and she thanked the residents for the honor of serving the borough.

Mr. Rusnak offered his thanks and appreciation to the borough employees, the Police, the DPW staff, the Attorney and Engineer and the residents for working together to make South Plainfield the unique and great town it is. He complimented DPW for how good the town looks. He wished everyone a Merry Christmas and Happy New Year.

Mayor Anesh concurred with Council President Rusnak on his assessment of the appearance of the borough saying how great it looks. He added that the employees are doing more with less and all the positive comments is a testament to their efforts. The Mayor also commented on the success of the Fire Dept.'s annual Project Santa. He acknowledged a recent letter to the Editor about the street lights being out and thanked Mr. Cullen and Mr., Capparelli for reaching out to PSE&G to get the problem fixed.

Mayor Anesh opened the meeting for public comments in accordance with N.J.S.A. 10:4-12. Frank Mikorski of Regency Place asked Mr. Rusnak and Mr. Cullen to be sure they take a close look at the Board of Ed's audit. He mentioned Mr. Barletta's comments from the Planning Board minutes. Mr. Mikorski also commented on the Code Enforcement officer's assistance to the Board of Ed in determining non-resident students.

Chief Parker congratulated the new employees at DPW. He commented on his first year as Chief and thanked the Administration for their support and assistance in 2011.

DPW Chief Bob Capparelli introduced the new employees in his department and thanked the governing body for their support in building up the department.

Les Bergen of Hamilton Blvd. thanked outgoing Council members Chrissy Buteas and Franky Salerno for their service to the borough and also thanked the Mayor and Council for doing a great job caring for our town.

Debbie Boyle of Van Fleet Ave. reported on the success of the Midnight Madness event. She thanked Councilwoman Buteas for organizing the Breakfast with Santa event again this year. Mrs. Boyle also acknowledged Jim Darby for his efforts with the residency issue in the schools. She thanked Council members Buteas and Salerno for their service over the past three years and commended everyone for a job well done.

With no further public comment, Mayor Anesh closed the public comment portion of the meeting and the Council moved into Executive session at 8:10pm.

On the Council's return, Mayor Anesh announced that there was no further action required and he called for a motion to adjourn.

Mr. Bengivenga made a motion to adjourn at 8:25pm; seconded by Mr. Rusnak and approved unanimously.

Respectfully Submitted,

Joann L. Graf, RMC
Municipal Clerk