

## **Minutes from the July 25, 2011 Public Meeting of the South Plainfield Mayor and Council**

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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: Barletta, Bengivenga, Buteas, McConville, and Rusnak. Mr. Salerno was absent.

After the Pledge of Allegiance, the Invocation was offered by Councilwoman Buteas.

Ms. Buteas introduced Borough resident Ryan Dumbore who will be working on an Eagle Scout project that will benefit the borough. Mr. Dumbore gave a presentation to the Council on the landscaping project he has planned and provided a drawing of the planned design. He will be working around the Borough Hall grounds. He is seeking donations to fund the project and man power support to help with the labor.

Mr. Barletta made a motion to accept the minutes of July 11, 2011 – Agenda and Public meetings; seconded by Mr. Rusnak.

**YES: Barletta, Bengivenga, Buteas, McConville, Rusnak      Motion Carried**

The Mayor opened the meeting to the Public for comments on Agenda items only. There were no comments offered.

Mr. Cullen gave a Power Point presentation on the CY2011 Budget highlighting the economic issues that impacted the budget and the efforts of the Administration and Finance Committee to bring the budget in flat again by creating a smaller but more efficient government operation and by reduced spending and borrowing.

Ms. Buteas asked if the governing body members were satisfied with the funds in the budget for tax appeals. She commented on the format for the Library Board's refund to the borough of \$146,000 being in four payments.

Mayor Anesh opened a public hearing on the CY2011 budget.

Board of Education member Debbie Boyle of Van Fleet Ave thanked Mr. Rusnak for attending the Board of Ed meeting and asking questions about the reserve accounts and additional state aid.

Frank Mikorski of Regency Place questioned why, with a surplus balance of \$2,314,000, is the Library Board only returning \$146,000.

Paul McCullen of Walnut Street inquired what the figures were relative to the Capital Improvement Account. He also asked the total bonding was last year. Mr. Cullen and Mr. Rusnak responded, stating figures of \$2+million in 2009, \$2million in 2010 and \$600,000 in 2011.

Jake Cataldo of Fairmount Ave commented that the Library Board is essentially an autonomous body and they funds they receive are state mandated. He asked if any movement had been made toward changing the formula.

Mayor Anesh closed the public hearing and asked for Council comments.

Mr. Barletta thanked Mr. Rusnak for his leadership on the budget as well as Mr. Cullen for his continued efforts and made a statement on the 2011 budget.

Mr. Bengivenga also thanked Mr. Rusnak and Mr. Cullen and added his comments on the state of the 2011 budget.

Ms. Buteas stated that she would not be voting in favor of the budget, citing several reasons for her decision including the Council's dependence on another government entity to balance the municipal budget.

Mayor Anesh responded to Ms. Buteas' comments on the Library Board funds by pointing out that every municipal department has taken budget cuts and done more with less, except for the library. He stated that the goal was to keep the budget as flat as possible which the Council did. An exchange of views followed.

The Clerk read the budget resolution.

Mr. Rusnak made a motion to adopt the CY2011 Municipal budget as amended; seconded by Mr. Bengivenga.

**YES: Barletta, Bengivenga, McConville, Rusnak**

**NO: Buteas**

Clerk Graf read Bond Ordinance # 1937 by title only for public hearing and final adoption as follows:

#1937 entitled: A Bond Ordinance providing for various road and storm sewer improvements in and by the Borough of South Plainfield, in the County of Middlesex, New Jersey, appropriating \$400,000 therefor and authorizing the issuance of \$380,000 bonds or notes of the borough to finance part of the cost thereof.

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

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 \$400,000, including the sum of \$20,000 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 \$380,000 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 and storm sewer improvements, consisting of the resurfacing and repaving of Rahway Avenue and Kenyon Avenue and various related storm sewer improvements, 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 as 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 \$380,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$35,000 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. Barletta made a motion to adopt Ordinance # 1937; seconded by Mr. Bengivenga.

As this is a final reading, Mayor Anesh held a public hearing on the ordinance. No comments or objections were offered so the public hearing was closed and the Mayor called for a roll call vote.

**YES: Barletta, Bengivenga, McConville, Rusnak**

**NO: Buteas**

Mr. McConville made a motion to approve Resolution # 11-199 through 11-208, seconded by Mr. Bengivenga as follows:

**#11-199**

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40A:11 any expenditure of public funds in excess of \$17,500 requires the advertisement for proposals for delivery of said goods or services; and

**WHEREAS**, a need has been determined to resurface Rahway Avenue and Kenyon Avenue; and

**WHEREAS** bids were solicited and opened on Thursday, July 7, 2011 and the following picked up bid packages and submitted bids:

Stilo Excavating	\$341,328.25
Top Line Construction	\$352,037.08
Fischer Contracting	\$356,445.85
Black Rock Enterprises	\$384,275.28

**WHEREAS**, the bids have been reviewed by the Borough Engineer, Len Miller and the Borough Attorney, Paul Rizzo and it is their recommendation that the bid of Stilo Excavating in the amount of \$341,328.25 be accepted and a contract be awarded; and

**WHEREAS**, funds for said purpose shall be provided through Bond Ordinance # 1937;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given to award a contract for the resurfacing of Rahway and Kenyon Avenues to Stilo Excavating, 2907 So. Clinton Avenue at a cost not to exceed \$341,328.25.

**FURTHER BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement with Stilo Excavating, the lowest responsible bidder for the project.

**#11-200**

**WHEREAS**, the Mayor and Council of the Borough of South Plainfield in the County of Middlesex, New Jersey deems it appropriate to enhance the recruitment and the retention of volunteer firefighters and emergency medical volunteers in the Borough of South Plainfield, and

**WHEREAS**, the State of New Jersey has enacted P.L. 1998, c. 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of South Plainfield in the County of Middlesex that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c.145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

**BE IT FURTHER RESOLVED**, that the Borough Administrator is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c. 145, a copy of which is herewith made part of this resolution.

**#11-201**

**WHEREAS**, on July 12, 2011, an emergency involving the Senior Citizens Center on Maple Avenue occurred, which presented a circumstance effecting the health, safety and welfare of the public (N.J.S.A. 40A:11-6), and which required immediate delivery of services; and

**WHEREAS**, the formal chain of command was followed and the Borough Administrator authorized immediate action, which included engaging the services of Foremost Fire Protection, LLC, South Plainfield, to perform all necessary testing, and to take all necessary action to ensure that the Senior Citizens Center would have a fully functional fire alarm installed pursuant to all applicable codes; and

**WHEREAS**, the cost of said services shall not exceed \$12,500.00; and

**WHEREAS**, pursuant to N.J.S.A. 40A:4-52, an Affidavit of the Chief Financial Officer shall issue regarding this emergency appropriation;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the South Plainfield Borough Council that the emergency appropriation to hire Foremost Fire Protection, LLC to inspect, test and install a fully functional fire alarm at the Senior Citizens Center was a necessary decision that required emergency action to ensure the public health, safety and welfare; and

**BE IT FURTHER RESOLVED** that all permit fees required for the above-referenced work shall be waived; and

**BE IT FURTHER RESOLVED** that two copies of this Resolution are to be filed with the Director of the Division of Local Government Services, as well as an Emergency Procurement Report, which must be filed within 30 days of the emergency.

**#11-202**

the resignation of Frank Mikorski as an Alternate I member of the South Plainfield Planning Board is hereby accepted.

**#11-203**

**WHEREAS**, the Borough of South Plainfield, through the South Plainfield Alliance for Substance Awareness, wishes to renew participation in the New Jersey State DEDR grant program for 2012; and

**WHEREAS**, the Borough of South Plainfield agrees to provide matching funds to the anticipated grant award of \$20,777.00, as designated in the County plan for 2012; and

**WHEREAS**, the Borough of South Plainfield and the Alliance for Substance Awareness accept and agree to the terms and conditions set forth in the letter of agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute an agreement between the Borough of South Plainfield and the County of Middlesex for the 2012 Alliance Contract in which the Borough will receive a \$20,777.00 grant.

**#11-204**

**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 to repair the boiler in Borough Hall; and

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

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute a contract with Edison Heating & Cooling for said boiler repairs, at a cost not to exceed \$5,400.00

**#11-205**

John Pabst is hereby appointed to the position of Part time Zoning Officer, effective July 26, 2011 at an annual salary of \$14,500.

**#11-206**

Mary Beth Khidre is hereby appointed to the full time position of Secretary to the Planning Board and Board of Adjustment, effective July 26, 2011 at an annual salary of \$43,582.80.

**#11-207**

**WHEREAS**, the Mayor and Council of the Borough of South Plainfield have determined that a special meeting of the Governing body is necessary and shall be so authorized for the purpose of introducing a bond ordinance for the continuation of the New Market Avenue resurfacing project, Phase II; and

**WHEREAS**, Notice of a special meeting of the South Plainfield Borough Council is required in accordance with the Open Public Meetings Act of the State of New Jersey and shall be published in the official newspapers and borough website.

**NOW, THEREFORE**, a special borough council meeting is hereby authorized for Tuesday, August 2, 2011 at 7:00pm in the Council Chambers of the South Plainfield Municipal Building, 2480 Plainfield Avenue, South Plainfield, NJ 07080. Notice is hereby issued on the 25th day of July, 2011, in accordance with the Open Public Meetings Act of the State of New Jersey and shall be published in the official newspapers and borough website

**#11-208**

**WHEREAS**, the Borough of South Plainfield has adopted the appropriate resolution agreeing to participate in the Volunteer Tuition Waiver Program for Volunteer Fire, First Aid and Rescue Squad members in good standing, as authorized under N.J.S.A. 18A:71-78; and

**WHEREAS**, the volunteer must agree to serve as a member of the volunteer organization for a minimum of four years and sign an agreement with the Municipality pledging four years service in exchange for a tuition credit of \$600.00 per academic year for a maximum of four academic years; and

**WHEREAS**, the municipal official in charge of the volunteer service unit shall verify that the volunteer has provided this service for the previous year in accordance with the terms of the agreement; and

**WHEREAS**, Michael Mocharski has met the requirements of the Volunteer Tuition Waiver program and is therefore eligible to receive said tuition credit;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the South Plainfield Borough Council that Michael Mocharski is hereby approved to participate in the Tuition Waiver Program for active members of the Volunteer Fire Dept.

**YES: Barletta, Bengivenga, Buteas, McConville, Rusnak      Motion Carried**

Mr. Bengivenga made a motion to accept the Correspondence as listed below; seconded by Mr. Barletta:

1. Board of Adjustment minutes – June 23, 2011
2. Planning Board minutes – June 28, 2011
3. Board of Adjustment minutes – June 9, 2011
4. Planning Board minutes – May 24, 2011
5. Code Enforcement report – June 2011
6. County Planning Board minutes – May 10, 2011
7. Health Advisory Board minutes – July 12, 2011
8. Comcast notice of new bundles

**YES: Barletta, Bengivenga, Buteas, McConville, Rusnak      Motion Carried**

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

Current Fund – 1-01	\$305,242.49
Current Fund – 0-01	\$ 40.00
Sewer Utility Operating Fund	- \$362.50
Pool Utility Operating Fund	– \$15,222.14
General Capital	- \$70,926.85
Pool Capital	- \$33,395.00
Grant Fund	- \$1,037.50
Treasurers Trust	- \$9,818.70
Recreation Trust	- \$24,073.84

**TOTAL OF ALL FUNDS - \$460,119.02**

**YES: Barletta, Bengivenga, Buteas, McConville, Rusnak      Motion Carried**

**REPORTS:**

Mr. Bengivenga asked Ms. Buteas to please explain why she voted yes to Resolution # 11-199 to award a contract for the Rahway Ave project, yet vote not on the funding of that project.

Mr. McConville announced that the Public Celebrations committee will meet on Thursday evening for the selection of the Honorary Grand Marshall for the Labor Day Parade.

Ms. Buteas asked for an update on Open Space activity. Mr. Bengivenga gave a brief summary of recent efforts. Ms Buteas then advised the Council that there is a growing issue with the feral cat population in the borough which needs to be addressed. Regarding the recent visit of the Lt. Governor to present a \$5,000 check to the Fire Dept., Ms. Buteas asked if the invitation was sent out to all members of the governing body because not everyone was aware of it.

Mr. Rusnak and Mayor Anesh both reported progress.

The meeting was opened for public comments.

Nancy Grennier suggested that with the high temperatures, why not open the community pool up to non-members to allow some relief from the heat.

Les Bergen of Hamilton Blvd. stated that he would appreciate not hearing political speeches during the council meetings and asked that the Council try to treat one another with respect.

Paul McCullen of Walnut St. inquired about a pending board application by a wireless communication co. at 728 Clinton Avenue. He was advised that the case is being withdrawn. He asked Mr. Cullen if the bond amount is known yet for the New Market Ave project. Mr. Cullen stated that it shouldn't be any more than \$50,000 to \$100,000 but we will know better after the bid opening. Mr. McCullen also asked for clarification on the pension formula.

Robert Jones of Perry Street commented on municipal bonding totals in 2009, 2010 and 2011. He also reviewed budgetary increases over the past decade beginning in 2000 and noted that in all his research, he had not found any record to indicated a reduction two years in a row. Mr. Jones also commented on the Library Board's financial situation and their position on their surplus funds.

Michael English of Lee Place commented on the tax bill he received. He pointed out that the council not only controls the municipal tax portion of the bill but also the Board of Ed portion and suggested that the Council should have made a larger adjustment to the defeated school board budget to generate tax relief. He also noted that with the tax paid by the borough residents to the Open Space Fund, the council should be working to get as much back as possible.

Mr. Bengivenga summarized the Council's attempts to acquire open space over the past couple of years without success. He said that the County did not respond.

Mr. English voiced his strong objection to the negative remarks made about borough resident volunteers serving on a local board and the suggestion that their actions were in any way political. Using the Recreation commission Trust Fund as an example, he explained the autonomy of boards and commissions so designated by the state. He agreed with the proposal to relocate the library to the old Walgreens / Green Farms building and suggested that it might be in the borough's best interested to purchase the property outright.

Mr. Bengivenga responded that the options of a) leasing vs. b) Buying vs. c) building a new building were considered and option a is the most cost efficient.

With no other public comments, Mayor Anesh closed the public portion.

Ms. Buteas voiced her upset over an earlier remark and stated that no borough employee has the right to criticize or blame any borough volunteer.

Mr. Bengivenga made a motion to adjourn, seconded by Mr. Rusnak.

Respectfully Submitted,

Joann L. Graf, RMC  
Municipal Clerk