

## Minutes from the October 17, 2011 Public Meeting of the South Plainfield Mayor and Council

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The meeting was called to order at 7:25pm 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 due to a work commitment.

After the Pledge of Allegiance, the Invocation was offered by Councilman McConville.

Mayor Anesh presented three Proclamations recognizing Pancreatic Cancer Awareness Month, Domestic Violence and the Women Aware organization and Halloween 2011.

Mr. McConville made a motion to accept the minutes of Agenda and Public Council meeting minutes of October 3, 2011; seconded by Ms. Buteas.

**YES: Barletta, Buteas, McConville, Rusnak**

**ABSTAIN: Bengivenga**

**Motion Carried**

The Mayor opened the meeting to the Public for comments on Agenda items only.

Les Bergen of Hamilton Blvd. asked about Resolutions 11-264 through 11-267 which provided for a reduction of the assessed value on four homes that experienced substantial damage due to house fires. He wondered if this had been done in the past. Mr. Cullen clarified the situation for Mr. Bergen.

Mayor Anesh closed the public portion and called for a motion on Resolutions.

Ms. Buteas requested that Resolutions 11-272 and 11-273 be voted on separately. Mr. Rusnak made a motion to approve Resolutions 11-263 through 11-268 and 11-270 and 11-271, seconded by Mr. McConville, which all begin with **BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT:**

### **#11-263**

**WHEREAS**, Moon Builders, LLC has applied for a release of a performance bond posted for public improvements to Block 144, Lot 11 (1415 Walnut Street); and

**WHEREAS**, the Borough Engineer has certified all required public improvements to the property have been installed; and

**WHEREAS**, the requirements and conditions of Borough Ordinance # 762 have been complied with as to filing and serving of notice; and

**WHEREAS**, the Borough Engineer has recommended that the performance bond in the form of a Check in the amount of \$12,964.80 be released upon the posting of a two year maintenance bond in the amount of \$1,944.72 and the payment of any outstanding engineering escrow fees or COAH fees; and

**WHEREAS**, the Governing Body held a public hearing on Monday, October 17, 2011 and there were no objections filed against the release of said bond.

**NOW THEREFORE BE IT RESOLVED** that the above stated performance bond be released.

### **#11-264**

**WHEREAS**, property known as Block 128, Lot 28, more commonly known as 2005 Wickford Road in South Plainfield, NJ is owned by Philip T. & Kathleen B. Trenchak; and

**WHEREAS**, a house fire occurred in March 2011 at this property, causing the Tax Assessor to reduce the assessed value from \$119,600 to \$99,600; and

**WHEREAS**, the Tax Bills for the four quarters of Calendar Year 2011 were generated from the 2010 Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill based on the original assessment *prior* to the fire, while the assessment has since been reduced;

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector be, and she hereby is, authorized and directed to cancel 2011 taxes in the amount of **\$834.96** on the property known and designated as Block 128, Lot 28.

**#11-265**

**WHEREAS**, property known as Block 437, Lot 2.01, more commonly known as 1200 Rush St. in South Plainfield, NJ is owned Davendra & Falguni Patel; and

**WHEREAS**, a house fire occurred in March 2011 at this property, causing the Tax Assessor to reduce the assessed value from \$102,300 to \$72,300; and

**WHEREAS**, the Tax Bills for the four quarters of Calendar Year 2011 were generated from the 2010 Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill based on the original assessment *prior* to the fire, while the assessment has since been reduced;

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector be, and she hereby is, authorized and directed to cancel 2011 taxes in the amount of \$1,534.20 on the property known and designated as Block 437, Lot 2.01.

**#11-266**

**WHEREAS**, property known as Block 437, Lot 2.01, Qualifier C0002, more commonly known as 1204 Rush Street in South Plainfield, NJ is owned by Frank A. Approvato; and

**WHEREAS**, a house fire occurred in January 2011 at this property, causing the Tax Assessor to reduce the assessed value from \$97,600 to \$30,300; and

**WHEREAS**, the Tax Bills for the four quarters of Calendar Year 2011 were generated from the 2010 Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill based on the original assessment *prior* to the fire, while the assessment has since been reduced;

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector be, and she hereby is, authorized and directed to cancel 2011 taxes in the amount of \$3,441.72 on the property known and designated as Block 437, Lot 2.01, Qualifier C0002.

**#11-267**

**WHEREAS**, property known as Block 405, Lot 5, more commonly known as 439 Wooden Avenue in South Plainfield, NJ is owned by Jose A. & Evalina Aquino;

**WHEREAS**, a house fire occurred in February 2011 at this property, causing the Tax Assessor to reduce the assessed value from \$120,600 to \$40,100;

**WHEREAS**, the Tax Bills for the four quarters of Calendar Year 2011 were generated from the 2010 Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill based on the original assessment *prior* to the fire, while the assessment has since been reduced;

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector be, and she hereby is, authorized and directed to cancel 2011 taxes in the amount of \$3,156.04 on the property known and designated as Block 405, Lot 5.

**#11-268**

authorization is hereby given to waive the building permit fees, excluding electric fees, for the Tabernacle Church, 1253 New Market Avenue due to substantial flooding damage as a result of Hurricane Irene.

**#11-269 - Tabled**

**#11-270**

**WHEREAS**, a request was made by Sharon Ciullo to hold a block party on Saturday, October 22, 2011 on West Crescent Parkway from Park Avenue to Norwood Avenue from 11:30am to 9:00pm. The rain date if needed will be Sunday, Oct. 23<sup>rd</sup>.

**WHEREAS**, Police, Fire and Rescue Squad have been notified and given their approval.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that permission to hold said block party is hereby granted; and

**FURTHER BE IT RESOLVED** that copies of this resolution be given to the Police Department, Fire Department, Rescue Squad, Department of Public Works, Emergency Management and the applicant.

**#11-271**

**WHEREAS**, Lieutenant Paul Wylam has indicated his intention to retire effective January 1, 2012, completing 31 years of service to the Borough of South Plainfield;

**NOW, THEREFORE**, the Governing Body of the Borough of South Plainfield hereby accepts the notice of retirement by Lieutenant Paul Wylam, effective January 1, 2012 and wish him well in the years ahead.

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

Mr. Barletta mad a motion to approve Resolutions 11-272 and 11-273, seconded by Mr. McConville as follows:

**#11-272**

Authorization is hereby granted for T&M Associates to provide field survey, roadway design and construction inspection for improvements to 740 linear feet of Oxford Avenue at a cost not to exceed \$8,220.00.

**#11-273**

**WHEREAS**, the Governing Body of the Borough of South Plainfield has entered into an unit price contract with Stilo Excavating for \$341,328.25, for a project entitled "2011 Road Resurfacing Program"; and

**WHEREAS**, the Governing Body of the Borough of South Plainfield would like to extend the limits of the project to include milling and repaving approximately 740 linear feet on Oxford Avenue; and

**WHEREAS**, the work will be performed as follows: to mill and repave approximately 740 linear feet of Oxford Avenue for a price not to exceed \$30,000.00; and

**WHEREAS**, funds are available in Bond Ordinance # 1937.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given to increase the original contract amount of \$341,328.25 an additional \$30,000 to an adjusted contract amount of \$371,328.25 to extend the scope of the project to include the milling and repaving of approximately 740 linear feet on Oxford Avenue, including all work and materials necessary therefore and incidental thereto.

**YES: Barletta, Bengivenga, McConville, Rusnak**  
**NO: Buteas**

**Motion Carried**

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

1. Planning Board Minutes – September 13, 2011
2. Zoning Board of Adjustment Minutes – September 22, 2011
3. Traffic Safety Advisory Commission minutes – July 27, 2011
4. Lt. Paul Wylam - Letter of Intent to retire on January 1, 2012
5. Environmental Commission Minutes – August 10, 2011
6. Letter from International Fireworks – Re: 2012 Labor Day Fireworks contract
7. Letter from Patrick Diegnan: Re- street vacation on Carol Place
8. Robert Smith Esq.: Re- Req. for Title 39 jurisdiction on Dunkin Donuts parking lot
9. Letter from M/M Irizarry of Stratford Ave: Request permission to replace existing fence located over a sewer easement
10. Letter from The Tabernacle Church on New Market Ave to waive building permit fees due to flood damage from hurricane Irene
11. Middlesex County Planning Board minutes – September 13, 2011

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

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

**PAYMENT OF BILLS**

Current Fund – 0-01      \$4,196.00  
Current Fund – 1-01      \$445,706.24  
Sewer Utility Operating Fund - \$54,945.00  
Grant Fund - \$16,287.61  
Treasurers Trust - \$15,261.20  
Recreation Trust - \$6,917.90

**TOTAL OF ALL FUNDS - \$543,814.05**

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

REPORTS:

Borough Attorney Paul Rizzo updated the Council on the Dunkin Donuts request for Title 39 jurisdiction on their drive thru and informed them that the attorney for Dunkin Donuts needs to make application to NJ DOT before the Council can consider the request.

Administrator Glenn Cullen reported on the distribution of leaf bags along with 2012 compactor coupons and yard waste stickers at the DPW garage. He also announced that with the retirement of Lt. Paul Wylam, Mr. Cullen will request a Sergeant and Lieutenant Certification list to begin the promotion process.

Borough Engineer Len Miller reported that work has begun on the ADA Ramp project and things are moving ahead with the New Market Ave Phase II project.

Mr. Barletta commented on a number of community events that took place this past week including the Eagle Scout Award Ceremony honoring Brandon Paul on his achieving the rank of Eagle Scout; the grand opening of Glow Pak, a family business on Case Drive; the Columbus Day ceremony sponsored by UNICO; and the Taste of South Plainfield sponsored by the business Asso. He thanked Nancy Grennier, Debbie Boyle, Chrissy Buteas, Darlene Pinto and the Knights of Columbus Squires for working to make the event such a success. Mr. Barletta announced that PSE&G will be expanding their facilities in South Plainfield with two locations at 4000 Hadley Road and also 40 Cragwood Rd. This expansion represents a workforce of 350 employees with half being new jobs. He thanked those involved in the meetings and planning including Mayor Rusnak, Council President Rusnak, Construction Official John Pabst, and Administrator Glenn Cullen for their hard work in bringing this expansion to fruition. Mr. Barletta also commented on the Mayor's recent press release regarding employment and the borough's ranking as 4<sup>th</sup> highest in Middlesex County at 6.4%. He also reported that within the next few weeks, an announcement is expected on another major business expansion in the borough that would bring a \$75 - \$100 million expansion to the borough.

Mr. Bengivenga reported on the UNICO 41<sup>st</sup> Anniversary Dinner and congratulated Suzie Leonardis for being awarded the Phillip Mazzie-Civil Illustris National award.

Mr. McConville commented on the American Legion Pancake Breakfast and urged the public to support the Legion's efforts.

Ms. Buteas commented on the success of the Taste of South Plainfield fundraiser. She reported that she attended the Green Forum meeting. Ms. Buteas also offered condolences to the Patel family on the loss of their son who was a past volunteer Fireman in town.

Mr. Rusnak offered his congratulations to Mr. Barletta for his efforts in spearheading the PSE&G expansion project. He also commented on the UNICO dinner and the privilege of being asked to speak.

Mayor Anesh attended the opening of the new 365 Bistro on Stelton Road and the family owned business Glow Pak and wished them both much success. The Mayor reported that he held a Mayor's Press Conference for the Riley School 4<sup>th</sup> graders as part of a creative writing exercise for the students. He also expressed his thanks to PSE&G for choosing South Plainfield for their company expansion.

With that the Mayor opened the meeting to the public for their comments.

Les Bergen of Hamilton Blvd. asked what the borough had to do or offer to entice PSE&G to choose South Plainfield. Mayor Anesh credited the Borough's willingness to work with PSE&G and to accommodate their need to develop the expansion in stages. This cooperative effort promoted a good working relationship that PSE&G appreciated.

Debbie Bergen of Hamilton blvd. reported that street lights around her home are out and need repair.

Frank Mikorski of Regency Place spoke about the proposed Celebrations development and shared information gleaned from an OPRA request. Referring to Ordinance # 1685, he noted specific language regarding "density" with a limit of 18 units per acre. He suggested that the plans be reviewed to insure compliance with the ordinance. On a different subject, Mr. Mikorski was curious about the proliferation of political signs along Hamilton Blvd.

Debbie Boyle of Van Fleet Ave thanked the governing body and the members of the Taste of South Plainfield committee for making the event so successful, raising approximately \$3,000 for scholarships. She also thanked the governing body and Shared Services committee for the installation of ADA ramps at the Middle School. She also announced that there would be an Anti-Bullying program on October 24<sup>th</sup> at 9am.

Business Asso. President Nancy Grennier also thanked everyone for the success of the Taste of South Plainfield. She also announced that there will be a Candidates Night with the six Council candidates on Weds., October 26<sup>th</sup> at 7pm at the Senior Center. All are welcome.

Charlie Butrico of Sims Place began by thanking Bobby Stilo for the quality work he consistently does for the borough. He asked why Bond Ordinance # 1937 had so much more money than was required, citing a balance of \$60,000.

Mr. Miller clarified that the balance amount was actually \$30,000 and was due to the fact that the work required was less than expected leaving a surplus balance in the contract.

Mr. Cullen explained that the borough has been re-casting previous bond ordinances that had balances.

Mr. Bengivenga added that the practice this year has been to go out to bid and then introduce the bond ordinance according to the amount needed.

Mr. Butrico also spoke about references made at the last meeting to previous road projects and change orders that took place during his term as Mayor. He felt some things were said that were not true. He directed his comments to the three projects given as examples of past precedence and defended his position in each. Mr. Butrico and Mayor Anesh then exchanged viewpoints on the three projects mentioned.

Derryck White of Oakland Ave wondered why, with all the positive things being discussed this evening demonstrating what a business friendly community we are, why the discussion must revolve around the paving of a road which needed to be paved, and has been on the repair list for two years. He urged the Council to focus on the things that really matter to the residents.

Mayor Anesh stated that resurfacing McKinley Street was no surprise project as it has been on the roads list since 2009 and was discussed twice at Traffic Safety. Additionally, several complaints were received from businesses on the street who were concerned with the safety of their employees. Originally, DPW planned to do the street themselves but it was more cost efficient to do it the way it was done. Mayor Anesh closed the discussion by suggesting that the Council work to define a procedure that works for future projects.

Joseph Scudato questioned the attendance record of Councilman Salerno and stated he had a problem with him being paid and not showing up to meetings and DPW matters. Mr. Scudato also asked for a status report on the traffic light on New Market at So. Clinton and also the revisions to the By-Laws.

Bob Jones of Perry Street voiced his concern about the comments made tonight and the previous meeting about illegal action by the Council. He pointed out that both the borough attorney and the engineer have given their professional opinions on the matter and confirmed that the action taken was legal and proper and standard procedure in hundreds of New Jersey communities. Mr. Jones and Ms. Buteas each expressed their opinion on the issue and disagreed on the correct interpretation of the statute. Mr. Jones concluded by pointing out a past action which was executed without proper Council authorization and will cost the borough \$300,000 in remediation work, that being the hold harmless agreement on the Suburban Bus Company land sale that was signed by then Mayor Dan Gallagher on behalf of the borough.

With no further public comment, the Council moved into Executive Session at 8:30pm.

Upon the Council's return, Mayor Anesh advised the public that no further action resulted from the Executive meeting and so he called for a motion to adjourn.

Mr. Barletta made a motion to adjourn at 9:10pm; seconded by Mr. Bengivenga and approved unanimously.

Respectfully Submitted,

Joann L. Graf, RMC  
Municipal Clerk

