

Minutes from the October 3, 2011 Public Meeting of the South Plainfield Mayor and Council

The meeting was called to order at 7:20pm 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, Buteas, McConville, Salerno and Rusnak. Mr. Bengivenga was absent due to illness.

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

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

YES: Barletta, Buteas, McConville, Rusnak **Motion Carried**
ABSENT: Bengivenga
ABSTAIN: Salerno

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

Frank Mikorski of Regency Place asked if any money would be realized with the approval of Resolution # 11-259. Mr. Rizzo explained that charging a fee is not permitted by statute.

Paul McCullen of Walnut Street asked for clarification on Resolutions #11-254 and 11-258 which both address engineering fees for the site work on specific road projects. Mr. Miller explained the matter to Mr. McCullen.

Mayor Anesh appointed Peter Smith to fill the unexpired term of Frank Mikorski as the Alternate I member to the Planning Board effective October 4, 2011 to December 31, 20

Mayor Anesh presented two Proclamations recognizing Community Planning Month and also Italian Heritage and Culture Month which was accepted by members of UNICO.

Ms. Buteas requested that Resolutions 11-262 be voted on separately. Mr. McConville made a motion to approve Resolutions 11-253 through 11-261, seconded by Mr. Barletta, which all begin with **BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT:**

#11-253

WHEREAS, Harry Popik has applied for a release of a performance bond posted for public improvements to Block 338, Lot 2 also known as 607-609 Hamilton Blvd; 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 \$15,714.00 be released upon the posting of a two year maintenance bond in the amount of \$2,357.00 and the payment of any outstanding engineering escrow fees or COAH fees, all of which have been completed; and

WHEREAS, the Governing Body held a public hearing on Monday, October 3, 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.

#11-254

Authorization is hereby granted for T & M Associates to perform engineering services associated with improvements to New Market Avenue Phase II, from the County culvert between Highland Ave and Elsie Ave to Hancock Street, a distance of 2,700 feet, at a cost not to exceed \$26,625 to be billed on a monthly basis.

#11-255

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Sampton Avenue project.

NOW, THEREFORE, BE IT RESOLVED that The South Plainfield Borough Council formally approves the grant application for the above referenced project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-South Plainfield Borough-00478 to the New Jersey Department of Transportation on behalf of South Plainfield.

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

#11-256

authorization is hereby given to waive the Fire Permit fee of \$42.00 for the South Plainfield Boosters of the Musical Arts 30th annual Festival/USSBA Marching band competition to be held on October 15, 2011 at Frank Jost Field, SP High School and Kennedy School.

#11-257

authorization is hereby given to waive the Fire Permit fee of \$42.00 for St. Stephen Orthodox Church's Tricky Tray to be held on October 15, 2011 from 6pm to 11pm at the Church Hall.

#11-258

WHEREAS, the Borough is in need of Engineering services including associated with the ADA Ramp Improvements project; and

WHEREAS, the ADA Ramp improvements include a total of 31 ramps along Grant Ave, Lane Ave, and at various locations around the borough; and

WHEREAS, the services to provided include project administration and inspection services; and

WHEREAS, based on the scope of work, the engineering services shall be set at a cost not to exceed \$10,900, to be billed monthly based on current billing rates;

NOW THEREFORE, IT IS RESOLVED by the South Plainfield Borough Council that authorization is hereby granted for T & M Associates to perform engineering services associated with Construction Administration and Inspections for the ADA Ramp Improvements project at a cost not exceed \$10,900.00.

#11-259

WHEREAS, Cross River Fiber, LLC, located at 33 Wood Avenue South, Suite 600, Iselin, New Jersey, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities ("NJBPU") in Docket No. TE11050320 dated July 14,2011; and

WEHREAS, Cross River Fiber, LLC has requested the consent of the Borough of South Plainfield's ("Borough") permission to occupy public rights-of-way within the Borough for an initial term of ten (10) years with three (3) successive five (5) year terms for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, the granting of such consent is and shall be conditioned upon Cross River Fiber, LLC's continued compliance with all existing and future ordinances of the Borough and its

entering into the attached Agreement, which provides to inter alia, indemnify and hold the Borough harmless as to all claims and liabilities resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey:

1. That non-exclusive consent is hereby granted to Cross River Fiber, LLC to occupy the public rights-of-way within the Borough for the purpose of construction, installation, operation, repair, maintenance and replacement of a telecommunications system for an initial term of ten (10) years with three (3) successive five (5) year terms.

2. The within granted permission is conditioned upon Cross River Fiber, LLC entering into the attached Agreement with the Borough, and providing liability and property damage insurance.

3. The Mayor and Borough Clerk are hereby authorized to execute the attached Agreement.

4. A copy of this Resolution and the executed Agreement shall be filed in the Office of the Borough Clerk.

#11-260

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 credited.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Granitas, Inc. 133 So. Plainfield Avenue South Plainfield, NJ 07080	267	18	2011	\$1355.21
John & Leslie Grimes 152 Camden Avenue South Plainfield, NJ 07080	315	71	2011	\$1503.52
Hiren & Nehaben Patel 411 Spicer Avenue South Plainfield, NJ 07080	362	11	2011	\$1713.19
Larry Massaro 705 Delmore Avenue South Plainfield, NJ 07080	367	2.10	2011	\$1212.02
Marco Holdings-South Plainfield LLC 5 Hollywood Court South Plainfield, NJ 07080	390	5.02	2011	\$5630.51
C C & U & A & Intwala Patel 625 Tremont Avenue South Plainfield, NJ 07080	399	6.05	2011	\$1068.83
Rupen & Hina Patel 714 Lucy Court South Plainfield, NJ 07080	528	43/C0714	2011	\$685.28
Total				\$13,168.56 *

* No refund check to be issued. Credit will be applied to outstanding taxes.

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 credit(s) in the amount(s) as mentioned above.

#11-261

WHEREAS, the following list of taxpayers have filed appeals with the State 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 credited.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Velachumy, LLC 800 Montrose Avenue South Plainfield, NJ 07080	447	1	2011	\$13,506.07
Total				\$13,506.07 *

*** No refund check to be issued. Credit will be applied to outstanding taxes.**

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 credit(s) in the amount as mentioned above.

YES: Barletta, Buteas, McConville, Salerno, Rusnak

Mr. McConville made a motion to approve Resolution # 11-262, seconded by Mr. Rusnak as follows:

#262: authorization is hereby given to waive the Fire Permit fee of \$42.00 for the South Plainfield Business Association's "Taste of South Plainfield" to be held on October 7, 2011 at the Senior Center from 6:00pm to 9:00pm.

YES: McConville, Salerno, Rusnak

RECUSE: Buteas

ABSTAIN: Barletta

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

1. Zoning Board of Adjustment Minutes – September 8, 2011
2. Recreation Commission Minutes – May 10, 2011
3. Recreation Commission Minutes – June 14, 2011
4. County Planning Board Minutes – June 14, 2011
5. Borough Engineer – Re: ADA Ramps Project fees
6. Code Enforcement Monthly Report – September 2011

YES: Barletta, Buteas, McConville, Salerno, Rusnak

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

Current Fund – 0-01	\$3,933.33
Current Fund – 1-01	\$148,362.78
Sewer Utility Operating Fund -	\$40,117.48
Pool Utility Operating Fund –	\$2,620.93
General Capital -	\$29,010.68

Grant Fund - \$661.09

Treasurers Trust - \$400.00

Recreation Trust – 3,238.50

TOTAL OF ALL FUNDS - \$228,344.79

YES: Barletta, Buteas, McConville, Salerno, Rusnak

REPORTS:

Mr. Cullen advised the governing body that he is working on being able to accept on line payments for taxes and sewer should be up and running by the end of 2011.

Mr. Miller reported that a meeting is scheduled for tomorrow to discuss the ADA ramp project.

Mr. Barletta invited everyone to two events - the Taste of South Plainfield being sponsored by the South Plainfield Business Asso., Oct. 7th from 6pm to 9pm at the Senior Center and also to the UNICO Columbus Day ceremony on Monday, Oct. 10th at 9am at Boro Hall. Mr. Barletta Also commented on the installation ceremony for Wesley Methodist Church's new Pastor, Reverend Gina Kim and welcomed her to the borough. He also recognized the first Anniversary of Investor Savings and the dedication ceremony of the JBBC 911 Memorial. and what a nice tribute to those who lost their lives.

Mr. McConville reported on the Cultural Arts Music and Comedy show which took place on October 1st at the Senior Center and what a great evening it was. He also announced that Cultural Arts will hold a book reading of "Breaking Dawn" on November 4th.

Ms. Buteas also commented on the weeks events and congratulated those responsible. She also mentioned the VFW Country Breakfast and encouraged residents to support the vets' event. She also commented on the success of the Senior Center picnic held Sept. 29th.

Mr. Rusnak reported that the tax bills have been mailed for the 4th quarter of 2011 and the first two quarters of 2012. He expressed his hope that the on line payments plan would be available soon.

Mayor Anesh congratulated the organizers of the Buddy Walk event and was very pleased to see such a tremendous turn out for this great cause. He also congratulated Tim and Gina McConville on their wedding anniversary.

Mayor Anesh opened the meeting for public comments.

Frank Mikorski of Regency Place thanked Business Asso. President Nancy Grennier for their sponsorship of this Friday's Taste of South Plainfield fundraiser and was pleased that the proceeds would go to the High School scholarship fund.

Paul McCullen of Walnut Street expressed concern over the lack of maintenance on foreclosed properties especially lawn and pool care and how aggressive the town is to enforce the ordinances.

Mayor Anesh reviewed the procedures that are followed. Mr. Cullen added that the borough responds promptly and whatever remedies are used such as cutting grass, boarding windows, draining pools, a lien is placed on the property to cover our costs.

Mr. McCullen also asked about the possibility of mosquito treatment along the Bound Brook up to Veterans Park.

Paul Brubaker of Norway Lane asked about a problem he was having with downed trees off his property and an exposed sewer line. Mr. Miller will go out on Tuesday to assess the situation.

Mayor Anesh closed the public portion and the Council went into their Executive meeting.

Upon their return, Mayor Anesh advised that no additional action resulted and he called for a motion to adjourn.

Mr. Barletta made a motion to adjourn, seconded by Mr. Rusnak. The meeting adjourned at 8:10 pm.

Respectfully Submitted,

Joann L. Graf, RMC
Municipal Clerk