

**Minutes from the September 19, 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 Barletta.

Mayor Anesh presented a Proclamation recognizing Down Syndrome Buddy Walk Day to be held on Saturday, October 1, 2011. The Proclamation was accepted by Mrs. Cochrane and Mrs. Both and their children.

Mr. McConville made a motion to accept the minutes of Agenda and Public Council meeting minutes of September 6, 2011; seconded by Mr. Barletta

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

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

Debbie Boyle of Van Fleet Ave asked the Council to consider installing ADA ramps near schools and pointed out the need at the Middle School especially. She also clarified the intent behind Resolution # 11-250 stating that up to now, she and Jane Dornick incurred the cost to provide the service.

Paul McCullen of Walnut Street asked if it was okay to do what was done regarding McKinley. He asked the Borough Attorney for his opinion and not wanting to put him on the spot, asked if he could prepare a legal opinion for the next meeting. Mr. Rizzo said if the Council directed him to he would.

Robert Jones of Perry Street noted the remarks made by Mr. English, Mr. McCullen and Ms. Buteas on the handling of the paving of McKinley Street and then asked where they were when the former Mayor signed a contract after the Council turned it down. He said he didn't see their concern then.

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

Mr. Bengivenga requested that Resolutions 11-248 and 11-252 be voted on separately.

Ms. Buteas asked to separate 11-247.

Mr. Rusnak made a motion to approve Resolutions 11-248 and 11-252, seconded by Mr. Barletta:

**#11-248**

**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>
Richlyn & Keith McDonald 1431 Kenyon Avenue South Plainfield, NJ 07080	49	8	2011	\$843.81

Abd El Nasser & Ikram Selim 2406 Maple Avenue South Plainfield, NJ 07080	77	1.01	2011	\$398.89
Steven Carson 9 Stacey Court South Plainfield, NJ 07080	77	32.01	2011	\$2066.06
Sandhya Kedlaya 14 Stacey Court South Plainfield, NJ 07080	78	15.01	2011	\$1621.14
Dilip & Dipika Shah 315 East Fairview South Plainfield, NJ 07080	87	9	2011	\$383.55
Robert Bengivenga 3112 Woodland Avenue South Plainfield, NJ 07080	95	4	2011	\$1222.25
Robert Bengivenga 2800 Woodland Avenue South Plainfield, NJ 07080	95	4.01	2011	\$199.45
Savitri Persaud 102 Risoli Terrace South Plainfield, NJ 07080	122	33.01	2011	\$1186.45
Hakim Stevens 10 Lyndsey Court South Plainfield, NJ 07080	170	36.02	2011	\$2060.94
Dongyu & Qi, Li Zhao 5 Lyndsey Court South Plainfield, NJ 07080	170	37.02	2011	\$1820.58
Steven & Leslie McRae 3 Lyndsey Court South Plainfield, NJ 07080	170	37.03	2011	\$1227.36
Ronald & Kathy Winner 2100 Plainfield Avenue South Plainfield, NJ 07080	170	37.04	2011	\$1477.95
Hoa & Pham, Thao Tran 2050 Plainfield Avenue South Plainfield, NJ 07080	170	37.05	2011	\$1089.28
Amitkumar H Shah 542 Carmine Avenue South Plainfield, NJ 07080	315.02	6/C0001	2011	\$930.75
Golden Harvest Enterprise, LLC 685 Hadley Road South Plainfield, NJ 07080	528	46.18	2011	\$19,417.86

**#11-252**

**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>
Rodney & Danielle Jackson 129 Ten Eyck Street South Plainfield, NJ 07080	202	29	2011	\$1600.68
James & Gina Sacco 199 West Elmwood Drive South Plainfield, NJ 07080	232	5	2011	\$1702.96
Anthony & Annette Juliano 24-28 So. Plainfield Avenue South Plainfield, NJ 07080	258	2	2011	\$1774.56
Anthony & Annette Juliano 18-22 So. Plainfield Avenue South Plainfield, NJ 07080	258	3	2011	\$1247.82
Robert Bengivenga 23-31 So. Plainfield Avenue South Plainfield, NJ 07080	265	4	2011	\$1534.20
Robert Bengivenga 126 Front Street South Plainfield, NJ 07080	265	14	2011	\$511.40
B. Bengi LLC 119 Hamilton Boulevard South Plainfield, NJ 07080	265	23	2011	\$1027.91
Tara & Patrick Jr & A. Diegnan 111-115 Front Street South Plainfield, NJ 07080	266	7	2011	\$404.01
D & K Realty 189 Front Street South Plainfield, NJ 07080	267	13	2011	\$1350.10
Patrick Jr. & Anita Diegnan 128 Smith Street South Plainfield, NJ 07080	394	1.02	2011	\$669.93
<b>Total</b>				<b>\$11,823.57 *</b>

**\* 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.

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

**Motion Carried**

Mr. Barletta made a motion to approve Resolution # 11-247, seconded by Mr. Bengivenga as follows:

**#11-247**

**WHEREAS**, the Borough of South Plainfield awarded a contract to Stilo Excavating for the resurfacing of Rahway Avenue and Kenyon Avenue, Resolution # 11-199, for a contract amount of \$341,328.25; and

**WHEREAS**, during the construction phase of the project, it became apparent that certain changes to the plan were necessary to achieve the intent of the project; and

**WHEREAS**, the proposed change order ( see attached ) has been reviewed and negotiated by the Engineer and the contractor to incorporate the needed modifications;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Engineer is hereby authorized to execute changes to the Rahway/Kenyon road resurfacing project contract between Stilo Excavating, Inc. and the Borough of South Plainfield as follows:

- A) Total Reductions: \$59,617.00  
Items 1, 2, 6, 9, 16, 19, 20, 25 & 26 are reduced to reflect as-built quantities
- B) Total Extras: \$12,536.31  
Items 6, 18 and 21 are increased to reflect as-built quantities
- C) Total Supplementary: \$47,000.00  
S-1 Inlet Repair  
S-2 Tompkins Ave Pavement Repair  
S-3 McKinley Ave resurfacing project
- D) CHANGE SUMMARY:  
Original Contract Bid Price: \$341,328.25  
Revised Contract Price: \$341,247.56  
Change Order to Date: \$ (\$80.69)

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

**NO: Buteas**

Mr. Barletta made a motion to approve Resolutions 11-240 to 246 and 11-249 – 251, seconded by Mr. Bengivenga as follows:

**#11-240**

**WHEREAS**, a need exists for the maintenance of the borough's radio system; and

**WHEREAS**, it is the recommendation of the Chief of Police to engage the professional services of Tactical Public Safety, LLC, the sole source supplier for this service; and

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

**NOW, THEREFORE, BE IT RESOLVED** that authorization is hereby granted by the Governing Body of the Borough of South Plainfield to enter into a maintenance agreement with Tactical Public Safety, LLC for maintenance service of the borough's Radio System, at a cost not to exceed \$42,672.00.

**#11-241**

**WHEREAS**, a request was made by Ursilla Mangra to hold a block party on Saturday, October 1, 2011 on Gray Drive from 18 Gray Drive to the end, from Noon – 6:00pm; and

**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.

**#11-242**

authorization is hereby given to waive the applicable building permit fees, excluding electrical, for Wesley Methodist Church to convert the church’s furnace from oil to gas.

**#11-243**

**WHEREAS** N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS** said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS** the Borough of South Plainfield has received a grant in the amount of \$68,100 from the Middlesex County Dept. of Housing and Community Development, Community Development Block Grant Program;

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of South Plainfield hereby requests the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget of the Calendar Year 2011 in the sum of

.....\$68,100.00

which is now available from:

- Miscellaneous Revenues
- Special Items of General Revenue Anticipated with  
Prior Written Consent of the Director of Div of Local Gov Services:
- Public and Private Revenues Offset with Appropriations
- Middlesex County Dept. of Housing and Community Development  
Community Development Block Grant \$68,100.00

**BE IT FURTHER RESOLVED** that a like sum of .....\$68,100.00 be and is hereby appropriated under the caption of:

- Public and Private Programs Offset by Revenues
- Community Development Block Grant

**BE IT FURTHER RESOLVED** that one certified copy of this resolution be forwarded to the Director of the Division of Local Government Services

**#11-244**

**WHEREAS**, the County reports the following balances in the 2010 Community Development Block Grant program in the following amounts:

CD1059 .....	\$10,000	ADA Improvements – Municipal Building
CD1061 .....	\$30,000	ADA Park Improvements
CD1062 .....	\$18,000	Senior Center Improvements
Total	\$58,000	

**WHEREAS**, these amounts are surplus and are not needed for their original purpose; and

**WHEREAS**, additional funds are needed for the 2010 ADA Curb Cut out and Handicap Ramps project (CD1063);

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that it hereby approves the transfer of County grant funds in the amount of \$58,000 and authorizes the request of said funds from the County of Middlesex.

**#11-245**

**WHEREAS**, the County reports the following balance of \$100.50 in the 2000 Community Development Block Grant program for PAL improvements (224932); and

**WHEREAS**, the amount is surplus and are not needed for the original purpose; and

**WHEREAS**, additional funds are needed for the 2010 ADA Curb Cut out and Handicap Ramps project (CD1063);

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that it hereby approves the transfer of County grant funds in the amount of \$100.50 and authorizes the request of said funds from the County of Middlesex.

**#11-246**

**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 for the removal of vertical curbs and the installation of ADA Curb Ramps in accordance with ADA; and

**WHEREAS** bids were solicited and opened on Tuesday, September 13, 2011 and the following picked up bid packages and submitted bids:

P.A. Contracting, Kearny, NJ	\$66,224.00
Stilo Excavating, So. Plainfield, NJ	\$102,619.00

**WHEREAS**, the bids have been reviewed by the Borough’s Engineer and the Borough Attorney, and it is their recommendation that the bid of P.A. Contracting in the amount of \$66,224.00 be accepted and a contract be awarded; and

**WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available in the Account # G-02-41-758-001-301.

**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 removal of vertical curbs and the installation of ADA Curb Ramps, at a cost not to exceed \$66,224.00.

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

**#11-249**

the Chief Financial Officer is hereby authorized to issue a refund in the amount of \$234.00 to Municipal Consulting Group, 351 Superior Road, Egg Harbor Twp., NJ 08234 due to the cancellation of building permit # 110619 for a roofing job on Susan Terrace.

**#11-250**

the Mayor and Municipal Clerk are hereby authorized to execute a contract between the Borough of South Plainfield and Deborah Boyle d/b/a “The Boyle Memorial Foundation” to provide for

the taping and publication of the South Plainfield Borough Council Meetings, in the amount of \$2,625.00 per year payable in 12 monthly installments of \$218.75.

**#11-251**

authorization is hereby given to waive the Fire Permit fee of \$42.00 for Franklin Elementary School PTO to hold the following PTO sponsored family events:

- September 23, 2011 Back to School BBQ – school grounds
- October 28, 2011 Trunk or Treat – school grounds
- December 2, 2011 Vendor Night – Franklin School Gym
- March 24, 2012 Franklin School auction – SPSHS Gym

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

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

1. Zoning Board of Adjustment Minutes – August 25, 2011
2. PARSAs Meeting Minutes – August 2011
3. Code Enforcement Monthly Report – August 2011
4. Environmental Dept. monthly Report – August 2011
5. Planning Board Minutes – August 23, 2011
6. Environmental Commission Minutes – August 2011
7. NJ DOT - Re: Traffic Control Devices at South Avenue / Memorandum of Record
8. Recycling Monthly Report – August 2011

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

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

**PAYMENT OF BILLS**

Current Fund - \$290,709.00  
 Sewer Utility Operating Fund - \$986.59  
 Pool Utility Operating Fund – \$529.20  
 General Capital - \$246,547.66  
 Grant Fund - \$25,506.63  
 Treasurers Trust - \$72,089.63  
 Recreation Trust - \$9,342.60

**TOTAL OF ALL FUNDS - \$645,711.31**

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

**COUNCIL REPORTS:**

Administrator/CFO Cullen reported that a Pre-construction meeting was held today for the New Market Ave Resurfacing Phase II project . During the meeting the question arose that like the Rahway Ave situation, should the cost of the project turn out to be less that anticipated and funds remain, does the Council wish to look to resurface another road, possibly a portion of Oxford. He explained the cost savings that would be realized in mobilization costs and other items that come into play when the vendor is operating in town.

What do you want to do?

Mayor Anesh stated that he did not have an issue with following this procedure as long as the Administrator, Engineer, and DPW Supt. agree on the project.

Ms. Graf suggested that a clause be included in the bid specs of the possible addition of work should funds remain in the ordinance.

A discussion followed on the pros and cons of using the surplus in a bond ordinance to address the resurfacing of additional streets.

Mr. Miller explained some of the benefits to adding roads on when a project is completed under budget.

Mr. Barletta extended an invitation to everyone to attend the UNICO Columbus Day ceremony which will be held on Monday, October 10<sup>th</sup> at 9:00am at Borough Hall. He also expressed his thanks to co-committee members – Ms. Buteas and Mr. McConville and to all those who supported and attended the 911 Ceremony at Monument Park and the Senior Center reception, especially the Police who donated and cooked the food served at the Senior Center.

Mr. McConville reported that at the Recreation Meeting, the possibility of having an indoor track built as part of the Cornell redevelopment site. Mayor Anesh confirmed that the possibility of some sort of sports facility has been discussed with the developer.

Ms. Buteas commended the Library Board & Staff members for their hard work on the Library recovery process. She asked who was paying for the restoration and was told that the Library Board signed a contract with the restoration company and therefore, the Board is financially responsible.

Mr. Rizzo added his comments regarding the fact that there was no insurance coverage for this circumstance and stated that if the Library sought the borough to pay for the restoration, then they would have to certify to the Governing Body what they are looking for from the Council.

Mr. Cullen confirmed that the Library was represented at the FEMA meeting that was held.

Ms. Buteas continued by reporting on the success of and congratulated those responsible for the Coaches Night at SPHS, the Charity Softball game between the Police and the Firemen, the 911 Ceremony, the Sacred Heart Golf Outing, and the Town Cleanup. She also reported on the work being done by the Environmental Commission and their Green Team including their anti-idling campaign and their green mapping project.

Mr. Rusnak commended Council members Barletta, Buteas and McConville for their work to make the 10<sup>th</sup> Anniversary of 911 such a well attended and successful event. He thanked PBA 100 for donating the food and cooking at the Senior Center reception after the 911 ceremony. He announced that the Tax Bills are being mailed for the 4<sup>th</sup> quarter 2011 and for the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2012. Mr. Rusnak also reported that the bulk pick-up continues this week with District 2.

Mayor Anesh echoed the comments of Council President Rusnak regarding the 911 Ceremony and Reception and he congratulated the Police for their win at the Charity Softball Game. The Mayor thanked Assemblymen Diegnan and Barnes for joining him at the Ribbon Cutting at the Habeneros Mexican Grill at the Golden Acres Shopping Center and wished the restaurant great success.

Mayor Anesh opened the meeting to the Public for their comments concerning the borough.

Library Board President Eric Aronowitz of Lafayette Place commented on the library recovery situation and stated that the Library is paying for it. He noted with concern the time wasted



trying to determine whether there was insurance coverage and questioned why the Borough does not have flood insurance coverage for the library. He also stated that the Library was never notified about the FEMA meeting.

Mr. Cullen and Mayor Anesh defended their actions and noted the amount of money saved by not jumping when asked to sign a contract on the first quote of \$250,000.

Debbie Boyle of Van Fleet Ave thanked Mr. Barletta for organizing the Intern program this year and commented on how successful the program has been and how it has grown over the past 3 years. She announced that the Business Asso. would be holding a Taste of South Plainfield on October 7<sup>th</sup> at the Senior Center from 6pm – 10pm with proceeds going toward scholarships. Mrs. Boyle also thanked DPW for posting the no parking signs on Ritter Ave near the High School. She asked about the placement of the World Trade Center remnant and thanked everyone for a great 911 ceremony.

Dennis Scalera of Banta Road asked if the Council had considered his suggestion to take action against drivers who ignore flood barriers.

John Sorrentino reported that the Public Celebrations had signed the contract with the same Fireworks company and the deposit would be recovered less a handling charge. He also offered his thanks for a great 911 Ceremony.

Leon from Selene Avenue asked if any action had been taken regarding his request to prohibit parking when roads are snow covered. Mr. Bengivenga offered to reach out to Plainfield Country Club to discuss the issue. He also advised him that the Traffic Safety Advisory Commission meets next week and would have them discuss it.

Frank Mikorski of Regency Place thanked Debbie Boyle for her work with taping and airing the council meetings. He congratulated Governor Christie for abolishing COAH.

Les Bergen of Hamilton Blvd. thanked the Council for a great 911 Ceremony and commented that Chief Del Negro gave the best speech. He asked what the town is doing to get the word out about FEMA support. Mr. Bengivenga replied that there was a town meeting at SPSHS and there was door to door canvassing in the worst hit areas.

Mrs. Boyle thanked Mr. Rusnak, Mr. Barletta and Mr. Capparelli for their efforts to hire a certified bus mechanic.

Mr. Rusnak commented that he had been contacted by a magazine interested in the productive and cooperative relationship between the Governing Body and the Board of Ed concerning shared services and wanted to know what our secret to success is.

Mr. Bousemera of 231 Schillaci Lane thanked Mike Zushma and OEM for their help during the hurricane. He emphasized that his area of Schillaci and Fred Allen Dr are in need of a concentrated effort to fix the flooding problem there. He urged the Council to help address the problem.

DPW Supt. Capparelli reported on the County Clean Up Plan. The County has hired a tree company to go into their property back behind the effected area and clean out.

Jake Cataldo reported that the guard rails that had been installed in front of Dynasty Kitchen and the Auto Parts store on Park Ave have been removed and he wondered why and by whose authority. He also reported that a religious store on Park Ave and West Hendricks Blvd. is serving food and wondered if they were licensed to do so. Mr. Cataldo also stated that speeding and increased truck traffic have gotten out of control. He stated that speed bumps are still needed.

Charlie Butrico of Sims Place, currently living in Edison, urged the governing body and the audience to be respectful to one another and practice civility. He stated that there is no reason

for anyone to criticize and attack one another referring to members of the audience as well as on the council. He stated that every person has a right to ask questions and be treated with respect.

Dennis Little defended his earlier comments and added that he felt his statement was informational and not meant to be critical. If he offended anyone, it was unintentional and he apologized.

Mayor Anesh closed the public portion and the Council moved into Executive Session.

Upon the Council's return, Mayor Anesh reported that no additional action was required and called for a motion to adjourn.

Mr. Barletta made a motion to adjourn, seconded by Mr. McConville and approved unanimously. The meeting adjourned at 8:40pm.

Respectfully submitted,

Joann L. Graf, RMC  
Municipal Clerk