

**Minutes from the September 6, 2011 Public Meeting
of the South Plainfield Mayor and Council**

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, Salerno and Rusnak.

After the Pledge of Allegiance, Councilman Salerno requested a moment of silence in remembrance of former borough employee, Lillian Smith who passed last Thursday.

Mayor Anesh presented plaques to the summer Interns who worked in the Borough this year. The interns are Rajath Kenath, Nii Mills, Andrea Muglia, Payal Sindha, Jacob Rotella, William Walsh and Albert Vill. Mr. Cullen gave the interns a glowing evaluation on their contributions over the summer especially their assistance with the borough's web technology.

Mr. Barletta thanked Mr. Cullen and his, Assistant, Anne Daley for coordinating the program as well as Board member Debbie Boyle for her assistance.

Mr. Bengivenga made a motion to accept the minutes of the Agenda, Executive and Public meetings of August 15, 2011; seconded by Ms. Buteas.

YES: Barletta, Bengivenga, Buteas, McConville, Rusnak

ABSTAIN: Salerno

Motion Carried

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

Library Board President Eric Aronowitz thanked the Council for including Resolution # 11-239 to the Agenda to assist with the cleanup and restoration of the library after the damage from hurricane Irene. He also provided the Administrator with a list of specialty movers.

Mayor Anesh closed the public portion and called for Ordinance #1939.

Ms. Graf read Ordinance # 1939 by title only for public hearing and final adoption as follows:

WHEREAS, Section 717.5(F) provides regulation and requirements for awning signs within the HDD Zone of the Borough of South Plainfield, and has not been reviewed or amended for many years, and cannot be enforced in its current form; and

WHEREAS, the Business Advisory Group of the Borough has requested amendment of this Section to conform with existing circumstances within the Zone; and

WHEREAS, the Governing Body of the Borough of South Plainfield has determined that such Section should be amended in consideration of certain circumstances within the Borough;

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

DELETE: SECTION 717.5(F).

ADD: SECTION 717.5(F) as follows:

1. An awning shall be defined as any roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.
2. Awnings shall not be metal, other than supporting members, and all awning material must be fire retardant as approved by the Borough of South Plainfield;

3. No awning shall be illuminated, whether by internal or external sources;
4. There shall be no restriction regarding the type or style of awning, as long as the awning complies with the regulations set forth herein;
5. The content or advertising which may be displayed within the awning area shall be limited to the identification and location of the business and premises, and information concerning the activities conducted on the premises or the goods and services offered therewith. Examples of acceptable content are display of a business name; a business logo; and contact information, such as a telephone number, email address, webpage or any other type of social media contact. Any writing, drawing, or other representation upon an awning must be professionally sewn or painted;
6. Awnings shall only be permitted on ground-floor businesses. However, in the event of a second-story or greater occupancy by a business in a building, an awning may be erected if there is a ground-floor entrance to such business over such entrance;
7. Any other regulations of the Borough, such as those which regulate signs, shall not be applicable to the content or advertising on awnings.
8. Awnings shall be maintained in good condition and shall not be allowed to become dilapidated. All supports, braces, anchors and other parts shall be kept in continual repair, including cleaning, painting and replacing of defective parts or members of any awning. Lack of proper maintenance shall be considered abandonment, and the awning shall be repaired, cleaned or otherwise returned to a presentable condition or removed within ten days from notification by the Zoning Officer or Construction Code Official;
9. Retractable awnings shall not be permitted;
10. The lowest portion of the awning must be a minimum of eight feet from the bottom edge of the lowest portion to the sidewalk or ground level;
11. The length of any awning shall not be greater than the width of the storefront or tenant space;
12. In the event of a corner building, awnings may be constructed in accordance with these regulations for all sides of the building which front a street or roadway, including wrapping around the building;
13. In the event a single owner or tenant occupies two or more contiguous building fronts for one use, one awning uniform in size, shape, style or material may be erected and maintained across the two or more contiguous fronts if same is done in conformance with all regulations herein;
14. An awning may be no greater than forty-two inches in height measured from its lowest point to its highest point;
15. Awnings shall have a maximum projection of no greater than four feet from the building wall face over the public right-of-way; and
16. Valances shall not be permitted.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Mr. Barletta made a motion to adopt Ordinance # 1939, seconded by Mr. Bengivenga.

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 called for a roll call vote:

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

Mr. Bengivenga requested that Resolutions 11-230, 11-231 & 11-236 be voted on separately. Mr. McConville made a motion to approve Resolutions 11-230, 231 and 236, seconded by Mr. Rusnak, which all begin with **BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT:**

#11-230

WHEREAS, the Borough of South Plainfield sought bids for bulky waste collection and disposal services to be performed in October 2011; and

WHEREAS, Future Sanitation, Inc., Republic Services of NJ, LLC d/b/a Midco Waste, and Pinto Brothers Disposal, LLC submitted bids which were opened on August 9, 2011; and

WHEREAS, after the bids were opened, it was discovered that a specification was not included for a price for disposal, and specifically, for what is known as tipping fees; and

WHEREAS, acceptance of any bid would cause the Borough to enter into a contract without knowledge as to its full financial responsibility pursuant to same; and

WHEREAS, the Borough reserved the right to reject all bids;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that all bids received for bulky waste collection and disposal services opened August 9, 2011 shall be and are hereby rejected.

#11-231

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 provide for the pick up and disposal of leaf bags town-wide; and

WHEREAS bids were solicited and opened on Tuesday, August 9, 2011 and the following picked up bid packages and submitted bids:

Pinto Bros.	\$35,400
Future Sanitation	\$36,500
Midco Waste	\$34,164

WHEREAS, the bids have been reviewed by the Borough Attorney and Public Works and it is their recommendation that the bid of Midco Waste be accepted in the amount of \$34,164.00 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 # 1-01-32-465-001-545.

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 annual leaf bag pickup service at a cost not to exceed \$34,164.00

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

#11-236

WHEREAS, on or about August 27, 2011, the extreme weather caused by Hurricane Irene seriously affected the public health, safety and welfare of the Borough of South Plainfield, which required emergency services for pickup of bulky waste and other garbage; and

WHEREAS, the Borough has previously contracted with Pinto Brothers Disposal, LLC, which has previously performed bulky waste collection and disposal services to the satisfaction of the Borough; and

WHEREAS, Pinto Brothers Disposal, LLC has agreed to provide all necessary machinery, tools and equipment, to furnish and deliver all materials, and to do and perform in a good workmanlike manner all the work and labor required to be furnished and delivered for bulky waste collection and disposal services for waste material; and

WHEREAS, the cost for said services shall be \$54,500.00, plus tipping fees, such fees not to exceed \$81.17 per ton; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that the Mayor and Borough Clerk are authorized to execute a contract with Pinto Brothers Disposal, LLC for bulky waste collection and disposal services for a contract price of \$54,500.00, plus tipping fees, such fees not to exceed \$81.17 per ton.

YES: Barletta, Buteas, McConville, Salerno, Rusnak

RECUSE: Bengivenga

Motion Carried

Mr. Bengivenga made a motion to approve Resolutions 11-232 through 235 and 11-237 through 11-239, seconded by Ms. Buteas.

#11-232

WHEREAS, a need exists to amend the employment status of the Borough's Tax Collector, Kimberly Clifford, from a full time position with provision of health benefits to a part time position, with no provision of benefits; and

WHEREAS, compensation for the part time Tax Collector's position shall be established at a salary of \$25,000, plus payment of an hourly rate of \$25.00 per hour for any additional services required by the Borough. Hours of employment shall be as determined by the Borough Business Administrator.

NOW, THEREFORE, it is hereby resolved by the Borough Council of the Borough of South Plainfield that Kim Clifford be appointed to the position of Part Time Tax Collector, effective September 13, 2011 at a salary of \$25,000, excluding health benefits, plus payment of an hourly rate of \$25 per hour for any additional services required by the Borough. Hours of employment shall be as determined by the Borough Business Administrator.

#11-233

WHEREAS, a need exists to hire a full time Clerk Typist in the Borough's Tax & Sewer Department; and

WHEREAS, said position was duly advertised and applicants were screened;

NOW, THEREFORE, it is hereby resolved by the Borough Council of the Borough of South Plainfield that Dawn Hutchison is hired as a full time Clerk Typist, effective September 13, 2011 at a salary of \$26,026.00 including benefits.

#11-234

WHEREAS, the following taxpayer has filed appeals with the State Tax Court and has received judgments reducing their assessment for 2010:

Block 298; Lot 4
Daniel G. Keough, Trustee
Ventura, Miesowitz, Keough, Warner
783 Springfield Avenue
Summit, NJ 07901
\$2,067.20

Tax Appeal Location: 2100 South Clinton Avenue

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.

#11-235

WHEREAS, the following taxpayer has filed appeals with the State Tax Court and has received judgments reducing their assessment for 2010:

Block 409; Lot 14
Daniel G. Keough, Trustee
Ventura, Miesowitz, Keough, Warner
783 Springfield Avenue
Summit, NJ 07901
\$12,696.43

Tax Appeal Location: 105 Snyder Road

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.

#11-237

WHEREAS, the Middlesex County Prosecutor's Office has provided a funding opportunity to the Borough of South Plainfield for the purpose of initiating an Automatic License Plate Recognition System in the borough's Police Dept.; and

WHEREAS, the governing body of the Borough of South Plainfield wishes to enter into an inter-local agreement with the County of Middlesex in order to participate in this valuable program; and

WHEREAS, funding for this program is being made available through a Homeland Security grant;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that authorization is hereby given for the Mayor and Municipal Clerk to execute the Inter-local Services Agreement with Middlesex County for participation in the Automatic License Plate Recognition System, funded through a Homeland Security grant.

#11-238

authorization is hereby given to waive the applicable building permit fees associated with the replacement of hot water heaters or furnaces/boilers due to the damage caused by the recent hurricane. This waiver is valid for permits requested through the remainder of 2011.

#11-239

WHEREAS, on or about August 27, 2011, the extreme weather caused by Hurricane Irene seriously affected the South Plainfield Public Library causing extensive damage from flooding; and

WHEREAS, a need exists to remove and store the Library's books and to clean and restore the physical plant; and

WHEREAS, the Borough Administrator, in conjunction with the Borough's insurance carrier (JIF) is working to determine the available coverage, the damages and cost estimate to restore the

library facility and needs to be able to act in the most prompt, effective and efficient manner possible once the best course of action is determined; and

WHEREAS, the Governing Body wishes to execute an authorizing resolution in advance of the final determination in order to enable the Borough Administrator to take the necessary action prior to the next public Borough Council meeting;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that the Borough Administrator is hereby authorized to execute a contract with the vendor(s) he determines to be the most reasonable and appropriate to provide the services required to restore the library to its operational state.

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

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

1. Planning Board Minutes – August 9, 2011
2. Library Board of Trustees Minutes – July 19, 2011
3. Zoning Board of Adjustment Minutes – August 11, 2011
4. PARSA Resolution - appointment of new law firm, Murphy Hubner McKeon, P.C.

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

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

PAYMENT OF BILLS

Current Fund - \$457,228.67
 Sewer Utility Operating Fund - \$1,666,176.63
 Pool Utility Operating Fund – \$10,409.88
 Sewer Utility Operating Fund C-08 - \$56,393.00
 General Capital - \$160,940.93
 Grant Fund - \$1,773.50
 Treasurers Trust - \$8,952.31

TOTAL OF ALL FUNDS - \$2,448,385.02

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

REPORTS:

Borough Engineer Len Miller updated the governing body on the Rahway Ave / Kenyon Ave project stating that the installation of speed humps will mark the completion of that project. The bids for the ADA Ramp program are due September 13th and will be awarded at the September 19th Council meeting.

The Mayor and each member of the Council offered their thanks and appreciation for the tremendous effort put forth by OEM, DPW, Police, Fire, EMS, CERT members and other volunteers during the recent hurricane. They also thanked Chief Parker and the Police Dept. for their work with the Barclay Gold Tournament and how smoothly everything went in the borough. The Mayor and Council each also recognized and thanked the Public Celebrations Commission for another great Labor Day.

Mr. Barletta announced that the 10th anniversary 9-11 memorial service will be held at 12:45pm at Monument Park followed by a reception at the Senior Center. Everyone is invited. He also

reported that he met with Ms. Buteas and Dr. Tempel regarding the Nature Preserve and the desire to consolidate all the lots there into one lot. He asked for and received the approval of the Council to proceed with the process.

Ms. Buteas inquired about the possibility of paving the borough's portion of W. 8th Street which is in need of repair. It will be considered for a future project. She also voiced concern about a gas leak from a gas company road opening. Mr. Miller will contact PSE&G to infrared the area. Ms. Buteas also asked for clarification on the management/protocol of the borough's Facebook page and website. It was explained that the Mayor and Mr. Cullen oversee these pages and the Facebook page is the interactive site that can be kept very current.

Mayor Anesh reported that the preliminary site plan was approved by the Planning Board on the former Cornel site Redevelopment project. He also reported that EMS & the Fire Dept. each received approx. \$800 – 900 from the labor day vendor fees.

The Mayor then opened the meeting for comments from the public. Library Board President Eric Aronowitz thanked the Library Staff for their efforts with the library cleanup after the storm.

Debbie Boyle of Van Fleet Ave recognized and thanked everyone for all they did for our community over the past few weeks.

Les Bergen of Hamilton Blvd. commented on what little impact the golf tournament had on traffic. He also asked about the fireworks being cancelled and would they be re-scheduled.

John Sorrentino of Hopkinson St., Chairman of the Public Celebrations Committee, the Mayor and Council, OEM, Police, EMS, Fire Dept. for their support and participation. He reported that the deposit paid for the fireworks will be carried over to 2012.

Mayor Anesh suggested that the merchandise sold by vendors on Labor Day be closely scrutinized so as not to allow the sale of objectionable items such as electric cigarettes.

Paul McCullen of Walnut Street commended all those responsible for the storm response and the Labor Day festivities calling it "civil service at its finest". He voiced concern for the condition of the storm sewer basins as it impacts flooding. He also cited the need to clean and dredge borough waterways.

Derryck White acknowledged Chief Parker and Council President Rusnak for their coordination and planning for the Golf Tournament which elevated traffic congestion in town.

April Bengivenga of Woodland Ave thanked everyone for their hard work with the golf tournament. She also commented on conditions on Woodland from the storm and a dangerous barricade near here home that was knocked down. She also mentioned the situation with downed trees on Woodland.

The Mayor then closed the public portion of the meeting and called for a motion to adjourn.

Mr. Barletta made a motion to adjourn at 8:25pm, seconded by Mr. McConville and approved unanimously.

Respectfully submitted,

Joann L. Graf, RMC
Municipal Clerk