

**PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
APRIL 16, 2012, 7:00 P.M.  
PUBLIC MEETING**

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**CALL TO ORDER:** Mayor Anesh called the public portion of the meeting to order at 7:11 p.m. Mayor Anesh read the sunshine statement and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met.

**ROLL CALL WAS TAKEN BY THE MUNICIPAL CLERK:**

<b>COUNCIL</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>LATE</b>
Councilman Barletta	x		
Councilman Bengivenga	x		
Councilman Frank	x		
Councilman McConville	x		
Councilman White	x		
Council President Rusnak	x		
<b>Also Present:</b>			
Administrator Cullen	x		
Clerk Antonides	x		
Attorney, Rizzo	x		

**FLAG SALUTE:** was led by Mayor Anesh and Councilman Barletta led the invocation.

**PROCLAMATION(S)** - Mayor Anesh presented and read a Proclamation supporting Volunteer Littler Clean Up Week during April 21<sup>st</sup> through the 28<sup>th</sup>. The Borough's Clean-Up Day is scheduled for Saturday, April 21<sup>st</sup> at 9:00 a.m. at the municipal building. Everyone is encouraged to attend.

Mayor Anesh presented and read a Proclamation in full supporting ALS Awareness Month during May, 2012. Mr. Michael Peler was invited to come forward for the Mayor to present him with the Proclamation. Mr. Peler spoke of being the primary caregiver for his companion of 29 years, Kathleen Doboziński, who lost her life to ALS. Mr. Peler graciously thanked the Mayor and Borough Council for their support in administering this Proclamation this evening.

Mayor Anesh read a Proclamation honoring the South Plainfield High School Wrestling Team and invited each wrestler, coach, and/or instructor forward to present them with their Proclamation. Photographs were taken and a round of applause was extended.

**PRESENTATION: WOMAN'S HISTORY MONTH:** Mayor Anesh moved item #8 on tonight's agenda to present now advising that South Plainfield Women's Leadership Committee would like to recognize three essay contest winners. Mayor Anesh called Ms. Chrissie Buteas forward to announce the results of the 2012 Women's History Month Essay Contest winners. Mr. Chrissy Buteas, serves as the Chairwoman, followed by Nina Rohrer, Pamela Stefanek, Nancy Stillman-Pender, and Debbie Boyle. Essay submissions were between 500-750 words and the contest was open to South Plainfield residents in grades 9 to 12. Ms. Buteas than called the three winners forward and provided them with gift certificates for first, second and third place; Jamie Quail placed first receiving \$250.00, Croidy Veliz placed second receiving \$150.00, and Cystal Myles placed third receiving \$100.00. Everyone extended a round of applause and photographs were taken.

At this time, 7:40 p.m., Mayor Anesh called for a five minute recess.

At 7:45 p.m., Mayor Anesh called the meeting back to order.

**APPROVAL OF COUNCIL MINUTES**

March 8, 2012 – Special Meeting: Mayor Anesh asked for a motion to approve the March 8<sup>th</sup> minutes. Councilman White made a motion to approve the March 8<sup>th</sup> minutes, seconded by Council President Rusnak, Recused by Councilman McConville, and unanimously carried by the balance of the Council.

April 2, 2012 – Regular Meeting: Mayor Anesh asked for a motion to approve the April 2<sup>nd</sup> minutes. Councilman White made a motion to approve the April 2<sup>nd</sup> minutes, seconded by Council President Rusnak, and unanimously carried.

**PUBLIC COMMENTS ON AGENDA ITEMS ONLY:** Mayor Anesh opened the floor for public comments.

Mr. Frank Mikorski of Regency Place expressed his appreciation to all the wrestlers this evening. Mr. Mikorski went on to say he is concerned about Ordinance #1954 that exceeds the municipal budget cost of living allowing. Mr. Cullen advised that we will never use all of the appropriation cap. This Ordinance is more of a formality. Mr. Mikorski questioned Ordinances #1956 to #1960 pertaining to the sale of surplus property. Mr. Cullen explained how the sale of surplus property will help off-set the municipal budget. Mr. Mikorski questioned the rate of interest for Bond Ordinance #1961. Mr. Cullen advised that it will be under 1% now, however, if we do a roll over, we may see rates in the 3% range.

With no further comments from the public, Mayor Anesh closed the floor from public comment.

**ORDINANCES: ALL WITH PUBLIC HEARING AND FINAL ADOPTION:** were all read by title by Borough Clerk Antonides:

**ORDINANCE No. 1954**

**CALENDAR YEAR 2012**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS**

**EQUAL TO OR LESS THAN 2.5 PERCENT**

**(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year’s final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and

**WHEREAS**, the COLA for 2012 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5%; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Borough Council of the Borough of South Plainfield in the County of Middlesex finds it advisable and necessary to increase its CY 2012 budget by more than 2.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Borough Council hereby determine that a 3.5% increase in the budget for said year, amounting to \$394,415.40 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Borough Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of South Plainfield in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of Borough of South Plainfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$765,693.43 and that the CY 2012 municipal budget for the Borough of South Plainfield be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Anesh Opened the floor for public comments. With no comments made, Mayor Anesh closed the floor. Mayor Anesh asked for any comments from Council, with no comments made, Mayor Anesh called for a motion and a second with a roll call vote to adopt this ordinance:

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta	X		X		
Councilman Bengivenga			X		
Councilman Frank			X		
Councilman McConville			X		
Councilman White		X	X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**ORDINANCE NO. 1955**

**AN ORDINANCE AMENDING CHAPTER 327 OF THE CODE**

**OF THE BOROUGH OF SOUTH PLAINFIELD ENTITLED:**

**PEDDLING AND SOLICITING.**

**BE IT ORDAINED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey be amended as follows:

ADD to Chapter 327, entitled "Peddling and Soliciting", Article IV to be entitled "Second-Hand Dealers" as follows:

SECTION 327-22 – Definitions.

As used in this Article, the phrase “second-hand dealer” shall apply to every person or entity now or hereafter engaged in or carrying on a business in which it may buy or sell used or second-hand gold, silver, jewelry, ornaments, wearing apparel, household articles or goods, electronic devices (including, but not limited to radios, I-Pods, cell phones and accessories thereto). A person or entity shall be considered a second-hand dealer regardless of whether the purchase or sale of merchandise as described herein is its primary business or function.

As used herein, “person” shall be construed to mean any individual, firm, partnership, corporation, volunteer association, incorporated association or other business entity or any agent thereof

#### SECTION 327-23 – Purpose.

The purpose of this Article is to prevent fraud, crime and unethical and dishonest conduct, and for the general protection, health and welfare of the residents of the community.

#### SECTION 327-24 – License Required.

Every second-hand dealer must apply for a license to be obtained through the Office of the Borough Clerk.

A. The application for a license shall be in writing and signed by the applicant, and shall be accompanied by prescribed fees as may be established from time to time by resolution of the Mayor and Council.

B. The application for a license shall contain a statement of the name, age and residence of the applicant; the purpose of the license; the place where the licensed business will be conducted; the name, age and residence of each employee of the licensee.

C. No license shall be granted to any person who:

1. Has been convicted of violating any Federal, State, County or Municipal law or ordinance involving dishonesty or moral turpitude; or
2. Has misrepresented any facts in the application.

#### SECTION 327-25 – Record Keeping.

Every licensee shall maintain and, upon demand by authorized representatives of the Police Department, produce a full and complete record of each and every transaction had in such business, including all deposits, redemptions, purchases and sales, on a day-by-day chronicled basis, written legibly and containing accounts and descriptions, including all distinguishing marks and numbers, of any and all goods, articles or things purchased or sold which are regulated by this Article.

#### SECTION 327-26 – Purchase from a Minor.

No second-hand dealer shall receive or purchase any articles or materials from a person under 16 years of age.

#### SECTION 327-27 – Lost or Stolen Articles.

No second-hand dealer shall receive or purchase any articles or materials which are known to him or her to have been lost, stolen or converted.

Any second-hand dealer who receives or is in possession of any articles or materials alleged to have been lost or stolen, upon demand, shall present them for inspection to any officer or agent of the Police Department.

If any articles or materials are advertised in any newspaper published within the Borough as having been lost or stolen, and the articles or materials are, or thereafter come into the possession of any second-hand dealer, said dealer shall immediately notify in writing the Chief of Police. The notice to the Chief of Police shall state from whom the articles or materials were received or purchased, and the time and date of the receipt or purchase.

**SECTION 327-28 – Violation.**

Any person who violates any provision of this Article shall, upon conviction, pay a fine of not less than \$100.00, nor more than \$1,000.00, or be imprisoned in the County Jail for a term of not more than 30 days, or both, within the discretion of the judge for each and every violation.

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

Mayor Anesh Opened the floor for public comments. With no comments made, Mayor Anesh closed the floor. Mayor Anesh asked for any comments from Council, with no comments made, Mayor Anesh called for a motion and a second with a roll call vote to adopt this ordinance:

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta	X		X		
Councilman Bengivenga			X		
Councilman Frank			X		
Councilman McConville			X		
Councilman White		X	X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**ORDINANCES: INTRODUCTION:** Were all read by title by Borough Clerk Antonides.

**BOND ORDINANCE #1961**

**BOND ORDINANCE PROVIDING FOR ROAD AND RESURFACING IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$608,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$376,000 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$608,000, including a grant in the amount of \$225,000 expected to be received from the State of New Jersey Department of Transportation (the "State Grant") for the improvement or purpose described in Section 3(a). Pursuant to N.J.S.A. 40A:2-11(c) no down payment is required for the improvement or purpose described in Section 3(a) since the improvement or purpose is being partially funded by the State Grant. For the improvement or purpose described in Section 3(b), an amount equal to \$7,000 is provided for as the down payment as 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 several improvements or purposes not covered by application of the down payment and the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$376,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	Appropriation and Estimated <u>Cost</u>	Estimated Maximum Amount of Bonds or	
		<u>Notes</u>	<u>Period of Usefulness</u>
a) Road and resurfacing improvements, including, but not limited to, Sampton Avenue, including all work and materials necessary therefor and incidental thereto. (Includes the State Grant)	\$468,000	\$243,000	10 years
b) Road and resurfacing improvements, including, but not limited to, West 8 <sup>th</sup> Street, including all work and materials necessary therefor and incidental thereto.	<u>\$140,000</u>	<u>\$133,000</u>	10 years
TOTALS	<u>\$608,000</u>	<u>\$376,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the State Grant for the purpose described in Section 3(a) and the amount of the down payment for the purpose described in Section 3(b).

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 purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, 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 \$376,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$175,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 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 purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than the State Grant referred to in Section 1 hereof, 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.

Mayor Anesh asked for any comments from Council. Councilman Bengivenga thanked the Department of Transportation for their \$220,000 grant award for this project and also thanked the Borough Engineer, Len Miller, for assisting us in applying for this grant. Mayor Anesh called for a motion and a second with a roll call vote to introduce this ordinance. The public hearing is set for May 7, 2012:

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta			X		
Councilman Bengivenga	X		X		
Councilman Frank			X		
Councilman McConville			X		
Councilman White		X	X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**ORDINANCE #1962**

**AN ORDINANCE AMENDING THE DEVELOPMENT AND REVIEW ORDINANCE OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD**

**AN ORDINANCE AMENDING THE DEVELOPMENT AND REVIEW ORDINANCE OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD.**

**WHEREAS**, the Borough Zoning Board of Adjustment has determined that a schedule is necessary to establish variance plan requirements for certain types of applications that do not currently have site plan requirements; and

**WHEREAS**, the Borough Engineer and Board Attorney have prepared a schedule of proposed variance plan requirements for the types of applications that currently do not have site plan requirements, which has been approved by the Zoning Board of Adjustment, and which requests that such requirements be included in the Development Review Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Code of the Borough be amended to include Appendix C to the Development Review Ordinance to include variance plan requirements for the following types of applications:

- a. One or two-family bulk variances (existing dwelling)
- b. One or two-family bulk variances (new construction)
- c. One or two-family use variances
- d. Bifurcated use variances

The Appendix shall be in the form attached hereto.

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

Mayor Anesh asked for any comments from Council. Councilman Bengivenga asked what this Ordinance is for. Councilman Barletta explained how it will assist with bulk variances and the new checklist will be standardized. Mayor Anesh called for a motion and a second with a roll call vote to introduce this ordinance. The public hearing is set for May 7, 2012:



COUNCIL	Motion	Second	Ayes	Nays	Absent
Councilman Barletta	X		X		
Councilman Bengivenga			X		
Councilman Frank			X		
Councilman McConville		X	X		
Councilman White			X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTIONS:** Borough Clerk Antonides read the following resolutions by title:

**RESOLUTION AUTHORIZING REFUND  
TOTALING \$40.00 FOR SENIOR CITIZEN TRIP TO BALLY'S  
RESOLUTION 12-087**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that, as the Senior Citizen Trip to Bally's on April 19, 2012 has been cancelled there arises a necessity to hereby refund those who have submitted payment for said trip to the following individuals:

Mr. Lacicero in the amount of \$20.00  
Ms. Marianne Eastman in the amount of \$20.00

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of South Plainfield that the Finance Office hereby has approval to release the aforementioned refunds.

COUNCIL	Motion	Second	Ayes	Nays	Absent
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION AUTHORIZING REFUND  
TOTALING \$50.00 FOR REPRESENTING C/O FEE  
RESOLUTION 12-088**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that due to the fact that the sale of 1142 South 9<sup>th</sup> Street did not go through as planned, there arises a necessity to hereby refund the C/O fee of \$50.00 to the following individual:

Mr. Tommaso Grasso  
1033 New Market Avenue  
South Plainfield, NJ 07080

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of South Plainfield that the Finance Office hereby has approval to release the aforementioned refund(s).

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION 12-089**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY THAT:**

***DARLENE PINTO***

is hereby appointed to the South Plainfield Library Board of Trustees as the Mayor’s Representative.

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION 12-089A**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY THAT:**

***CHRISTINE FAUSTINI***

is hereby appointed to the South Plainfield Library Board of Trustees as a full member finishing the term of Eleanor Haines to expires on 12/31/2014.

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION AUTHORIZING WAIVER OF \$250 SENIOR CENTER FEE FOR WINE  
TASTING EVENT FOR A NON-PROFIT ENTITY  
RESOLUTION 12-090**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that, as there is a Wine Tasting Event at the Senior Center and there is a fee for use of the Senior Center in the Amount of \$250.00;

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield hereby waives the \$250.00 usage fee of the Senior Center for Non-Profit entities.

COUNCIL	Motion	Second	Ayes	Nays	Absent
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION No. 12-091**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT:**

**WHEREAS**, the Governing Body has approved the installation of supplemental drainage at 149 Durham Avenue; and

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40A:11 any expenditure of public funds less than \$17,500 does not require the solicitation of public bid proposals for said project; and

**WHEREAS**, the Borough obtained three (3) price quotes for the project as follows:

Stilo Excavation	\$14,093.50
Pittenger Paving & Excavating	\$15,995.00
Fischer Contracting	\$17,575.00

**WHEREAS**, the price quotes have been reviewed by the Borough Engineer and it is his recommendation that the price quote of Stilo Excavating in the amount of \$14,093.50 be accepted and a contract be awarded; and

**WHEREAS**, funds for said purpose shall be provided through Bond Ordinance #1944;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given to award the project for Installation of Supplemental Drainage at 149 Durham Avenue to Stilo Excavating, 2907 South Clinton Avenue at a cost not to exceed \$14,093.50.

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

COUNCIL	Motion	Second	Ayes	Nays	Absent
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION No. 12-092**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT:**

**WHEREAS**, the Borough of South Plainfield awarded a contract to Stilo Excavating, Inc. for Improvements to New Market Avenue Phase 2 for a contract amount of \$283,042.27; and

**WHEREAS**, in a memorandum dated March 28, 2011, T&M Associates recommended approving construction Change Order No. 3 & Final Payment for the New Market Resurfacing Project Phase 2, which has a net reduction of the Contract amount by \$21,623.63, for a revised Contract total amount of \$261,418.64; and

**WHEREAS**, the modification to the Contract as provided by Change Order No. 3

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of South Plainfield authorizes Change Order No. 3 & Final Payment, resulting in a Project Closeout of the project for improvements to New Market Avenue Phase 2 in the amount of \$5,871.25 for the Borough's contract with Stilo Excavating, Inc.

COUNCIL	Motion	Second	Ayes	Nays	Absent
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION No. 12-093**

**A RESOLUTION AUTHORIZING ADVERTISING FOR BIDS TO PURCHASE**

**CERTAIN LAND OWNED BY THE BOROUGH OF SOUTH PLAINFIELD.**

**WHEREAS**, Lot 2.01 in Block 398 is owned by the Borough of South Plainfield and is not needed for public purposes; and

**WHEREAS**, it is in the best interests of the Borough of South Plainfield to advertise for this property for public sale to the highest bidder;

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

Lot 2.01 in Block 398 shall be advertised for public sale pursuant to all requirements and procedures as set forth in the Local Lands and Building Law (N.J.S.A. 40A:12-1, et seq.) in accordance of the Notice of Public Sale by Auction attached hereto and made a part hereof.

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION No. 12-094**  
**A RESOLUTION AUTHORIZING ADVERTISING FOR BIDS TO PURCHASE**  
**CERTAIN LAND OWNED BY THE BOROUGH OF SOUTH PLAINFIELD.**

**WHEREAS**, Lot 1.01 in Block 404.03 is owned by the Borough of South Plainfield and is not needed for public purposes; and

**WHEREAS**, it is in the best interests of the Borough of South Plainfield to advertise for this property for public sale to the highest bidder;

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

Lot 1.01 in Block 404.03 shall be advertised for public sale pursuant to all requirements and procedures as set forth in the Local Lands and Building Law (N.J.S.A. 40A:12-1, et seq.) in accordance of the Notice of Public Sale by Auction attached hereto and made a part hereof.

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION No. 12-95**  
**A RESOLUTION AUTHORIZING ADVERTISING FOR BIDS TO PURCHASE**  
**CERTAIN LAND OWNED BY THE BOROUGH OF SOUTH PLAINFIELD.**

**WHEREAS**, Lot 2.10 in Block 398 is owned by the Borough of South Plainfield and is not needed for public purposes; and

**WHEREAS**, it is in the best interests of the Borough of South Plainfield to advertise for this property for public sale to the highest bidder;

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

Lot 2.10 in Block 398 shall be advertised for public sale pursuant to all requirements and procedures as set forth in the Local Lands and Building Law (N.J.S.A. 40A:12-1, et seq.) in accordance of the Notice of Public Sale by Auction attached hereto and made a part hereof.

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION AUTHORIZING AWARD TO WAYTEK SONICWALL COMPREHENSIVE  
GATEWAY SECURITY SUITE  
IN THE AMOUNT OF \$4,015.00  
RESOLUTION 12-096**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby approves of the purchase of Comprehensive Gateway Security Suite in the amount of \$4,015.00 to Waytek

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION AUTHORIZING TRAFFIC AND PARKING MODIFICATIONS FOR THE OLC  
FAIR FROM JUNE 5, 2012 THROUGH JUNE 9, 2012  
RESOLUTION 12-097**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby approves of traffic and parking modifications for the OLC Fair from June 5, 2012 through June 9, 2012 pursuant to the attached recommendations of Lt. Kevin Murtagh, Traffic Safety Unit of the South Plainfield Police Department.

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		

<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	
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**RESOLUTION #12-098**

**AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED BY JSM AT WEST END AVENUE, LLC FOR PUBLIC IMPROVEMENTS LOCATED AT 105 WEST END AVENUE, IN EXCHANGE FOR THE MAINTENANCE BOND**

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from JSM at West End Avenue LLC for the Improvements located at 105 West End Avenue ; and

**WHEREAS**, JSM at West End Avenue LLC has submitted a Maintenance Bond #0574284, International Fidelity Insurance Company being the surety, in the amount of \$7,555.36; and

**WHEREAS**, the Borough Attorney and the Borough Engineer have given approval of the form and content of the aforementioned Maintenance Bond.

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at 105 West End Avenue.

Mayor Anesh opened the floor for a public hearing for this resolution. With no comments made, Mayor Anesh closed the floor and asked the Council if they had any comments. With no comments made by Council, Mayor Anesh called for a motion to approve this resolution:

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta		X	X		
Councilman Bengivenga			X		
Councilman Frank			X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**RESOLUTION # 2012-101**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT:**

**WHEREAS**, the Borough of South Plainfield in need of retaining an engineering firm for matters dealing with site assessments, site remediation and brownfields development and for all matters regulated by the New Jersey Department of Environmental Protection, including the Suburban Transit Bus Co. property, for the year 2012; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of the contracts as “Professional Services” without competitive bidding must be publicly advertised:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with Maser Consulting, PA, 331 Newman Springs Road, Red Bank, NJ 07701 for one year expiring on December 31. 2012 at the fees indicated in the company’s proposal submission.

2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A.

19:44A-20.4 et seq.

3. A copy of this resolution shall be published in The Observer as required by law within ten (10) days of its passage.

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta			X		
Councilman Bengivenga			X		
Councilman Frank		X	X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**CORRESPONDENCE**

- Environmental Commission Minutes – February 8, 2012
- Environmental Commission Monthly Report – March, 2012
- Recreation Commission Minutes – March 14, 2012

With no comments made the following motions were made to accept all correspondence received.

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta		X	X		
Councilman Bengivenga			X		
Councilman Frank			X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**PAYMENT OF BILLS**

Current Fund 1-01	795.02
Current Fund 2-01	192,681.81
Sewer Utility Operating Fund 2-07	1,260.00
General Capital C-04	6,033.00
Grant Fund G-02	5,152.45
Treasurers Trust T-13	10,179.86
Recreation Trust T-14	2,062.29
<b>TOTAL ALL FUNDS</b>	<b>218,164.43</b>



With no comments made, Councilman Frank made a motion to approve the payment of bills, seconded by Councilman White and unanimously carried.

### **COUNCIL REPORTS**

Attorney Rizzo – had no report for this evening.

Administrator/CFO Cullen – reported that he received an email from the State advising that we can go ahead and have our public hearing on our budget but to not adopt it until the State reviews it and gives their consent since this is not a self examination year. Mr. Cullen advised that he just learned today that it is our Health Inspector's last day. Mr. Cullen expressed his disappointment as he wish the County had given us more notice.

Engineer Miller – had no report for this evening.

Municipal Clerk Antonides – thanked the Mayor and Council for appointing her as their new Clerk.

Councilman Frank – reported that the Boy Scouts recently held a spaghetti dinner with a packed house! It was a tremendous event and encourages everyone to attend the next one.

Councilman Barletta – Welcomed Amy and congratulated her on her appointment as the new Borough Clerk. Mr. Barletta said that he attended the recent wine tasting even which turned out to be a lot of fun. Also, Governor Christie held a Town Hall style meeting in South Plainfield which turned out to be a tremendous turnout by our residents. It proved to be a good day and Mr. Barletta commended the police department for their great job of providing coverage during this event. To conclude, Mr. Barletta advised that the Clean-Up day is forth coming and it really so important to this community. Everyone's help and support can be used to help the town look good.

Councilman Bengivenga – thanked the Education Foundation for the wine tasting event. It was an enjoyable time. Mr. Bengivenga also thanked the Borough Council for supporting the Peddling and Soliciting Ordinance this evening.

Councilman McConville – reported that the spaghetti dinner event by the Boy Scouts was a great time and then went on to compliment the Hairspray event at the high school of which he attended after the spaghetti dinner. On a side note, Mr. McConville complimented our local dispatchers saying how lucky we are to have our own in-house dispatchers, as there are a lot of communities that do not.

Councilman White – reported that zumba fever is alive and well at the Senior Center. There has been an overwhelming turnout for the zumba sessions. Mr. White further reported that the Easter Egg Gathering was a huge success and that it was the first time that all the eggs were used.

Council President Rusnak – reminded everyone that the special public hearing for the 2012 budget will be on Monday, April 30, 2012. Mr. Rusnak clarified that there has been some misunderstanding with the procedure for bulk items pick-up and apologized for any misunderstandings.

Mayor Anesh – commended the students who performed Hairspray at the High School saying that it was another great performance.

### **PUBLIC COMMENTS**

Mr. Robert Levinson of Woodland Avenue expressed his appreciation for the road improvement ordinance being passed saying that Woodland Avenue is in terrible condition though said he understands that half he road is in Edison and half is in South Plainfield. Mr. Levinson expressed his concerns about the amount of trash along the roadway saying that growing up it was the best road around, but now, it is in deplorable condition. There are tree branches sticking out into the roadway, some branches are comingled with wires. Mr. Levinson suggested we work with Edison to do something about this, and to perhaps form a committee to take care of this problem. Mayor Anesh said he will contact the Mayor of Edison and see what can be done about it.

Mr. Frank Mikorski of Regency Place made mention of a letter to the school board pertaining to tax appeals and that if we are quoting things in a newspaper they should be fairly accurate. Council President Rusnak explained his concerns pertaining to tax appeals and how it is our residents that have to bare the cost.

Mr. Mondora, 120 Clifford Street inquired about the sub-division time line. Borough Engineer, Len Miller explained the application deadlines.

Ms. Debbie Boyle from the Observer, wanted to clarify Mr. Mikorski's comments this evening, in that the Observer tries to give everyone a chance to write a letter to the Editor to clarify any issues. Ms. Boyle thanked the Governing Body for continuing to allow us to honor Woman in History Month. To conclude, Ms. Boyle said that our PBA played a heck of a basketball game. They really played hard and it was all for charity. She commended the Police Chief and his officers and said that they are at the high school everyday watching over our students and feels that parking lot is a safe haven.

Ms. Nancy Greenier, from the Observer, advised that citizens always have the right to rebuttle anything they read in the Observer. To conclude, Ms. Greenier advised that this Friday is Career Day at the high school and it would be great to have someone from the Governing Body their to represent.

Mr. Spencer Lee, non-resident, but owner of a massage parlor on Stelton Road expressed his concern pertaining to what he believes to be a high annual business license fee of \$4,000 per year. He feels that we are too high compared to other towns and other businesses. Councilman Barletta said he will look into this.

#### **RESOLUTION #12-099**

#### **AUTHORIZING A CLOSED SESSION MEETING**

**WHEREAS**, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Borough Council of the Borough of South Plainfield wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

**WHEREAS** the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Borough Council to discuss certain matter(s) in private, and in this case for the purpose of the Borough Council to discuss three legal administration items, of which requires attorney-client privilege in this regard;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield that it will go into an Executive Session for the purpose of Borough Council to discuss three legal administration items, of which requires attorney-client privilege in this regard;

**BE IT FURTHER RESOLVED** that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Borough Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

Motion and second were made at 8:40 p.m. to go into an Executive Session:

<b>COUNCIL</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>
Councilman Barletta		X	X		
Councilman Bengivenga			X		
Councilman Frank			X		
Councilman McConville			X		
Councilman White	X		X		
Council President Rusnak			X		
<b>TOTAL VOTE:</b>			<b>6</b>	<b>0</b>	

**ADJOURNMENT**

The Mayor and Borough Council reconvened back into public session at 9:27 p.m. and advised that there are no matters that require action from the closed session meeting this evening. Without further comment, Mayor Anesh called for a motion to adjourn. Councilman White a made a motion to adjourn, seconded by Councilman Rusnak and unanimously carried. The meeting was adjourned at 9:30 p.m.

Respectfully Submitted By:

\_\_\_\_\_

Amy Antonides, RMC/CMC

Municipal Clerk