

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
APRIL 30, 2012, 7:00 P.M. – SPECIAL MEETING**

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**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:00 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:**

| COUNCIL                  | PRESENT | ABSENT | LATE |
|--------------------------|---------|--------|------|
| 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. Councilman White led the invocation.

**PUBLIC HEARING ON CY 2012 BUDGET:** Mayor Anesh opened the floor for public hearing on the CY2012 Budget. Administrator and Chief Financial Officer Cullen advised that he received State notification on Friday that we could move forward with the public hearing for the 2012 budget but will have to hold off on adopting until the State is able to complete their review. Presently there are \$112,000 in cuts, surplus is down and the ratable base has dropped. Salary and wages are up about 1.4%. Mr. Cullen further advised that there has been a sea of tax appeals which have been taken into consideration for budgeted purposes. More cuts could be forthcoming. With the budget being adopted at a later date it may mean we will need to mail out estimated tax bills. Council President Rusnak stated that the Council has diligently been working to bring down these numbers and will continue to do so. Councilman Barletta asked how the FEMA money will impact the budget, specifically if we can account for it in our budget prior to receiving a check. Mr. Cullen said yes there is a provision that enables us to in that we have supporting documentation. Mr. Bengivenga advised that we still have four departments to review of which may impact the budget. Councilman White said he would like to stress to the public that the budget is still very much a work in progress.

From the public, Mr. Frank Mikorski, of Regency Place, inquired as to why there is no money from the Library. Mr. Cullen advised that the Board President sent a letter and apparently there was an operational issue. Mr. Mikorski stated that in his opinion he doesn't like how much money is put in the capital reserve fund. Mr. Mikorski concluded by advising that he has spoke to the Governor about this citing that he feels it is wrong for the tax payers. Mr. Paul McCullan of Walnut Street asked what the library tax is. Mr. Cullen said \$1,355,000.00. Mr. McCullen then inquired as to how the Recycling Tonnage Grant is inserted into the current year budget. Mr. Cullen explained that it will get inserted later in the year as a Chapter 159 which amends the budget to insert this grant funding. With no further comments made, Mayor Anesh closed the floor for public comment.

**PUBLIC COMMENTS ON AGENDA ITEMS ONLY:** Mayor Anesh opened the floor for public comment on agenda items only. With no comments made, Mayor Anesh closed the floor for public comment.

**RESOLUTIONS:** Councilman McConville asked to recuse himself this evening from Resolution number 12-104. The below Resolutions were read by title by Mayor Anesh:

**RESOLUTION NO. 12-102  
BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH  
OF SOUTH PLAINFIELD, NEW JERSEY, THAT:**

Lisa Grande is hereby hired as instructor for a new weekly Zumba Gold Class at the South Plainfield Senior Center at a rate of \$55.00 per class, effective immediately. Funding has been certified in the Office on Aging Dept. O & E. Budget.

| COUNCIL                  | MOTION | 2 <sup>ND</sup> | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|--------------------------|--------|-----------------|------|------|---------|--------|--------|
| Councilman Barletta      |        |                 | X    |      |         |        |        |
| Councilman Bengivenga    | X      |                 | X    |      |         |        |        |
| Councilman Frank         |        | X               | X    |      |         |        |        |
| Councilman McConville    |        |                 | X    |      |         |        |        |
| Councilman White         |        |                 | X    |      |         |        |        |
| Council President Rusnak |        |                 | X    |      |         |        |        |
|                          |        | VOTE:           | 6    | 0    |         |        |        |
| Mayor Anesh-TIE ONLY     |        |                 |      |      |         |        |        |

**RESOLUTION NO. 12-103**  
**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF**  
**SOUTH PLAINFIELD, NEW JERSEY, THAT:**

WHEREAS, upon the conclusion of the term of office of Joann L. Graf as Borough Clerk, she was not reappointed; and

WHEREAS, Ms. Graf sought payment of various amounts, claiming entitlement to same; and

WHEREAS, the Borough and Ms. Graf have reached an agreement whereby the Borough will make certain Payment to or on behalf of Ms. Graf, and she will agree to accept same, and release the Borough from any and all claims she may bring.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Clerk of the Borough of South Plainfield, County of Middlesex, State of New Jersey, are hereby authorized to execute the Agreement attached hereto.

| COUNCIL                  | MOTION | 2 <sup>ND</sup> | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|--------------------------|--------|-----------------|------|------|---------|--------|--------|
| Councilman Barletta      |        |                 | X    |      |         |        |        |
| Councilman Bengivenga    | X      |                 | X    |      |         |        |        |
| Councilman Frank         |        | X               | X    |      |         |        |        |
| Councilman McConville    |        |                 | X    |      |         |        |        |
| Councilman White         |        |                 | X    |      |         |        |        |
| Council President Rusnak |        |                 | X    |      |         |        |        |
|                          |        | VOTE:           | 6    | 0    |         |        |        |
| Mayor Anesh-TIE ONLY     |        |                 |      |      |         |        |        |

**RESOLUTION NO. 12-104**

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

WHEREAS, grievances were filed by AFSCME Local Union #3970 on behalf of the dispatchers employed by the Borough concerning claims of entitlement to retroactive pay increases; and

WHEREAS, the grievance of Darlene Marin was first filed and the Borough defended same, and the Arbitrator rendered a decision

WHEREAS, the remaining dispatchers have agreed to settle their grievances in accordance with the Arbitrators decision in the Marin case;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, enters into agreement in accordance with the terms set forth below, and the Mayor and Municipal Clerk are authorized to execute an agreement reflecting:

Kelly Ann Bulla – retroactive date 5/20/11 – to receive \$4,600.59 straight time, \$733.22 overtime, and \$82.15 holiday pay, for a total of \$5,415.96;

Darlene Marin – retroactive date 4/22/11 – to receive \$4,029.52 straight time, \$1,422.30 overtime, and \$85.00 holiday pay, for a total of \$5,536.82;

Joseph Nappe – retroactive date 5/20/11 – to receive \$4,600.59 straight time, \$223.86 overtime, and \$49.30 holiday pay, for a total of \$4,853.75;

Thomas Rutter – retroactive date 5/20/11 – to receive \$4,659.00 straight time, \$581.24 overtime, and \$82.15 holiday pay, for a total of \$5,263.98.

| COUNCIL                     | MOTION | 2 <sup>ND</sup> | AYES     | NAYS     | ABSTAIN | ABSENT | RECUSE |
|-----------------------------|--------|-----------------|----------|----------|---------|--------|--------|
| Councilman Barletta         | X      |                 | X        |          |         |        |        |
| Councilman Bengivenga       |        |                 | X        |          |         |        |        |
| Councilman Frank            |        |                 | X        |          |         |        |        |
| Councilman McConville       |        |                 |          |          |         |        | X      |
| Councilman White            |        |                 | X        |          |         |        |        |
| Council President Rusnak    |        | X               | X        |          |         |        |        |
|                             |        | <b>VOTE:</b>    | <b>5</b> | <b>0</b> |         |        |        |
| <b>Mayor Anesh-TIE ONLY</b> |        |                 |          |          |         |        |        |

**BOROUGH OF SOUTH PLAINFIELD**

**RESOLUTION No. 12-105**

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

**WHEREAS**, N.J.S.A. 40a:4-19 Local Budget Act provides that where any contracts, commitments or payments are to be made prior to the final adoption of the budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

**WHEREAS**, the date of this resolution is prior to the adoption of the CY 2011 Budget, and

**WHEREAS**, the temporary budget set forth below does not exceed twenty six and one quarter percent of the total appropriations in the previous years budget (exclusive of any appropriations made for Debt Service, Capital Improvements Fund and Public Assistance).

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the temporary appropriations are hereby amended to add the following amounts and that a certified copy of this resolution be transmitted to the Chief Financial Officer.

**Borough of South Plainfield**

**Temporary Budget Amendment**

**CALENDAR YEAR 2012**

**CURRENT FUND**

**AMOUNT**

|                     |           |     |                  |
|---------------------|-----------|-----|------------------|
| 2-01-20-150-000-221 | Assessing | O&E | <u>20,000.00</u> |
| 2-01-20-155-000-211 | Legal     | O&E | <b>25,000.00</b> |

|                     |                            |           |            |
|---------------------|----------------------------|-----------|------------|
| 2-01-20-165-001-235 | Engineer                   | O&E       | 15,000.00  |
| 2-01-21-185-000-235 | Zoning Board               | O&E       | 10,000.00  |
| 2-01-20-195-001-101 | Code Enforcement           | S&W       | 25,000.00  |
| 2-01-23-210-000-651 | Other Insurances           | O&E       | 100,000.00 |
| 2-01-23-220-000-601 | Health Insurance           | O&E       | 200,000.00 |
| 2-01-25-265-003-581 | Fire Services Charges      | O&E       | 25,000.00  |
| 2-01-26-290-002-101 | Road Repairs & Maintenance | S&W       | 25,000.00  |
| 2-01-26-305-003-235 | Recycling                  | O&E       | 25,000.00  |
| 2-01-26-310-000-101 | Public Buildings & Grounds | S&W       | 10,000.00  |
| 2-01-28-370-002-101 | Office on Aging            | S&W       | 15,000.00  |
| 2-01-29-390-000-235 | Library                    | O&E       | 210,000.00 |
| 2-01-43-490-000-101 | Court                      | S&W       | 15,000.00  |
| 2-01-37-480-000-225 | Judgements                 | O&E       | 5,000.00   |
| 2-01-36-472-000-675 | SSI                        | Statutory | 25,000.00  |

**Total CURRENT  
FUND**

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**750,000.00**

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**Pool**

**AMOUNT**

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|                     |                |     |          |
|---------------------|----------------|-----|----------|
| 2-26-55-520-000-235 | Other Expenses | O&E | 5,000.00 |
|---------------------|----------------|-----|----------|

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**5,000.00**

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**Total Pool UTILITY**

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| COUNCIL                  | MOTION | 2 <sup>ND</sup> | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|--------------------------|--------|-----------------|------|------|---------|--------|--------|
| Councilman Barletta      |        |                 | X    |      |         |        |        |
| Councilman Bengivenga    | X      |                 | X    |      |         |        |        |
| Councilman Frank         |        | X               | X    |      |         |        |        |
| Councilman McConville    |        |                 | X    |      |         |        |        |
| Councilman White         |        |                 | X    |      |         |        |        |
| Council President Rusnak |        |                 | X    |      |         |        |        |
|                          |        | VOTE:           | 6    | 0    |         |        |        |
| Mayor Anesh-TIE ONLY     |        |                 |      |      |         |        |        |

**CORRESPONDENCE:** There was no correspondence received this evening.

**PUBLIC COMMENTS:** Mayor Anesh opened the floor for public comments. Ms. Nancy Grennier from the Observer, inquired if it was true that she heard we were prohibiting garage sales from selling electronics? Mr. Rizzo, Esq. said no, the matter pertains to vendors reselling electronics. Ms. Grennier welcomed Amy, our new Clerk, and concluded by advising that next week will be the Junior Journalist dinner at the American Legion.

### RESOLUTION #12-106

#### 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 Contract Administration for Maser Environmental Engineer and the Dispatch Contract 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 Contract Administration for Maser Environmental Engineer and the Dispatch Contract 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.

The Borough Council went into closed session at 7:30 p.m.

| COUNCIL                  | MOTION | 2 <sup>ND</sup> | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|--------------------------|--------|-----------------|------|------|---------|--------|--------|
| Councilman Barletta      |        |                 | X    |      |         |        |        |
| Councilman Bengivenga    | X      |                 | X    |      |         |        |        |
| Councilman Frank         |        | X               | X    |      |         |        |        |
| Councilman McConville    |        |                 | X    |      |         |        |        |
| Councilman White         |        |                 | X    |      |         |        |        |
| Council President Rusnak |        |                 | X    |      |         |        |        |
|                          |        | VOTE:           | 6    | 0    |         |        |        |
| Mayor Anesh-TIE ONLY     |        |                 |      |      |         |        |        |

The Borough Council reconvened back into public session at 7:51 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 Bengivenga made a motion to adjourn, seconded by Council President Rusnak and unanimously carried. The meeting was adjourned at 7:52 p.m.

Submitted By:

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Amy Antonides, RMC/CMC - Municipal Clerk