SOUTH PLAINFIELD BOROUGH BOROUGH COUNCIL MEETING MINUTES AUGUST 20, 2012, 7:15 P.M. PUBLIC MEETING

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:15 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 with adequate notice of this meeting having been provided to the Borough's two official newspapers and also published on the Borough's website.

The roll call was administered by Clerk Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman Barletta	х		
Councilman Bengivenga		х	
Councilman Frank	Х		
Councilman McConville	Х		
Councilman White	Х		
Council President Rusnak	х		
ALSO PRESENT			
Administrator Cullen	Х		
Clerk Antonides	Х		
Attorney Rizzo	Х		
Engineer Miller	Х		

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

Proclamations: Mayor Anesh read the following Proclamations in full; Women's Equity Day, 2012.

5

Approve Council Minutes: July 16, 2012 - Agenda July 16, 2012 - Public July 16, 2012 - Executive July 23, 2012 - Special Meeting July 23, 2012 - Executive COUNCIL MOTION AYES NAYS ABSTAIN ABSENT **Councilman Barletta** х х **Councilman Bengivenga** х **Councilman Frank** х Councilman McConville х **Councilman White** х х Council President Rusnak х

VOTE:

Mayor Anesh - TIE ONLY

Public Comment For Agenda Items Only:

Mr. Paul McCullen of Walnut Street asked what the total ratable loss impact will be when we go into the next fiscal budget. Mr. Cullen advised that there are several things to take into consideration and explained several revenue sources. Councilman Barletta advised that Celebrations is another potential revenue source to take into consideration that may be forthcoming. Mr. Cullen added that we also did increase our uncollected taxes by approximately \$150,000. On the bright side, we did anticipate and budget for these appeals. Mr. McCullen asked if there is something we can do about the lack of fairness that is placed on the municipality bearing all the costs for these appeals. Mayor Anesh advised that there is a Bill pending in the Assembly right now.

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RECUSE

Council President Rusnak advised that he and Glenn recently met with the School Superintendent as well as others in his office who said they would discuss the appeal situation at their September 12th meeting. Mr. McCullen said that the school does bear some of the responsibility and inquired if we knew what the breakdown is. Council President Rusnak advised that \$86,337 is the Borough's, \$196,692 is the School's, and the balance is the County's.

Ms. Libby Barsky from The Observer, asked what Resolution #12-248B is for. Borough Engineer Miller advised that it pertains to some 18 items in technical review that need to be addressed to NJDEP. They are rather broad and labor intensive.

ORDINANCE – INTRODUCTION (Public Hearing Set For September 4, 2012)

#1967 AN ORDINANCE TO AMEND ORDINANCE 1760A ENTITLED AN ORDINANCE PROVIDING FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEAR 2012 - was read in full by Clerk Antonides. Mayor Anesh set the public hearing for September4, 2012.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	Х		х				
Councilman Bengivenga					х		
Councilman Frank			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS:

RESOLUTION 12-216

AUTHORIZING A BLOCK PARTY LOCATED ON GRAY DRIVE FROM 18 GRAY TO THE END OF THE CUL-DE-SAC REQUESTED BY URSILLA MANGRA FOR OCTOBER 6, 2012 FROM 11:00 A.M. TO 7:00 P.M.

WHEREAS, a request was made by Ursilla Mangra to hold a block party on October 6, 2012 on Gray Drive from 18 Gray Drive to the end of the cul-de-sac from 11:00 am - 7:00 pm, with a rain date being October 7, 2012; 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.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						х	
Councilman Frank			X				
Councilman McConville		X	X				
Councilman White	Х		X				
Council President Rusnak			х				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-217

AUTHORIZING WAIVER OF TYPE 3 PERMIT FEES FOR LABOR DAY FIREWORKS PRESENTED BY INTERNATIONAL FIREWORKS

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT: authorization is hereby given to waive the Type 3 Fire Permit fees for the 2012 Labor Day Fireworks presented by International Fireworks.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						x	
Councilman Frank			x				
Councilman McConville		X	X				
Councilman White	x		x				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-218

AUTHORIZING THE EXECUTION OF CONTRACT WITH INTERNATIONAL FIREWORKS FOR 30 MINUTES OF FIREWORKS IN AN AMOUNT NOT TO EXCEED \$13,500

WHEREAS, the Local Public Contracts Law of the State of New Jersey (NJSA 40A:11-1 et seq.) establishes standards and procedures for the awards of contracts and the purchase of goods and services which are to be paid with public funds; and **WHEREAS**, a need exists to engage the services of a Fireworks Display company to provide a fireworks show on Labor Day evening 2012; and A0717246

WHEREAS, NJSA 40A:11-6.1 requires the solicitation of quotations for purchases estimated to be in excess of \$2,640.00 or more but less than \$17,500.00; and

WHEREAS, quotes were received from:

1. International Fireworks \$13,500

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

WHEREAS, it is the recommendation of the Public Celebrations Committee to award the contract to International Fireworks at a cost not to exceed \$13,500.00.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract with International Fireworks of Douglassville, PA and Wayne, NJ to provide a 30 minute fireworks display on Labor Day as part of the Labor Day celebration.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga						x	
Councilman Frank			x				
Councilman McConville		x	x				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-219 AUTHORIZING WAIVER OF FIRE PERMIT FEES FOR BOROUGH ORGANIZATIONS PARTICIPATING IN LABOR DAY FESTIVITIES AT THE SOUTH PLAINFIELD MIDDLE SCHOOL

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT: authorization is hereby given to waive the Fire Permit fee for borough organizations participating in the 2012 Labor Day festivities at the South Plainfield Middle School.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						x	
Councilman Frank			x				
Councilman McConville		X	x				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-220 AUTHORIZING A TAX REFUND FOR OVERPAYMENT OF TAXES OF \$235.27 FOR BLOCK 106, LOT 12

WHEREAS, the Tax Collector advises that the following taxpayers and/or their agents have overpaid their taxes and have requested a refund:

OWNER/ADDRESS

Block 106, Lot 12 Joseph L. Armstrong 136 Mildred Street South Plainfield, NJ 07080 **\$235.27**

MAKE CHECK PAYABLE TO:

Stanley M. Varon Trust Account 76 South Orange Avenue Suite 305 South Orange, NJ 07079 **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.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						Х	
Councilman Frank			X				
Councilman McConville		X	X				
Councilman White	Х		х				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-221

AUTHORIZING THE TAX COLLECTOR TO CANCEL AND REFUND MONIES LEVIED TO MICHAEL SALA OF 1530 CHESTNUT STREET WHO HAS QUALIFIED AS A ONE HUNDRED PERCENT DISABLED VETERAN PURUSANT TO N.J.S.A. 54:4-3.30 PRORATED TO JULY 28, 2011

WHEREAS, property known as Lot 2, in Township Block 144, more commonly known as 1530 Chestnut Street in South Plainfield, NJ is owned by Michael & Linda Sala; and

WHEREAS, Michael Sala, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A. 54:4-3.30, causing his property to be exempt from taxation at the local level commencing on **July 28, 2011** as verified by the Tax Assessor; and WHEREAS, the Tax Bills for the four quarters of Calendar Year 2012 were generated from the 2011 Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division

of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A.

54:4-64, thus presenting this property owner with tax bills for 2012, while the

property is correctly classified as being Tax Exempt for the same period;

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be, and she hereby is,

authorized and directed to cancel and refund monies levied for the first two quarters of the year 2012 in the amount of **\$2,682.59**; and **BE IT FURTHER RESOLVED**, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 3rd quarter of the year 2012 in the amount of **\$1,430.78**; and

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 4^{th} quarter of the year 2012, as well as, 1^{st} and 2^{nd} quarters of 2013 once the reconciled final 2012 bills are determined.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						X	
Councilman Frank			X				
Councilman McConville		х	х				
Councilman White	X		X				
Council President Rusnak			х				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-222

AUTHORIZING A BLOCK PARTY LOCATED ON DEY STREET FROM TRINITY STREET TO THE DEAD END REQUESTED BY CELADAWN REID FOR SEPTEMBER 1, 2012 FROM 10:00 A.M. TO 10:00 P.M. WITH A RAINDATE OF SEPTEMBER 2, 2012

WHEREAS, a request was made by Celadawn Reid to hold a block party on September 1, 2012 on Dey Street from Trinity Street to the dead end from 10:00 am – 10:00 pm, with a rain date being September 2, 2012; 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.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						X	
Councilman Frank			X				
Councilman McConville		х	X				

Councilman White	Х		х			
Council President Rusnak			х			
		VOTE:	5	0		
Mayor Anesh – TIE ONLY						

RESOLUTION 12-223

AUTHORIZING REFUND OF \$20.00 TO LINDA RUPPERT FOR SENIOR TRIP TO TAJ MAHAL ON AUGUST 1, 2012 DUE TO CANCELLATION

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that, as the Senior Citizen Trip to the Taj Mahal on August 1, 2012 was cancelled by the applicant there arises a necessity to hereby refund the submitted payment for said trip to the following individual:

Linda Ruppert 138 Osceola Avenue Middlesex, NJ 08846

Amount: \$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	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						х	
Councilman Frank			X				
Councilman McConville		x	X				
Councilman White	Х		X				
Council President Rusnak			х				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION # 12-224 AUTHORIZING AMENDMENT TO RESOLUTION #11-292 FROM NOVEMBER, 21, 2011 TO CORRECT A TYPOGRAPHICAL ERROR FOR A PERSON-TO-PERSON LIQUOR LICENSE TRANSFER FROM "MENLO MANAGEMENT SP LLC" TO INDICATE "4701 STELTON ROAD, LLC" INSTEAD

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1222-33-015-006, heretofore issued to South Plainfield Lodging Realty LLC for premises located at 4701 Stelton Road, South Plainfield, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing

obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the South Plainfield Governing Body does hereby approve, effective November 22, 2011, the transfer of the aforesaid Plenary Retail Consumption License to **"4701 STELTON ROAD, LLC"**, and does hereby direct the Borough Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows:

"This license, subject to all its terms and conditions, is hereby transferred to 4701 STELTON ROAD LLC, 2025 Lincoln Hwy., Edison, NJ 08817, effective November 22, 2011

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga						x	
Councilman Frank			x				
Councilman McConville		x	x				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0		•	• •
Mayor Anesh – TIE ONLY							

RESOLUTION No. 12-225

AWARDING THE BID FOR ON-SITE ELECTRICAL SUBCODE INSPECTION SERVICES AT THE RATE OF 100% OF STATE FEES AND AUTHORIZING THE MUNICIPAL CLERK AND THE MAYOR TO EXECUTE THE CONTRACT FOR SAME

WHEREAS, in accordance with the provisions of N.J.S.A 40A:11 any expenditure of public funds in excess of \$17,500.00 requires the advertisement for proposals for delivery of goods or services, and

WHEREAS, a need has been determined for an agency to perform electrical inspections for the Borough, and

WHEREAS, the Borough of South Plainfield solicited bids and the following bids were received and opened on August 4, 2009:

Building Inspection Underwriters	100% of State Fees
EIC Inspection Agency Corp.	NO BID
Municipal Code Inspection, Inc.	NO BID

WHEREAS, the Borough's Construction Code Official recommends that the bid of Building Inspection Underwriters be accepted and a contract awarded, and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and will be made available in the Code Enforcement Departments CY2012 through CY2015 Budget:

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that authorization is hereby given to appoint Building Inspection Underwriters as the Borough's Electrical Sub-code Inspectors for a three year term from September 18, 2012 through September 17, 2015 at a rate of 100 % of the State Fee.

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute the appropriate contracts with Building Inspection Underwriters for said services.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						х	
Councilman Frank			х				
Councilman McConville		х	х				
Councilman White	Х		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-226 AUTHORIZING THE WAIVER OF FIRE PERMIT FEES FOR CHARITABLE PURPOSES TO THE ST. STEPHENS ORTHODOX CHURCH FOR THEIR 5TH ANNUAL INTERNATIONAL FESTIVAL IN SEPTEMBER, 2012

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT: authorization is hereby given to waive the Fire Permit fees for the St. Stephens Orthodox Church for their 5th Annual International Festival in September, 2012.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						X	
Councilman Frank			x				
Councilman McConville		x	X				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-227

AUTHORIZING A BLOCK PARTY LOCATED AT 129 FRONT STREET TO RANDOLPH AVENUE REQUESTED BY GARY ROHRER FOR SEPTEMBER 3, 2012 FROM 2 PM TO 7 PM.

WHEREAS, a request was made by Gary Rohrer to hold a block party on September 3, 2012 at 129 Front Street to Randolph Avenue 2:00 pm - 7:00 pm, 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.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						Х	
Councilman Frank			X				
Councilman McConville		X	X				
Councilman White	X		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-228

AUTHORIZING A BLOCK PARTY LOCATED ON OAK MANOR PARKWAY REQUESTED BY ROBERT HACH FOR SEPTEMBER 8, 2012 FROM 1 PM TO 10 PM.

WHEREAS, a request was made by Robert Hach to hold a block party on September 8, 2012 on Oak Manor Parkway from 1:00 pm – 10:00 pm, 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.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						х	
Councilman Frank			х				
Councilman McConville		X	X				
Councilman White	X		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-229

AUTHORIZING A BLOCK PARTY LOCATED ON KENNETH AVENUE FROM THE ENTRANCE GATE AT THEFOOTBALL FIELD TO THE ENTRANCE GATE OF THE RECYCLING CENTER REQUESTED BY LANDI HAWK FOR SEPTEMBER 8, 2012 FROM 3:30 PM TO 10 PM. WITH A RAIN DATE OF SEPTEMBER 9, 2012

WHEREAS, a request was made by Landi Hawk to hold a block party on September 8, 2012 on Kenneth Avenue from 3:30 pm – 10:00 pm, with a rain date of September 9, 2012; 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.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						X	
Councilman Frank			X				
Councilman McConville		х	х				
Councilman White	х		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-230 AUTHORIZING THE WAIVER OF FIRE PERMIT FEES FOR THE SOUTH PLAINFIELD HIGH SCHOOL BOOSTERS OF THE MUSICAL ARTS FOR THEIR MUSICAL FESTIVAL / MARCHING BAND COMPETITION ON OCTOBER 20, 2012

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT: authorization is hereby given to waive the Fire Permit fees for the South Plainfield High School Boosters of the Musical Arts for their Musical Festival / Marching Band Competition on October 20, 2012.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga						X	
Councilman Frank			x				
Councilman McConville		X	x				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-231

AUTHORIZING THE PAYMENT OF \$15,240.67 TO T&M ASSOCIATES FOR THE ADDITIONAL WORK REQUIRED TO MAKE THE SUPPLEMENTAL TECHNICAL DESIGN SUBMISSION TO THE NJDEP

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

authorization is hereby given to the Chief Financial Officer to make payment to T&M Associates, the Borough of South Plainfield's appointed engineering firm, for the additional work required to make the supplemental technical design submission to the New Jersey Department of Environmental Protection for individual wetlands permit and flood hazard permit applications;

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga						x	
Councilman Frank			x				
Councilman McConville		x	x				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-232

AUTHORIZING THE PROMOTION OF KYLE SCHROEDER AND LAWRENCE DELANEY FROM PART-TIME TO FULL-TIME LABORER I WITH BENEFITS AT A SALARY OF \$13.00 PER HOUR EFFECTIVE SEPTEMBER 10, 2012

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the promotions of the following two Public Works employees from part-time status to full-time Laborer I with benefits at a salary of \$13.00 per hour effective September 10, 2012:

Kyle Schroeder 322 Ranger Street South Plainfield, NJ 07080

Lawrence Delaney 1535 Windrew Avenue South Plainfield, NJ 07080

BE IT FURTHER RESOLVED that the salary for this position is an hourly rate as set by Ordinance. **BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the following:

- 1. Glenn Cullen, CFO
- 2. Robert Capparelli, Public Works Supervisor
- 3. Marie Dudek, Payroll
- 4. Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						Х	
Councilman Frank			Х				
Councilman McConville		х	х				

Councilman White	х		х			
Council President Rusnak			Х			
	VOTE:	5	0			
Mayor Anesh – TIE ONLY						

RESOLUTION 12-233 AUTHORIZING THE TAX COLLECTOR TO REFUND 2012 TAXES IN THE AMOUNT OF \$2,939.28 DUE TO FIRE DAMAGE LOCATED AT 1409 CLINTON AVENUE PURSUANT TO A REDUCTION IN THE ASSESSED VALUE

WHEREAS, property known as Lot 8, in Township Block 152, Qualifier C0001, more commonly known as **1409 Clinton** Avenue in South Plainfield, NJ is owned by Gerado & Beatriz Avalos;

AND, WHEREAS, a house fire occurred in February 2012 at this property, causing the Tax Assessor to reduce the assessed value from \$143,100 to \$31,700;

AND, WHEREAS, the Tax Bills for the four quarters of Calendar Year 2012 were generated from the 2011 Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill based on the original assessment *prior* to the fire, while the assessment has since been reduced;

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to refund 2012 taxes in the amount of **\$2,939.28** on the property known and designated as Lot 8, in Township Block 152;

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga						x	
Councilman Frank			x				
Councilman McConville		x	x				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-234

AUTHORIZING A REFUND OF TAXES IN THE AMOUNT OF \$70.54 DUE TO OVERPAYMENT FOR LISA BOSQUES OF

600 OLD COUNTRY ROAD

WHEREAS, the Tax Collector advises that the following taxpayers and/or their agents have overpaid their sewer and have requested refunds:

Block 254; Lot 2.02 (Oak Tree Avenue) Plainfield Associates c/o Skyline 600 Old Country Road, Suite 425 Attn: Lisa Bosques Garden City, NY 11530 \$70.54

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.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						x	
Councilman Frank			x				
Councilman McConville		x	X				
Councilman White	X		x				
Council President Rusnak			x				
	•	VOTE:	5	0		•	
Mayor Anesh – TIE ONLY							

RESOLUTION AUTHORIZING SETTLEMENT OF 2009, 2010 AND 2011 TAX APPEALS FILED BY NATZLEEACH REALTY, FOR THE PROPERTY KNOWN AS 1810 PARK AVENUE AND IDENTIFIED AS BLOCK 98, LOT 1.01, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, Natzleeach Realty, is the owner of the property known as 1810 Park Avenue and identified as Block 98, Lot 1.01, on the Borough of South Plainfield's Tax Assessment Maps ("Property"); and

WHEREAS, the assessed value of the Property was set at \$668,900 for 2009; and

WHEREAS, the assessed value of the Property was set at \$668,900 for 2010; and

WHEREAS, the assessed value of the Property was set at \$668,900 for 2011; and

WHEREAS, Natzleeach Realty, filed appeals of the 2009, 2010 and 2011 tax assessments in the Tax Court of the State of New Jersey under docket numbers: 013648-2009; 017215-2010; and 012267-2011; and

WHEREAS, a proposed settlement of the aforesaid tax appeals was negotiated between Natzleeach Realty, and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

WHEREAS, pursuant to the proposed Stipulation of Settlement annexed hereto, the aforesaid tax appeals are to be resolved as follows:

- The 2009 original assessment in the amount of \$668,900 shall be reduced to \$390,500 and the Borough of South Plainfield shall provide Natzleeach Realty with a corresponding tax refund in the form of credits against future taxes due and payable on the property;
- The 2010 original assessment in the amount of \$668,900 shall be reduced to \$330,800 and the Borough of South Plainfield shall provide Natzleeach Realty with a corresponding tax refund in the form of credits against future taxes due and payable on the property;
- The 2011 original assessment in the amount of \$668,900 shall be reduced to \$314,900 and the Borough of South Plainfield shall provide Natzleeach Realty with a corresponding tax refund in the form of credits against future taxes due and payable on the property;
- The 2013 assessment shall be set by the Borough Tax Assessor at 790,000 multiplied by the 2013 Chapter 123 ratio for the Borough of South Plainfield;

WHEREAS, the Borough of South Plainfield Tax Assessor agrees it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

WHEREAS, the settlement will be binding upon any assignees, tenants and successors in interest to the Property; and

WHEREAS, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

WHEREAS, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto; and

WHEREAS, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer's request for tax assessment reduction.

- 1. The Borough's Tax Appeal Counsel is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by Natzleeach Realty, under Docket Nos.: 013648-2009; 017215-2010; and 012267-2011 for the property known as 1810 Park Avenue and identified as Block 98, Lot 1.01, on the Borough of South Plainfield Tax Assessment Maps.
- 2. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga						X	
Councilman Frank			X				
Councilman McConville		x	x				
Councilman White	X		X				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION AUTHORIZING SETTLEMENT OF 2009, 2010 AND 2011 TAX APPEALS FILED BY VALLEY NATIONAL BANK C/O L.M. ENTIN. ASSOC., FOR THE PROPERTY KNOWN AS 3001-3005 HADLEY ROAD AND IDENTIFIED AS BLOCK 528, LOT 46.07, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, Valley National Bank c/o L.M. Entin. Assoc., is the owner of the property known as 3001-2005 Hadley Road and identified as Block 528, Lot 46.07, on the Borough of South Plainfield's Tax Assessment Maps ("Property"); and

WHEREAS, the assessed value of the Property was set at \$2,600,000 for 2009; and

WHEREAS, the assessed value of the Property was set at \$2,600,000 for 2010; and

WHEREAS, the assessed value of the Property was set at \$2,600,000 for 2011; and

WHEREAS, Valley National Bank c/o L.M. Entin. Assoc., filed appeals of the 2009, 2010 and 2011 tax assessments in the Tax Court of the State of New Jersey under docket numbers: 004019-09; 003629-10; and 000809-11; and

WHEREAS, a proposed settlement of the aforesaid tax appeals was negotiated between Valley National Bank c/o L.M. Entin. Assoc., and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

WHEREAS, pursuant to the proposed Stipulation of Settlement annexed hereto, the aforesaid tax appeals are to be resolved as follows:

- The 2009 original assessment in the amount of \$2,600,000 shall be affirmed and Valley National Bank c/o L.M. Entin. Assoc., agrees to withdraw its Complaint for the 2009 tax year;
- The 2010 original assessment in the amount of \$2,600,000 shall be reduced to \$2,000,000 and the Borough of South Plainfield shall provide Valley National Bank c/o L.M. Entin. Assoc. with a corresponding tax refund for 2010;
- The 2011 original assessment in the amount of \$2,600,000 shall be reduced to \$2,000,000 and the Borough of South Plainfield shall provide Valley National Bank c/o L.M. Entin. Assoc., with a corresponding tax refund for 2011; and

WHEREAS, the Borough of South Plainfield Tax Assessor agrees it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

WHEREAS, the settlement will be binding upon any assignees, tenants and successors in interest to the Property; and

WHEREAS, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

WHEREAS, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto; and

WHEREAS, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer's request for tax assessment reduction.

- 1. The Borough's Tax Appeal Counsel is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by Valley National Bank c/o L.M. Entin. Assoc., under Docket Nos.: 004019-09; 003629-10; and 000809-11 for the property known as 3001-2005 Hadley Road and identified as Block 528, Lot 46.07, on the Borough of South Plainfield Tax Assessment Maps.
- 2. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						X	
Councilman Frank			X				
Councilman McConville		x	x				
Councilman White	X		X				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION AUTHORIZING SETTLEMENT OF 2008, 2009, 2010 AND 2011 TAX APPEALS FILED BY 105 SYLVANIA PLACE, LLC, FOR THE PROPERTY KNOWN AS 105-109 SYLVANIA PLACE AND IDENTIFIED AS BLOCK 308, LOT 28, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, 105 Sylvania Place, LLC, is the owner of the property known as 105-109 Sylvania Place and identified as Block 308, Lot 28, on the Borough of South Plainfield's Tax Assessment Maps ("Property"); and

WHEREAS, the assessed value of the Property was set at \$2,046,400 for 2008; and

WHEREAS, the assessed value of the Property was set at \$2,046,400 for 2009; and

WHEREAS, the assessed value of the Property was set at \$2,046,400 for 2010; and

WHEREAS, the assessed value of the Property was set at \$2,046,400 for 2011; and

WHEREAS, 105 Sylvania Place, LLC, filed appeals of the 2008, 2009, 2010 and 2011 tax assessments in the Tax Court of the State of New Jersey under docket numbers: 006358-2008; 003678-2009; 000735-2010; and 005331-2011; and

WHEREAS, a proposed settlement of the aforesaid tax appeals was negotiated between 105 Sylvania Place, LLC, and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

WHEREAS, pursuant to the proposed Stipulation of Settlement annexed hereto, the aforesaid tax appeals are to be resolved as follows:

- The 2008 original assessment in the amount of \$2,046,400 shall be affirmed and 105 Sylvania Place, LLC, agrees to withdraw its Complaint for the 2008 tax year;
- The 2009 original assessment in the amount of \$2,046,400 shall be affirmed and 105 Sylvania Place, LLC, agrees to withdraw its Complaint for the 2009 tax year;
- The 2010 original assessment in the amount of \$2,046,400 shall be reduced to \$1,697,100 and the Borough of South Plainfield shall provide 105 Sylvania Place, LLC, with a corresponding tax refund for 2010;
- The 2011 original assessment in the amount of \$2,046,400 shall be reduced to \$1,627,000 and the Borough of South Plainfield shall provide 105 Sylvania Place, LLC, with a corresponding tax refund for 2011; and

WHEREAS, the Borough of South Plainfield Tax Assessor agrees it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

WHEREAS, the settlement will be binding upon any assignees, tenants and successors in interest to the Property; and

WHEREAS, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

WHEREAS, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto; and

WHEREAS, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer's request for tax assessment reduction.

- The Borough's Tax Appeal Counsel is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by 105 Sylvania Place, LLC, under Docket Nos.: 006358-2008; 003678-2009; 000735-2010; and 005331-2011 for the property known as 105-109 Sylvania Place and identified as Block 308, Lot 28, on the Borough of South Plainfield Tax Assessment Maps.
- 2. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga						X	
Councilman Frank			x				
Councilman McConville		x	x				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2012-238 AUTHORIZING THE REFUND IN THE FORM OF A CREDIT FOR TAX APPEAL JUDGMENTS IN A TOTAL AMOUNT OF \$147,808.98

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.

OWNER/ADDRESS	BL	<u>.OCK</u>	<u>LOT</u>	<u>YEARAMOUNT</u>
McGill, Kevin & Christa Marie 152 Garden Drive South Plainfield, NJ 07080	173	7	2012	\$1179.90
211 Main Street LLC-Trustees 200 Main Street South Plainfield, NJ 07080	540	1.01	2012	\$2884.20
McNeill, Jesse E & Anita G 2 Rauer Court South Plainfield, NJ 07080	3	41.09	2012	\$1531.25
Young, Alan & Barbara 111 Puha Road South Plainfield, NJ 07080	243	10	2012	\$1106.48
Robinson, Elijah & Linda Samue 2 Rauer Court South Plainfield, NJ 07080	3	41.02	2012	\$608.30
Tran, Chanh & Pham, Dung 117 Teeple Place South Plainfield, NJ 07080	254	10	2012	\$1683.32
Obadike, Michael 170 North Madison Drive South Plainfield, NJ 07080	126	19	2012	\$629.28
Warren, Wayne A & Connie S 2030 Plainfield Avenue South Plainfield, NJ 07080	170	36.01	2012	\$1311.00
Patel, Shirin H & Aruna S 553 Elsie Avenue South Plainfield, NJ 07080	315.02	4 / C0003	2012	\$1342.46
Silverman, Sheryl F & Fiore, J 7 Stacey Court South Plainfield, NJ 07080	78	13.01	2012	\$3602.63
Diana, Michael 231 Merchants Avenue South Plainfield, NJ 07080	177	6	2012	\$938.68
Mercado, Jennie R 2543 Linden Avenue South Plainfield, NJ 07080	82	18	2012	\$833.80
Mootoo, Samauel & Gangadai & Ros 7 Lyndsey Court South Plainfield, NJ 07080 A0717246	170	37.01	2012	\$3020.54

Denner, Robert 220 Baker Avenue South Plainfield, NJ 07080	13	6.01	2012	\$524.40
Oak-land Plumbing & Heating In New Market Avenue South Plainfield, NJ 07080	308	12	2012	\$1573.20
Oak-land Plumbing & Heating In 1213 New Market Avenue South Plainfield, NJ 07080	308	11	2012	\$2359.80
Wasnak, Amie & Bass, Kenneth 1611 Kenyon Avenue South Plainfield, NJ 07080	40	2	2012	\$2569.56
Parikh, Vinay & Mina 416 Kosciusco Avenue South Plainfield, NJ 07080	346	11	2012	\$2008.45
Chung, Hon Ming & Meiying 1339 Hogan Drive South Plainfield, NJ 07080	528.04	41	2012	\$1048.80
Bengivenga Robert A 3112 Woodland Avenue South Plainfield, NJ 07080	95	4	2012	\$524.40
Bengivenga Robert A & April 2800 Woodland Avenue South Plainfield, NJ 07080	95	4.01	2012	\$786.60
Bengivenga Robert A 2806 Woodland Avenue South Plainfield, NJ 07080	95	5	2012	\$524.40
Bengivenga Robert A 212 Easton Boulevard South Plainfield, NJ 07080	537	4	2012	\$671.23
Borowsky, Stacy 2450 Willow Avenue South Plainfield, NJ 07080	275	4	2012	\$582.08
Marco Holdings-So Plainfield L 5 Hollywood Court South Plainfield, NJ 07080	390	5.02	2012	\$5291.20
Kaur, Sukhdev & Dhaliawal, R 228 Oak Tree Avenue South Plainfield, NJ 07080	254.01	6	2012	\$1200.88
Chang, Henry 3602 Kennedy Road South Plainfield, NJ 07080	446	4.01	2012	\$1836.97
Pin Oak Technology LLC 1216 New Market Avenue South Plainfield, NJ 07080	284	7	2012	\$1604.66

Ganiaris, Peter & Stellakis, J 140 Front Street South Plainfield, NJ 07080	265	11	2012	\$896.72
Commerce Bank, TD Bank 12 th Fl-Ca 2481 Plainfield Avenue South Plainfield, NJ 07080	n 188	47.01	2012	\$2448.95
Walter, Thomas 111 Muglia Place South Plainfield, NJ 07080	404	2	2012	\$251.71
Ackerman, Robert K & Margaret 125 Smith Street South Plainfield, NJ 07080	353	3.02	2012	\$1195.63
Darlene Pinto & Glenn Cullen 1457 Fox Place South Plainfield, NJ 07080	144	14.01	2012	\$4153.25
Grennier, Michael & Carol 101 La Costa Place South Plainfield, NJ 07080	188	68	2012	\$361.84
Lordina Inc Teeple Place South Plainfield, NJ 07080	254	16.07	2012	\$262.20
Wang, Feijun 421 Walter Street South Plainfield, NJ 07080	118	3	2012	\$2066.14
Pierre, Kerwyn A & Linda L 10 Rauer Court South Plainfield, NJ 07080	3	41.05	2012	\$2060.89
Williams, Kenneth L & Anderson 15 Stacey Court South Plainfield, NJ 07080	77	4.01	2012	\$2433.22
Papa, Cheryl 112 Dorset Drive South Plainfield, NJ 07080	249	57	2012	\$618.79
Panzarella, Joseph & Nicole 428 Bergen Street South Plainfield, NJ 07080	318	6	2012	\$524.40
Patel, Divyang & Naumita 229 West Avenue South Plainfield, NJ 07080	432	4.06	2012	\$1221.85
Chepulis, Thomas W & Rema H 2427 Willow Avenue South Plainfield, NJ 07080	273	14	2012	\$450.98
Del Rio, David & Nora 2008 Grant Avenue South Plainfield, NJ 07080	169	2	2012	\$1127.46

Coppola, Andrew 221 Van Fleet Avenue South Plainfield, NJ 07080	188	8	2012	\$1116.97
Dean, Jon & Kathryn 3321 Evergreen Lane South Plainfield, NJ 07080	222	49	2012	\$3130.67
Butrico, Vincent P & Maria 22 Hidden Court South Plainfield, NJ 07080	90	6	2012	\$3135.91
Lattoz, Patricia 1825 South Central Avenue South Plainfield, NJ 07080	46	5	2012	\$319.88
Shah, Dilip & Dipika 315 East Fairview Avenue South Plainfield, NJ 07080	87	9	2012	\$1179.90
Shatkin, Boris & Zhenya 108 Day Street South Plainfield, NJ 07080	392	12.01	2012	\$1856.38
Hamilton Commons LLC 208 Hamilton Boulevard B1 202 South Plainfield, NJ 07080	259	12.02/C0006	2012	\$1426.37
Hamilton Commons LLC 208 Hamilton Boulevard B1 203 South Plainfield, NJ 07080	259	12.02/C0007	2012	\$1059.29
Hamilton Commons LLC 208 Hamilton Boulevard B1 204 South Plainfield, NJ 07080	259	12.02/C0008	2012	\$1059.29
Hamilton Commons LLC 208 Hamilton Boulevard B1 205 South Plainfield, NJ 07080	259	12.02/C0009	2012	\$1137.95
Hamilton Commons LLC 208 Hamilton Boulevard B1 206 South Plainfield, NJ 07080	259	12.02/C0010	2012	\$1305.76
Hamilton Commons LLC 210 Hamilton Boulevard C1 101 South Plainfield, NJ 07080	259	12.02/C0011	2012	\$1022.58
Hamilton Commons LLC 210 Hamilton Boulevard C1 102 South Plainfield, NJ 07080	259	12.02/C0012	2012	\$1179.90
Hamilton Commons LLC 210 Hamilton Boulevard C1 103 South Plainfield, NJ 07080	259	12.02/C0013	2012	\$1179.90
Hamilton Commons LLC 210 Hamilton Boulevard C1 104 South Plainfield, NJ 07080	259	12.02/C0014	2012	\$1022.58

Hamilton Commons LLC 210 Hamilton Boulevard C1 201 South Plainfield, NJ 07080	259	12.02/C0015	2012	\$1305.76
Hamilton Commons LLC 210 Hamilton Boulevard C1 202 South Plainfield, NJ 07080	259	12.02/C0016	2012	\$1311.00
Hamilton Commons LLC 210 Hamilton Boulevard C1 203 South Plainfield, NJ 07080	259	12.02/C0017	2012	\$891.48
Hamilton Commons LLC 210 Hamilton Boulevard C1 204 South Plainfield, NJ 07080	259	12.02/C0018	2012	\$891.48
Hamilton Commons LLC 210 Hamilton Boulevard C1 205 South Plainfield, NJ 07080	259	12.02/C0019	2012	\$1022.58
Hamilton Commons LLC 210 Hamilton Boulevard C1 206 South Plainfield, NJ 07080	259	12.02/C0020	2012	\$1305.76
Cocuzza, Richard & Debra 161 Palmer Avenue South Plainfield, NJ 07080	14	9	2012	\$938.68
Kedlaya, Sandhya H 14 Stacey Court South Plainfield, NJ 07080	78	15.01	2012	\$2087.11
McGovern, Timothy & Kathleen 613 Maple Avenue South Plainfield, NJ 07080	198	16	2012	\$744.65
Grasso, Antonio 333 Smith Street South Plainfield, NJ 07080	347	8.03	2012	\$1232.34
Dandrea, Frank N & Rose Marie 1107 Maple Avenue South Plainfield, NJ 07080	195	52	2012	\$1290.02
Wang, Jiantian & Yang, Chengju 112 Moretti Lane South Plainfield, NJ 07080	552.02	8	2012	\$1478.81
Hadley Ind Park Trust c/o Enti 3001-3005 Hadley Road South Plainfield, NJ 07080	528	46.07	2012	\$31,464.00
Geis, James & Marla 140 Duffy Place South Plainfield, NJ 07080	404.05	2	2012	\$1782.96
Argueta, Ana C 207 Cedarbrook Avenue South Plainfield, NJ 07080	190	1	2012	\$718.43

Faustini, Louis C & Noonan, C E 25 Faye Street South Plainfield, NJ 07080	195	58	2012	\$2475.17
Walker, Kerry 149 Edgar Avenue South Plainfield, NJ 07080	194	9	2012	\$440.50
Harrison, Felecia 125 Cumberland Street South Plainfield, NJ 07080	141	5	2012	\$707.94
Patel, Jignesh C 1014 Pitt Street South Plainfield, NJ 07080	315.02	5 / C0001	2012	\$1384.42
Oduro, Michael K 453 Kosciusco Avenue South Plainfield, NJ 07080	365	10.03	2012	\$3639.34
Hamilton Commons LLC 208 Hamilton Boulevard B1 101 South Plainfield, NJ 07080	259	12.02/C0001	2012	\$1022.58
Hamilton Commons LLC 208 Hamilton Boulevard B1 102 South Plainfield, NJ 07080	259	12.02/C0002	2 2012	\$1179.90
Hamilton Commons LLC 208 Hamilton Boulevard B1 103 South Plainfield, NJ 07080	259	12.02/C0003	3 2012	\$1179.90
Hamilton Commons LLC 208 Hamilton Boulevard B1 104 South Plainfield, NJ 07080	259	12.02/C0004	2012	\$1022.58
Hamilton Commons LLC 208 Hamilton Boulevard B1 201 South Plainfield, NJ 07080	259	12.02/C0005	5 2012	\$1305.76
Total * No refund check to be issued. C	redit will b	e applied to	outstanding ta	\$147,808.98* xes.

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.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga						X	
Councilman Frank			x				
Councilman McConville		X	x				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2012-239

AUTHORIZING THE PURCHASE OF A NEW SALT BARN ROOF LOCATED AT THE DPW IN AN AMOUNT NOT TO EXCEED \$9,800.00 AND AUTHORIZE THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE CONTRACT, IF APPLICABLE, ON BEHALF OF THE BOROUGH OF SOUTH PLAINFIELD

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, State of New Jersey, that: **WHEREAS**, in accordance with the provisions of N.J.S.A. 40A:11, any expenditure of public funds in excess of \$17,500 requires municipalities without a QPA to advertise for proposals for delivery of said goods or services; and **WHEREAS**, a need has been determined that a new roof for the salt barn is necessary; and **WHEREAS** quotations were solicited and the following submitted quotations/proposals as follows:

Penyak Roofing Co.	\$9,800.00
Thomas O'Connor Contracting, Inc.	\$12,000.00
Double D Construction	\$24,950.00

WHEREAS, the proposals have been reviewed by the DPW Supervisor who has verified that the lowest qualified proposal is Penyak Roofing Co. in the amount of \$9,800.00 and has recommended that this proposal be accepted and for work to begin; and **WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available to pay for said new roof for salt barn through account C-04-55-928-000-902;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract, if applicable, for a new roof for the salt barn utilizing Penyak Roofing Co. of 3571 Kennedy Road, South Plainfield, NJ 07080-1917 in an amount not to exceed \$9,800.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						X	
Councilman Frank			Х				
Councilman McConville		X	X				
Councilman White	Х		Х				
Council President Rusnak			х				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2012-240 AUTHORIZING THE PURCHASE OF A NEW APOLLO THERMOPLASTIC STRIPER IN AN AMOUNT NOT TO EXCEED \$13,870.00 AND AUTHORIZE THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE CONTRACT, IF APPLICABLE, ON BEHALF OF THE BOROUGH OF SOUTH PLAINFIELD

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, State of New Jersey, that: **WHEREAS**, in accordance with the provisions of N.J.S.A. 40A:11, any expenditure of public funds in excess of \$17,500 requires municipalities without a QPA to advertise for proposals for delivery of said goods or services; and **WHEREAS**, a need has been determined that a new striper for the DPW is necessary; and **WHEREAS** quotations/proposals were solicited and the following submitted quotations/proposals as follows:

M-B Company Inc.	\$13,870.00
Mark Rite Lines Equipment Co.	\$24,000.00

WHEREAS, the proposals have been reviewed by the DPW Supervisor who has verified that the lowest qualified proposal is M-B Company Inc. in the amount of \$13,870.00 and has recommended that this proposal be accepted to purchase; and **WHEREAS**. For do for acid new down participation of \$13,870.00 and has recommended that this proposal be accepted to purchase; and **WHEREAS**.

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available to pay for said new Apollo Thermoplastic Striper through account C-04-55-928-000-903;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract, if applicable, for a new Apollo Thermoplastic Striper from M-B Company Inc. in an amount not to exceed \$13,870.00.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						X	
Councilman Frank			X				
Councilman McConville		х	х				
Councilman White	х		х				
Council President Rusnak			X				
	VOTE:	5	0				
Mayor Anesh – TIE ONLY							

RESOLUTION 2012-241 AUTHORIZING THE STATE CONTRACT PURCHASE OF A MTU ONSITE ENERGY EMERGENCY GENERATOR DESIGNED TO OPERATE ON NATURAL GAS IN AN AMOUNT NOT TO EXCEED \$22,404.00 AND AUTHORIZE THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE CONTRACT, IF APPLICABLE, ON BEHALF OF THE BOROUGH OF SOUTH PLAINFIELD

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, State of New Jersey, that: **WHEREAS,** in accordance with the provisions of N.J.S.A. 40A:11, any expenditure of public funds in excess of \$17,500 requires municipalities without a QPA to advertise for proposals for delivery of said goods or services; and **WHEREAS,** a need has been determined that an onsite energy emergency generator designed to operate on natural gas is necessary; and

WHEREAS quotations/proposals were solicited and the following submitted quotations/proposals as follows:

Atlantic Power Systems \$22,404.00 - State Contract #A76606

WHEREAS, the proposals have been reviewed by the DPW Supervisor who has verified that the lowest qualified proposal is Atlantic Power Systems in the amount of \$22,404.00 and has recommended that this state contract proposal be accepted to purchase; and **WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available to pay for said new MTU Onsite Energy Emergency Generator designed to operate on Natural Gas through account C-04-55-928-000-904;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract, if applicable, for a new MTU Onsite Energy Emergency Generator designed to operate on natural gas from Atlantic Power Systems of 33 Gregg Street, Lodi, NJ 07644 in an amount not to exceed \$22,404.00.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						х	
Councilman Frank			х				
Councilman McConville		X	х				
Councilman White	Х		х				
Council President Rusnak			х				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION No. 12-242

AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR THE SOUTH PLAINFIELD MUNICIPAL ALLIANCE FOR 2013 IN THE AMOUNT OF \$20,777.00 WITH A MUNICIPAL MATCH OF \$5,544.00

WHEREAS, the Borough of South Plainfield, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Borough of South Plainfield further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuse in our community; and

WHEREAS, the Borough of South Plainfield has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Borough that:

- 1. The South Plainfield Borough Council does hereby authorize submission of an application for the South Plainfield Municipal Alliance grant for calendar year 2013 in the amount of \$20,777.00, with a municipal match of \$5,544.00.
- 2. The South Plainfield Borough Council acknowledges the terms and conditions for the administering of the Municipal Alliance grant, including the administrative compliance and audit requirements.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						Х	
Councilman Frank			х				
Councilman McConville		X	X				
Councilman White	Х		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-243 AUTHORIZING CME ASSOCIATES TO PETITION NJDOT TO APPROVE PROPOSED IMPROVEMENTS INCLUDING THE ASSOCIATED ALTERATIONS TO THE RAILROAD GRADE CROSSING

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

WHEREAS, the Borough of South Plainfield desires to replace Bridge 2-B-81 on North Clinton Avenue over the Bound Brook; and WHEREAS, the Borough has authorized CME Associates to petition the New Jersey Department of Transportation to approve said improvements, including the associated alterations to the existing railroad grade crossing within the project limits:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield that authorization is hereby given to CME Associates to petition the New Jersey Department of Transportation to approve the proposed improvements, including the associated alterations to the railroad grade crossing.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga						х	
Councilman Frank			x				
Councilman McConville		x	x				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-244

AUTHORIZING THE PURCHASE OF INFORMATION TECHNOLOGY EQUIPMENT (ZERO FOOTPRINT L300 THIN CLIENT) FROM NORTHEAST INTEGRATED TECHNOLOGIES, LLC IN AN AMOUNT NOT TO EXCEED \$4,850.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby approves of the purchase of Information Technology Equipment (ZERO FOOTPRINT L300 THIN CLIENT) from Northeast Integrated Technologies, LLC in the amount not to exceed \$4,850.00

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

Glenn Cullen, CFO Amy Antonides, Municipal Clerk John Abbruzzese, IT

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						х	
Councilman Frank			X				
Councilman McConville		X	X				
Councilman White	Х		X				
Council President Rusnak			X				
	VOTE:	5	0				
Mayor Anesh – TIE ONLY							

RESOLUTION 12-245 AUTHORIZING THE PURCHASE OF INFORMATION TECHNOLOGY EQUIPMENT (GFI VIPRE BUSINESS PREMIUM COMPETITIVE UPGRADE) FROM NORTHEAST INTEGRATED TECHNOLOGIES, LLC IN AN AMOUNT NOT TO EXCEED \$3,830.40

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby approves of the purchase of Information Technology Equipment (GFI VIPRE Business Competitive Upgrade) from Northeast Integrated Technologies, LLC in the amount not to exceed \$3,830.40

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

Glenn Cullen, CFO Amy Antonides, Municipal Clerk John Abbruzzese, IT

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						Х	
Councilman Frank			X				
Councilman McConville		X	X				
Councilman White	х		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION AUTHORIZING SETTLEMENT OF 2009, 2010, 2011 and 2012 TAX APPEALS FILED BY LAKA CORPORATION, FOR THE PROPERTY KNOWN AS 4111 SOUTH CLINTON AVENUE AND IDENTIFIED AS BLOCK 446, LOT 5.01, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, Laka Corporation is the owner of the property known as 4111 South Clinton Avenue and identified as Block 446, Lot 5.01, on the Borough of South Plainfield's Tax Assessment Maps ("Property"); and

WHEREAS, the assessed value of the Property was set at \$475,000 for 2009; and

WHEREAS, the assessed value of the Property was set at \$475,000 for 2010; and

WHEREAS, the assessed value of the Property was set at \$475,000 for 2011; and

WHEREAS, the assessed value of the Property was set at \$475,000 for 2012; and

WHEREAS, Laka Corporation filed appeals of the 2009, 2010, 2011 and 2012 tax assessments in the Tax Court of the State of New Jersey under docket numbers 014689-09, 017848-10, 011736-2001 and -12 respectively; and

WHEREAS, a proposed settlement of the aforesaid tax appeals was negotiated between Laka Corporation and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

WHEREAS, pursuant to the proposed Stipulation of Settlement annexed hereto, the aforesaid tax appeals are to be resolved as follows:

- The 2009 original assessment in the amount of \$475,000 shall be affirmed and Laka Corporation agrees to withdraw its Complaint for the 2009 tax year;
- The 2010 original assessment in the amount of \$475,000 shall be reduced to \$445,600 and the Borough of South Plainfield shall provide Laka Corporation with a corresponding tax refund for 2010;
- The 2011 original assessment in the amount of \$475,000 shall be reduced to \$421,000 and the Borough of South Plainfield shall provide Laka Corporation with a corresponding tax refund for 2011; and
- The 2012 original assessment in the amount of \$475,000 shall be reduced to \$405,300 and the Borough of South Plainfield shall provide Laka Corporation with a corresponding tax refund for 2012; and
- Laka Corporation has agreed to waive statutory interest if the subject refunds are paid within sixty (60) days from January 1, 2013.

WHEREAS, the Borough of South Plainfield Tax Assessor agrees it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

WHEREAS, the settlement will be binding upon any assignees, tenants and successors in interest to the Property; and

WHEREAS, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

WHEREAS, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto; and

WHEREAS, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer's request for tax assessment reduction.

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

1. The Borough's Tax Appeal Counsel is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by Laka Corporation under Docket Nos.: 014689-09, 017848-10, 011736-2001 and -12 respectively, for the property known as 4111 South Clinton Avenue and identified as Block 446, Lot 5.01, on the Borough of South Plainfield Tax Assessment Maps.

2. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						X	
Councilman Frank			Х				
Councilman McConville		X	Х				
Councilman White	Х		Х				
Council President Rusnak			Х				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

BOROUGH OF SOUTH PLAINFIELD County of Middlesex, State of New Jersey

RESOLUTION 2012-247

RESOLUTION AUTHORIZING SETTLEMENT OF 2011 TAX APPEAL FILED BY DILIP AND DIPIKA SHAH FOR THE PROPERTY KNOWN AS 315 EAST FAIRVIEW AVENUE AND IDENTIFIED AS BLOCK 87, LOT 9, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, Dilip and Dipika Shah ("Shah"), are the owners of the property known as 315 East Fairview Avenue and identified as Block 87, Lot 9, on the Borough of South Plainfield's Tax Assessment Maps ("Property"); and

WHEREAS, the assessed value of the Property was set at \$200,000 for 2011; and

WHEREAS, Shah filed an appeal of the 2011 tax assessment with the Middlesex County Tax Board and a judgment was entered by the Middlesex County Tax Board setting the assessed value of the Property at \$192,500 for the 2011 tax year; and

WHEREAS, Shah filed an appeal of the Middlesex County Tax Board Judgment in the Tax Court of the State of New Jersey under Docket No.: 013238-2011; and

WHEREAS, a proposed settlement of the tax appeal was negotiated between Shah and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

WHEREAS, pursuant to the proposed Stipulation of Settlement annexed hereto, the tax appeal is to be resolved as follows:

• The 2011 assessment shall be reduced to \$175,000 and the Borough of South Plainfield shall provide Shah with a corresponding tax refund in the form of a credit against future taxes due and payable on the Property;

WHEREAS, the Borough of South Plainfield Tax Assessor agrees it is in the best interests of the Borough of South Plainfield to resolve the tax appeal pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

WHEREAS, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

WHEREAS, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeal and the proposed settlement thereof and agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeal as set forth herein and in the Stipulation of Settlement attached hereto; and

WHEREAS, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer's request for a tax assessment reduction.

- 1. The Borough's Tax Appeal Counsel is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeal filed by Shah under Docket No.: 013238-2011 for the Property known as 315 East Fairview Avenue and identified as Block 87, Lot 9, on the Borough of South Plainfield Tax Assessment Maps.
- 2. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						х	
Councilman Frank			х				
Councilman McConville		X	х				
Councilman White	Х		х				
Council President Rusnak			х				
	VOTE:	5	0				
Mayor Anesh – TIE ONLY							

RESOLUTION AUTHORIZING SETTLEMENT OF 2009, 2010, 2011 AND 2012 TAX APPEALS FILED BY SOUTH PLAINFIELD-HADLEY L.L.C., FOR THE PROPERTY KNOWN AS 6200, 6400 AND 6600 HADLEY ROAD AND IDENTIFIED AS BLOCK 528.01, LOT 46.10, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, South Plainfield-Hadley L.L.C. is the owner of the property known as 6200, 6400 and 6600 Hadley Road and identified as Block 528.01, Lot 46.10, on the Borough of South Plainfield's Tax Assessment Maps ("Property"); and WHEREAS, the assessed value of the Property was set at \$1,418,200 for 2009; and WHEREAS, the assessed value of the Property was set at \$1,418,200 for 2010; and WHEREAS, the assessed value of the Property was set at \$1,418,200 for 2011; and WHEREAS, the assessed value of the Property was set at \$1,418,200 for 2011; and WHEREAS, the assessed value of the Property was set at \$1,418,200 for 2012; and

WHEREAS, South Plainfield-Hadley L.L.C. filed appeals of the 2009, 2010, 2011 and 2012 tax assessments in the Tax Court of the State of New Jersey under docket numbers 007532-09, 007265-10, 002951-2001 and 005483-12 respectively; and

WHEREAS, a proposed settlement of the aforesaid tax appeals was negotiated between South Plainfield-Hadley L.L.C. and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

WHEREAS, pursuant to the proposed Stipulation of Settlement annexed hereto, the aforesaid tax appeals are to be resolved as follows:

- The 2009 original assessment in the amount of \$1,418,200 shall be affirmed and South Plainfield-Hadley, L.L.C. agrees to withdraw its Complaint for the 2009 tax year;
- The 2010 original assessment in the amount of \$1,418,200 shall be reduced to \$1,200,000 and the Borough of South Plainfield shall provide South Plainfield-Hadley L.L.C. with a corresponding tax refund for 2010;
- The 2011 original assessment in the amount of \$1,418,200 shall be reduced to \$1,100,000 and the Borough of South Plainfield shall provide South Plainfield-Hadley L.L.C. with a corresponding tax refund for 2011; and
- The 2012 original assessment in the amount of \$1,418,200 shall be reduced to \$1,100,000 and the Borough of South Plainfield shall provide South Plainfield-Hadley L.L.C. with a corresponding tax refund for 2012; and
- South Plainfield-Hadley L.L.C. agrees to waive statutory interest if the subject refunds are paid within sixty (60) days from January 1, 2013.

WHEREAS, the Borough of South Plainfield Tax Assessor agrees it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

WHEREAS, the settlement will be binding upon any assignees, tenants and successors in interest to the Property; and

WHEREAS, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

WHEREAS, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto; and

WHEREAS, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer's request for tax assessment reduction.

- 1. The Borough's Tax Appeal Counsel is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by South Plainfield-Hadley, L.L.C. under Docket Nos.: 007532-09, 007265-10, 002951-2001 and 005483-12 respectively, for the property known as 6200, 6400 and 6600 Hadley Road and identified as Block 4528.01, Lot 46.10, on the Borough of South Plainfield Tax Assessment Maps.
- 2. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			х				
Councilman Bengivenga						Х	
Councilman Frank			X				
Councilman McConville		X	X				
Councilman White	X		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2012-248A

AUTHORIZING WAIVER OF SENIOR CENTER FACILITY FEE FOR THE SOUTH PLAINFIELD SOCCER ASSOCIATION TO CONDUCT THEIR RUTGERS CERTIFICATION CLASS ON AUGUST 24TH & 25TH, 2012

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that the Senior Center Facility Fee is hereby waived for the South Plainfield Soccer Association to conduct their Rutgers Certification Class on August 24th & 25th, 2012 **NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield hereby authorizes the aforementioned waiver of the Senior Center Facility rental fee.

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded as follows:

- 1. Municipal Clerk
- 2. Chief Financial Officer
- 3. Tree Olano, Senior Center Director

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						Х	
Councilman Frank			х				
Councilman McConville		х	х				
Councilman White	х		х				
Council President Rusnak			х				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-248B

AUTHORIZING T&M ASSOCIATES TO PROVIDE ENGINEERING SERVICES PERTAINING TO RESPONSE TO NJDEP IN AN AMOUNT NOT TO EXCEED \$25,150.00

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

authorization is hereby given to the Chief Financial Officer to make payment to T&M Associates, the Borough of South Plainfield's appointed engineering firm, for the additional work required to respond to the NJDEP Comment Letter dated August 8, 2012 in an amount not to exceed \$25,150.00

COUNCIL	MOTION	2^{ND}	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						x	
Councilman Frank			x				
Councilman McConville		x	x				
Councilman White	X		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

ACCEPTANCE OF CORRESPONDENCE

BE IT RESOLVED THAT THE FOLLOWING CORRESPONDENCE BE AND ARE HEREBY ACCEPTED BY THE BOROUGH COUNCIL OF SOUTH PLAINFIELD AND AUTHORIZATION IS HEREBY GIVEN TO FILE ALL CORRESPONDENCE RECEIVED:

- 1. Planning Board Minutes July 10, 2012 & July 24, 2012
- 2. Traffic Safety Advisory Commission Minutes May 23, 2012 & June 27, 2012
- 3. Recycling Department Monthly Report June, 2012 & July, 2012

- 4. Board of Adjustment Minutes June 19, 2012
- 5. Environmental Commission Minutes June 13, 2012
- 6. Code Enforcement Monthly Report July, 2012
- 7. Environmental Commission Monthly Report July, 2012
- 8. Zoning Board of Adjustment Minutes July 17, 2012
- 9. Zoning Board of Adjustment Agenda August 7, 2012

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga						X	
Councilman Frank			X				
Councilman McConville		X	X				
Councilman White	Х		х				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

SOUTH PLAINFIELD BOROUGH APPROVAL OF BILLS AND CLAIMS

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill list for the payment of claims; and **WHEREAS,** all vouchers listed herewith have been encumbered and sufficient funds are available for payment; and **WHEREAS**, the required signatures of the Department Head or the and/or the Finance Chairperson, the Vendor, and the Chief Financial Officer, have all been obtained on each voucher on the attached list.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of South Plainfield Borough that the voucher list submitted is hereby approved for payment in the total amount of **\$1,726,617.76**

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

- 1. Municipal Clerk
- 2. Glenn Cullen, Chief Financial Officer
- 3. Dotty Paradiso, Supervisor of Accounts

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		x	х				
Councilman Bengivenga						х	
Councilman Frank			x				
Councilman McConville			X				
Councilman White	Х		х				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Borough Attorney Rizzo, Esq. - has no report for this evening.

<u>Administrator Cullen</u> – explained that Oridinance #1967 this evening represents the salary ordinance for the DPW. It is anticipated that we will have the signed labor contract on the September 4^{th} agenda. Mr. Cullen extended his congratulations to Kyle and Lawrence on their promotions to full time status this evening and advised that they are both hard workers and we are happy to have them on board.

<u>Engineer Miller</u> – Mr. Miller briefed the Council on the status of various projects, particularly the multi-road resurfacing project as well as the Sampton Avenue project of which was submitted to the DOT last week. The bid will be forthcoming.

<u>Clerk Antonides</u> – has no report for this evening.

<u>Councilman Barletta</u> – reported that he recently attended a picnic at the American Legion and it was a very enjoyable time. Also Mr. Barletta advised that he recently attended the grand opening for Cups Frozen Yogurt on Hadley Road. It was a great turn out and it is a pleasure to welcome them to South Plainfield. Furthermore, the Summer Drama Workshop students did an outstanding job. Mr. Barletta extended his congratulations to our Administrator/CFO, Mr. Cullen, on his recent marriage to Darlene. Also, Mr. Barletta congratulated Kyle and Lawrence on their promotion to full time status. Council President Rusnak asked if Councilman Barletta knew

off the top of his head how many ribbon cuttings we have done so far this year. Councilman Barletta said he is unsure of an exact number but commented that is a lot, perhaps a dozen or more.

Councilman Frank - advised that he has nothing to report on this evening other than making progress.

Councilman Bengivenga -was absent this evening due to a business commitment.

<u>Councilman White</u> – also congratulated both Kyle and Lawrence on their promotions this evening and wished them much prosperity. Mr. White advised he attended the 2^{nd} annual Diana Day Celebration which proved to be a lot of fun. Hobby Lobby will be having its soft opening on the 29^{th} and the owners are very excited. Mr. White also advised that the Labor Day Parade Marshall has been selected but will let Ms. Boyle make that announcement. To conclude, Mr. White thanked Mayor Anesh for his effort with Aristicare who put in a \$5,000 donation toward the fireworks this year. Also the performance by the Summer Drama Workshop was indeed amazing.

<u>Councilman McConville</u> – extended his congratulations to both Kyle and Lawrence advising they are both assets to the DPW. Councilman McConvilled reminded everyone that the cut off for leaf collection is October 11, 2012

<u>Council President Rusnak</u> – congratulated Kyle and Lawrence and said he knows they won't let us down. Mr. Rusnak said pertaining to this evening's tax appeals, though we don't like putting money out, on the bright side, we did foresee this and budgeted for it. Yes, it hurts to put the money out but we are by far in better shape for having foreseen this to enable us to put money into our budget.

<u>Mayor Anesh</u> – also contratulated Kyle and Lawrence and welcomed them on board. Mayor Anesh advised that ProCare will be having its grand opening tomorrow at 5:30 p.m. ProCare is a PT provider. Mayor Anesh advised that the Mayor's Wellness Committee is busy planning a health and safety fair on October 13, 2012 at the Senior Center. October 3rd will be Walk To School Day to encourage parents to walk with their children to school. Also discussions pertaining to having a Biggest Loser concept completion is being worked on. The thought is to kick off the initial weigh ins at the Health Fair. Also a bike program for the police department is being discussed.

COMMENTS FROM THE PUBLIC:

Ms. Debbie Boyle of the Celebrations Committee, expressed how interesting it was to see who attended a recent board of education meeting between our town representatives and the school boards. Ms. Boyle advised that she will be working with the school Superintendent pertaining to Labor Day activities. Ms. Boyle concluded by announcing that Ms. Marge Reedy has been chosen as this year's Grand Marshal for the Labor Day Parade. The theme is 1960-2012 Throughout the Years. Ms. Boyle also advised that the Mayor's Wellness Committee is working on flyers that will be going out soon.

Mr. Joe Sorrintino of Hopkinson Street expressed his impression of Council President Rusnak's recent attendance at a Board of Education meeting saying that he did not feel that was the forum to bring up the Borough's position pertaining to the Borough paying for crossing guards in that it took on an air that the school board was not paying their bills. Mr. Sorrintino read a state statute. Council President Rusnak corrected Mr. Sorrintino saying that what he said at the meeting is that he feels the board of education can help contribute. Mr. Sorrintino said right now he can't support the school board paying a portion of the tax appeals.

Mr. Capparelli, DPW Supervisor, thanked the Council for their promoting Kyle and Lawrence this evening adding that they both have been working at the DPW for a little over a year now and is very happy to have them on board.

Mr. Lester Bergen of 1811 Hamilton Blvd., advised that the seniors went on a trip this past Friday to Atlantic City to see the air show and it was an excellent time. Mr. Bergen questioned the renovations on Oak Tree Road asking if the traffic light situation will be addressed. Borough Engineer Miller responded advising that there is a right of way issue between the county and the other municipality involved to address.

Mr. Bobby Richkus of 1325 Famularo Drive thanked the Mayor and Council for passing and supporting the grant submission this evening for the Municipal Alliance.

Mr. Mike Zushma, OEM Coordinator, advised that the OEM got back \$300,000 from FEMA for the Hurricane Irene storm. Also, this year at the Labor Day Parade there will be a dunk tank in which the proceeds will go toward a charity. Mr. Zushma invited the Council to partake in the dunking.

Mr. Paul McCullen of Walnut Street expressed his congratulations to Mr. Cullen and Darleen on their recent marriage. Mr. McCullen went on to express his hope that the governing body keeps a watchful eye on the DEP clean-up efforts over the years. Mayor Anesh advised that it is a very complicated situation pertaining to the ground water and we do need to be realistic. Mayor Anesh expressed his concern that the alternatives out there are not any better or any more productive.

Mrs. Deborah Bergen of 1811 Hamilton Blvd. asked if there are plans for any businesses to go on the corner site after the DEP cleanup is concluded. Mayor Anesh said yes. Mrs. Bergen asked how this would affect the businesses. Mr. Cullen said it won't affect them. Councilman Barletta explained in more detail.

With no further comments from the public, Mayor Anesh closed the floor. At this time, 8:13 p.m., Mayor Anesh advised that they will be going into Executive Session and everyone is welcome to stay for their return back into public session.

ADJOURNMENT

The Mayor and Borough Council reconvened back into public session at 8:42 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. Council President Rusnak made a motion to adjourn, seconded by Councilman White and unanimously carried. The meeting was adjourned at 8:42 p.m.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk