

Minutes from the February 6, 2012 Public Meeting of the South Plainfield Mayor and Council

The meeting was called to order at 7:25pm by Mayor Matthew Anesh in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, with adequate notice of this meeting of the Borough Council being provided to the borough's two official newspapers and also published on the Borough's website.

Clerk Graf called the roll. Those present were Council Members Barletta, Bengivenga, Frank, McConville, Rusnak and White.

After the Pledge of Allegiance, the invocation was offered by Emergency services Chaplain Reverend Charles Mingle.

Mayor Anesh presented two proclamations. The first proclamation designated February as Black History Month in the borough. The second proclamation was present to local Boy scouts and their troop leaders in honor of Boy Scout Week.

The Mayor and Council then held an Awards Ceremony to recognize and honor those Emergency Service personnel responsible for saving a woman's life during a house fire on Irving Street on New Year's Day. Deputy Chief Larry Del Negro and Police Chief James Parker described the actions taken by the first responders and the rescue performed. Those honored were

Fire Chief Tom Scalera
 Fire Captain Joe Abbruzzese
 Firefighter Anthony Tomacheck
 Police Lt. Charles Seidenberg
 Police Officer Joe Papa
 Police Officer Frank Fusaro
 Police Officer Shantee Hunter
 Det. Daryl Strother
 Dispatcher Tracy Bruton
 Dispatcher Darleen Marin

Mr. Barletta made a motion to accept the minutes of January 17, 2012; seconded by Mr. Rusnak.

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

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

Frank Mikorski of Regency Place asked for clarification on the purchase of an ambulance from Perth Amboy under Ordinance # 1944. He asked if the old fire truck being replaced under Ordinance # 1946 would be sold and he was told that it would go to public auction. He asked if the police off duty fees would have 2 tiers with a reduced one for non profits such as OLC. Mr. Mikorski also thanked Nancy Grennier for the story on the BOE surplus in the Observer.

Richard Apici, owner of D & R Auto Repair at the corner of Maple and Park Ave. addressed the governing body on a matter related to the ordinance governing unregistered vehicles. He cited a recent violation at his business and asked the Council to work with businesses and try to remedy the situation by amending the ordinance.

Les Bergen of Hamilton blvd. commented on the newly adopted "Employee Dress Code". He asked about the remediation work going on at the Exxon station at Park & Maple and was told that a 7-11 store is proposed for the site. Mr. Bergen also asked for information related to the Mayor's Wellness Campaign Committee to which Mayor Anesh summarized the purpose and goals of the new committee.

OEM Coordinator, Mike Zushma updated the governing body on the FEMA reimbursement application for Hurricane Irene stating that a total of \$262,459.00 would be recovered. He is also

working on a reimbursement from FEMA for the October snow storm and will report back on that as well.

Mayor Anesh closed the public portion and called for the introduction of Ordinance # 1944.

Clerk Graf read Ordinance #1944 by title only for Public Hearing and final adoption as follows:

#1944 entitled: An ordinance authorizing the “acquisition of a Ford F-350 type #1 Ambulance and the installation of storm sewers on New Durham Avenue and other various roads, in the Borough of South Plainfield, County of Middlesex, State of New Jersey

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY as follows:

Section 1. The aforementioned assets be funded by existing funds in the Capital Improvement Fund. The funding requirements shall be identified by asset as follows:

Ambulance	\$40,300.00
Storm Sewers	15,200.00
Totals	<u>\$55,500.00</u>

Section 2. That the improvements described in Section 1 hereof shall be authorized as general capital improvements for the Borough of South Plainfield in the County of Middlesex, New Jersey.

Section 3. It is hereby determined and declared by this Mayor and Borough Council as follows:

- A. That the maximum estimated amount of money to be raised from all sources for the purposes stated in Section 1, hereof, is \$55,500.00.
- B. That the cost for the equipment shall be \$55,500 from from the Capital Improvement Fund.
- C. The estimated useful life of said improvements is hereby determined to be ten (10) years.

Section 4. That the total amount of the appropriation to be expended for Architectural and inspection costs, legal costs, advertisement of ordinance and other expenses as provided in Section 48:2-20 of the Revised Statutes, is not to exceed \$1,000.00.

Section 5. This ordinance shall take effect after final passage and publication in accordance with the law.

Mr. Bengivenga made a motion to adopt Ordinance # 1944, seconded by Mr. Rusnak.

As this is a final reading, Mayor Anesh opened a public hearing on the ordinance.

No comments were offered so Mayor Anesh closed the public hearing and asked if the council had any questions or comments.

Mr. Bengivenga, Chairman of Public Safety, commented on the purchase of the ambulance and thanked EMS Chief Ed Laferrera for bringing the vehicle to his attention and saving the borough thousands of dollars.

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

Clerk Graf read Ordinance #1945 by title only for Public Hearing and final adoption as follows:

#1945 entitled: A bond ordinance providing for the acquisition of a vehicles in and by the Borough of South Plainfield, in the County of Middlesex, New Jersey, appropriating \$119,000 therefor and authorizing the issuance of \$113,050 bonds or notes of the borough to finance part of the cost thereof.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$119,000, including the sum of \$5,950 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$113,050 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of an emergency service sports utility vehicle/truck and refurbished garbage trucks, including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$113,050, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$11,900 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such

undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Barletta made a motion to adopt Ordinance # 1945, seconded by Mr. Bengivenga.

As this is a final reading, Mayor Anesh opened a public hearing on the ordinance.

No comments were offered so Mayor Anesh closed the public hearing and asked if the council had any questions or comments.

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

Clerk Graf read Ordinance #1946 by title only for Public Hearing and final adoption as follows:

#1946 entitled: A Bond Ordinance providing for the acquisition of a fire truck in and by the Borough of South Plainfield, in the County of Middlesex, New Jersey, appropriating \$601,000.00 therefor and authorizing the issuance of \$570,950 bonds or notes of the Borough to finance part of the cost thereof.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 7. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$601,000, including the sum of \$30,050 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 8. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$570,950 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 9. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a fire truck, including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 10. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 11. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 12. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$570,950, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$60,100 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. White made a motion to adopt Ordinance # 1946, seconded by Mr. Bengivenga.

As this is a final reading, Mayor Anesh opened a public hearing on the ordinance.

No comments were offered so Mayor Anesh closed the public hearing and asked if the council had any questions or comments.

Mr. Bengivenga thanked the Mayor and council for purchasing the new fire truck which will replace a vehicle from 1986. He also noted that the 2001 truck was paid off this year so the new debt is

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

Clerk Graf read Ordinance #1947 by title only for Public Hearing and final adoption as follows:

#1947 entitled: An ordinance establishing rates for use of the South Plainfield Community Pool for 2012

Mr. McConville made a motion to adopt Ordinance # 1947 seconded by Mr. Bengivenga.

As this is a final reading, Mayor Anesh opened a public hearing on the ordinance.

No comments were offered so Mayor Anesh closed the public hearing and asked if the council had any questions or comments.

Mr. White, Recreation Commission Liaison commented on the 2012 rates noting that Recreation worked hard to set rates favorable for borough residents and that the adjustment only affected non resident rates.

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

Clerk Graf read Ordinance #1948 by title only for Public Hearing and final adoption as follows:

#1948 entitled: An Ordinance amending Chapter 216, Article II, Section 216-6 of the Code of the Borough of South Plainfield, County of Middlesex, State of New Jersey entitled: "Fees"

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 216, Article II, entitled "Marriage Ceremony Fee", Section 216-6 entitled "Trust Fund Donation", be amended as follows:

Effective with the adoption of this Article, \$50.00 of the above-referenced fee will be placed in a dedicated trust fund and donated to the South Plainfield Domestic Violence Awareness Team, and will benefit the operations of the Borough's Domestic Violence Crisis Intervention Program.

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

Mr. White made a motion to adopt Ordinance # 1948, seconded by Mr. Bengivenga.

As this is a final reading, Mayor Anesh opened a public hearing on the ordinance.

No comments were offered so Mayor Anesh closed the public hearing and asked if the council had any questions or comments.

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

Clerk Graf read Ordinance #1949 by title only for Public Hearing and final adoption as follows:

#1949 entitled: An ordinance creating a Mayor's Wellness Campaign Committee.

WHEREAS, it is the desire of the Governing Body of the Borough of South Plainfield to establish a Wellness Campaign Committee as required to allow the Borough to attain and maintain the designation of Healthy Town;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Code of the Borough, Chapter 17 titled "Boards, Committees and Commissions" shall be amended to add Article V to be titled "Wellness Campaign Committee", and to include the following sections:

17-30. Establishment; Membership and Terms; Compensation

a. The Wellness Campaign Committee shall consist of four members. Each member shall be appointed by the Mayor with the advice and consent of the Borough Council.

b. The Committee shall consist of the following members:

(1) One member shall be assigned to develop, plan, organize and execute programs for the youth of the Borough;

(2) One member shall be assigned to develop, plan, organize and execute programs for the employers of the Borough;

(3) One member shall be assigned to develop, plan, organize and execute programs for the seniors of the Borough;

(4) One member shall be assigned to develop, plan, organize and execute programs for the benefit of the community at large; and

(5) Two at-large members assigned to develop, plan, organize and execute programs to the benefit of the community at large.

c. Each member shall be appointed for a four-year term, with the exception that initial appointments shall be for one-year appointments for two members; two-year appointments for two members; and, three and four-year terms for two members so that one or two positions on the Committee shall terminate each year. It shall be in the discretion of the Mayor with the advice and consent of the Council as to which member is initially appointed to the aforesaid terms.

d. All members of the Wellness Campaign Committee shall serve without compensation.

17-31 Qualifications for Membership

The qualifications for membership are as follows:

a. A resident and taxpayer of the Borough of South Plainfield;

b. Over the age of 18; and

c. Neither a present nor past elected or appointed official of the Borough of South Plainfield. This prohibition is intended to apply to Borough government, and is not intended to apply to past or present members of the Board of Education.

17-32 Meetings; Chairperson

The Committee shall meet regularly and shall, at its first annual meeting each year, elect one from its number as chairperson, who shall preside over all meetings.

17-33 Rules and By-Laws

The conduct of the Wellness Campaign Committee at its meetings and activities shall be governed by rules or by-laws which shall be established by the Committee within three months of its creation.

17-34 Powers and Duties

The Wellness Campaign Committee shall be responsible for the development, plan, organization and execution of programs designed to help the Borough attain and maintain the

Healthy Town designation from the State of New Jersey. They shall lend their advice to the Mayor, Borough Administrator, Borough Clerk and Borough Council on all matters dealing with the Healthy Town designation. They may employ individuals or organize support groups of volunteers with the authorization and consent of the Governing Body to assist the Borough in maintaining the Healthy Town designation.

17-35 Reports and Expenses

The Wellness Campaign Committee shall report to the Health, Welfare and Environment Committee of the Borough Council. Any funds appropriated to the Wellness Campaign Committee by the Governing Body shall be disbursed by the office of the Borough Administrator. Any payment on account of expenses or claims must be supported by vouchers.

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

Mr. Bengivenga made a motion to adopt Ordinance # 1949, seconded by Mr. McConville.

As this is a final reading, Mayor Anesh opened a public hearing on the ordinance.

No comments were offered so Mayor Anesh closed the public hearing and asked if the council had any questions or comments.

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

Clerk Graf read Ordinance #1950 by title only for introduction as follows:

#1950 entitled: An ordinance amending Chapter 84 titled "Police Department" of the Code of the Borough Of South Plainfield".

Mr. Barletta made a motion to approve Ordinance # 1950 on first reading, seconded by Mr. Bengivenga.

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

Clerk Graf read Ordinance #1951 by title only for introduction as follows:

#1951 entitled: A Bond ordinance providing for improvements to the Pool Utility in and by the Borough of South Plainfield, in the County of Middlesex, New Jersey, appropriating \$90,000 therefor and authorizing the issuance of \$85,500 bonds or notes of the borough to finance part of the cost thereof.

Mr. Bengivenga made a motion to approve Ordinance # 1951 on first reading, seconded by Mr. Barletta.

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

Mr. White made a motion to approve Resolutions 12-013 through 12-027, which includes a correction to Resolution # 12-025 (removing the word New and making the street name Durham Ave), with all resolutions beginning with **BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT:**

#12-013

WHEREAS, TRC has applied for a release of a performance bond posted for public improvements to Block 494, Lot 1 (Coolidge Street); and

WHEREAS, the Borough Engineer has certified all required public improvements to the property have been installed; and

WHEREAS, the requirements and conditions of Borough Ordinance # 762 have been complied with as to filing and serving of notice; and

WHEREAS, the Borough Engineer has recommended that the performance bond in the form of a Bond in the amount of \$ and a Check in the amount of \$ be released upon the posting of a two year maintenance bond in the amount of and the payment of any outstanding engineering escrow fees or COAH fees; and

WHEREAS, the Governing Body held a public hearing on Monday, February 6, 2012 and there were no objections filed against the release of said bond.

NOW THEREFORE BE IT RESOLVED that the above stated performance bond be released.

#12-014

WHEREAS, Metro PCS New York, LLC has applied for a release of a performance bond posted for public improvements to Block 254, Lot 27 (330 Oak Tree Ave); and

WHEREAS, the Borough Engineer has certified all required public improvements to the property have been installed; and

WHEREAS, the requirements and conditions of Borough Ordinance # 762 have been complied with as to filing and serving of notice; and

WHEREAS, the Borough Engineer has recommended that the performance bond in the form of a Bond in the amount of \$7,893.00 and a Check in the amount of \$877.00 be released upon the posting of a two year maintenance bond in the amount of \$1,315.50 and the payment of any outstanding engineering escrow fees or COAH fees; and

WHEREAS, the Governing Body held a public hearing on Monday, February 6, 2012 and there were no objections filed against the release of said bond.

NOW THEREFORE BE IT RESOLVED that the above stated performance bond be released.

#12-015

WHEREAS, the taxpayer, S/K Wade Associates, L.P., (“Taxpayer”) has appealed the real estate tax assessment on its properties located at 100 Wade Ave, also known as Block 470, Lot 1 for the tax years 2009, 2010 and 2011, in the Tax Court of the State of New Jersey, Docket Nos. 005763-2009, 008851-2010 and 003524-2011; and

WHEREAS, the Borough appraiser opined that the property was over assessed in the 2009, 2010 and 2011 years under appeal and that in his opinion the assessments should be adjusted to a reflect a true value opinion of \$7,800,000 x average ratio in each respective year; and

WHEREAS, the taxpayer agreed to settle the tax appeals by withdrawing the 2009 appeal and accepting reductions of the total tax assessments in 2010 to a total tax assessment of \$2,727,200 (true value of \$7,895,800 x average ratio of 34.54%); and accepting reductions of the total tax assessments in 2011 to a total tax assessment of \$2,770,000 (true value of \$7,896,200 x average ratio of 35.08%); and by agreeing that the total 2012 assessment be set at a total tax assessment of \$2,770,000 pursuant to the provisions of the Freeze Act, N.J.S.A. 54:51A-8 and;

WHEREAS, the parties agree that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year 2012, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to and a final disposition of this case and the entire controversy and of any actions pending or hereafter instituted by the parties concerning

the assessment on the property referred to herein for said Freeze Act year. No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year.

WHEREAS, the parties agree that in consideration of the settlement, either party shall have the right to file a tax appeal for the 2012 tax year solely for the purpose of implementing, enforcing and/or confirming the agreed upon 2012 assessment as frozen, and that this agreement shall be binding upon any assignees, tenants and successors in interests with regard to the subject property, and that except for this limited right to appeal, Taxpayer, its successors and/or assignees waive the right to seek a further reduction in the 2012 assessment, and that Taxpayer warrants to the Borough that the property has not been sold and is not currently being marketed for sale for an equalized value in excess of the proposed 2012 assessment, and that no sale of the property is currently pending or anticipated to close for an equalized value in excess of the proposed 2012 assessment; and

WHEREAS, the Borough appraiser, Russell Sterling, MAI, recommended the settlement be approved because his preliminary opinions that the Borough was not able to defend the assessments in 2009, 2010 or 2011, the opinions of the Borough appraiser being incorporated in to a memorandum a copy of which has been reviewed by the Mayor and Council, and therefore, this proposed settlement is reasonable and reflects the correct market values for the property which was over assessed for all three years under appeal; and

WHEREAS, the Stipulation of Settlement is annexed hereto and incorporated herein by this reference and has been reviewed and approved by the Borough Council; and

WHEREAS, the taxpayer will accept credits to be exhausted commencing with the first quarterly payment due after Judgment in lieu of refunds and agreed to waive interest due on any overpayment pursuant to N.J.S.A. 54:3-27.2; and

WHEREAS, the Borough Tax Assessor and the Attorney for the Borough have reviewed and recommend the settlement to the Borough Council; and

WHEREAS, the aforesaid reductions in assessment have no general application to other properties within the Borough of South Plainfield as a result of the aforesaid specific fact situation; and

WHEREAS, the Borough Council leaves the allocation between land and improvements of the aforesaid tax assessment reductions to the Borough's Assessor's discretion with the direction that the same be set so as to be most beneficial to the Borough; and

WHEREAS, the Borough Council makes this settlement with the taxpayer without prejudice to its dealings with any other Borough taxpayers' request for tax assessment reduction.

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

1. The Borough Tax Assessor is hereby directed to establish allocation between land and improvements of a \$752,200 total tax assessment reduction for the 2010 tax year for Block 470, Lot 1, which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish allocation between land and improvements of a \$709,400 total tax assessment reduction for the 2011 tax year for Block 470, Lot 1, which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. The Borough Tax Assessor is hereby directed to establish an assessment of \$2,770,000 for the 2012 tax year for Block 470, Lot 1, which is most beneficial to the Borough and advise the Borough Attorney of that allocation
4. The Borough Attorney is hereby authorized to execute the Stipulation of Settlement, a copy of which is annexed hereto, relative to the tax appeals of S/K Wade Associates, L.P. vs. Borough of South Plainfield, Docket Nos. 005763-2009, 008851-2010 and 003524-2011; which results in the withdrawal of the taxpayer's 2009 tax year appeal, and a reduction in the 2010 total tax assessment on the property from \$3,479,400 to \$2,727,200 and a reduction in the 2011 total tax assessment on the property from \$3,479,400 to \$2,770,000; and which further provides that the Property's 2012 total tax assessment shall be set at \$2,770,000 pursuant to the Freeze Act; and which further provides that the parties agree that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year 2012, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to and a final disposition of this case and the entire controversy and of any actions pending or hereafter instituted by the parties concerning the assessment on the property referred to herein for said Freeze Act year and no Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year; and which further provides that either party shall have the right to file a tax appeal for the 2012 tax year solely for the purpose of implementing, enforcing and/or confirming the agreed upon 2012 assessment; and which further provides that this agreement shall be binding upon any assignees, tenants and successors in interests with regard to the subject property; and which further provides that Taxpayer, its successors and/or assignees waive the right to seek a further reduction in the 2012 assessment; and which further provides that Taxpayer warrants to the Borough that the property has not been sold and is not currently being marketed for sale for an equalized value in excess of the proposed 2012 assessment and that no sale of the property is currently pending or anticipated to close for an equalized value in excess of the proposed 2012 assessment; which further provides that the taxpayer will accept credits in lieu of refunds at the discretion of the Borough Tax Collector which will be exhausted commencing with the first quarterly payment due after Judgment; and which further provides that the taxpayer agreed to waive interest due on any overpayment pursuant to N.J.S.A. 54:3-27.2.
5. The settlement outlined above shall be without prejudice to the Borough of South Plainfield's dealings with any other Borough taxpayers request for tax assessment reductions.

#12-016

WHEREAS, the taxpayer, South Plainfield Fidelco Assoc, (ATaxpayer@) has appealed the real estate tax assessment on its properties located at 3474 Rand Road, 6 Century, also known as Block 467.05, Lot 15.01 for the tax years 2009, 2010 and 2011, in the Tax Court of the State of New Jersey, Docket Nos. 005760-2009, 017717-2010 and 011567-2011; and

WHEREAS, the Borough appraiser opined that the property was over assessed in the 2009, 2010 and 2011 years under appeal and that in his opinion the assessments should be

adjusted to reflect a true value opinion of \$2,475,000 x average ratio in each respective year; and

WHEREAS, the taxpayer agreed to settle the tax appeals by withdrawing the 2009 appeal and accepting reductions of the total tax assessments in 2010 to a total tax assessment of \$827,500 (true value of \$2,395,700 x average ratio of 34.54%); and accepting reductions of the total tax assessments in 2011 to a total tax assessment of \$825,400 (true value of \$2,352,900 x average ratio of 35.08%); and by agreeing that the total 2012 assessment be set at a total tax assessment of \$825,400 pursuant to the provisions of the Freeze Act, N.J.S.A. 54:51A-8; and

WHEREAS, the parties agree that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year 2012, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to and a final disposition of this case and the entire controversy and of any actions pending or hereafter instituted by the parties concerning the assessment on the property referred to herein for said Freeze Act year. No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year.

WHEREAS, the parties agreed that in consideration of the settlement, either party shall have the right to file a tax appeal for the 2012 tax year solely for the purpose of implementing, enforcing and/or confirming the agreed upon assessment, and that this agreement shall be binding upon any assignees, tenants and successors in interests with regard to the subject property, and that except for this limited right to appeal, Taxpayer, its successors and/or assignees waive the right to seek a further reduction in the 2012 assessment, and that Taxpayer warrants to the Borough that the property has not been sold and is not currently being marketed for sale for an equalized value in excess of the proposed 2012 assessment, and that no sale of the property is currently pending or anticipated to close for an equalized value in excess of the proposed 2012 assessment; and

WHEREAS, the Borough appraiser, Russell Sterling, MAI, recommended the settlement be approved because his preliminary opinions that the Borough was not able to defend the assessments in 2009, 2010 or 2011, the opinions of the Borough appraiser being incorporated in to a memorandum a copy of which has been reviewed by the Mayor and Council, and therefore, this proposed settlement is reasonable and reflects the correct market values for the property which was over assessed for all three years under appeal; and

WHEREAS, the Stipulation of Settlement is annexed hereto and incorporated herein by this reference and has been reviewed and approved by the Borough Council; and

WHEREAS, the taxpayer will accept credits to be exhausted commencing with the first quarterly payment due after Judgment in lieu of refunds and agreed to waive interest due on any overpayment pursuant to N.J.S.A. 54:3-27.2; and

WHEREAS, the Borough Tax Assessor and the Attorney for the Borough have reviewed and recommend the settlement to the Borough Council; and

WHEREAS, the aforesaid reductions in assessment have no general application to other properties within the Borough of South Plainfield as a result of the aforesaid specific fact situation; and

WHEREAS, the Borough Council leaves the allocation between land and improvements of the aforesaid tax assessment reductions to the Borough's Assessor's discretion with the direction that the same be set so as to be most beneficial to the Borough; and

WHEREAS, the Borough Council makes this settlement with the taxpayer without prejudice to its dealings with any other Borough taxpayers' request for tax assessment reduction.

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

6. The Borough Tax Assessor is hereby directed to establish allocation between land and improvements of a \$158,800 total tax assessment reduction for the 2010 tax year for Block 467.05, Lot 15.01, which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
7. The Borough Tax Assessor is hereby directed to establish allocation between land and improvements of a \$160,900 total tax assessment reduction for the 2011 tax year for Block 467.05, Lot 15.01, which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
8. The Borough Tax Assessor is hereby directed to establish allocation between land and improvements a tax assessment for the 2012 tax year of \$825,400 for Block 467.05, Lot 15.01, which is most beneficial to the Borough.
9. The Borough Attorney is hereby authorized to execute the Stipulation of Settlement, a copy of which is annexed hereto, relative to the tax appeals of South Plainfield Fidelco Assoc. vs. Borough of South Plainfield, Docket Nos. 005760-2009, 017717-2010 and 011567-2011; which results in the withdrawal of the taxpayer's 2009 tax year appeal, and a reduction in the 2010 total tax assessment on the property from \$986,300 to \$827,500 and a reduction in the 2011 total tax assessment on the property from \$986,300 to \$825,400; and which further provides that the Property's 2012 total tax assessment shall be set at \$825,400 pursuant to the Freeze Act; and which further provides that the parties agree that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year 2012, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to and a final disposition of this case and the entire controversy and of any actions pending or hereafter instituted by the parties concerning the assessment on the property referred to herein for said Freeze Act year and no Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year; and which further provides that either party shall have the right to file a tax appeal for the 2012 tax year solely for the purpose of implementing, enforcing and/or confirming the agreed upon 2012 assessment; and which further provides that this agreement shall be binding upon any assignees, tenants and successors in interests with regard to the subject property; and which further provides that Taxpayer, its successors and/or assignees waive the right to seek a further reduction in the 2012 assessment; and which further provides that Taxpayer warrants to the Borough that the property has not been sold and is not currently being marketed for sale for an equalized value in excess of the proposed 2012 assessment and that no sale of the property is currently pending or anticipated to close for an equalized value in excess of the proposed 2012 assessment; which further provides that the taxpayer will accept credits in lieu of refunds at the discretion of the Borough Tax Collector which will be exhausted commencing with the first quarterly payment due after Judgment; and which further provides that the taxpayer agreed to waive interest due on any overpayment pursuant to N.J.S.A. 54:3-27.2.
10. The settlement outlined above shall be without prejudice to the Borough of South Plainfield's dealings with any other Borough taxpayers request for tax assessment reductions.

#12-017

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:11 any expenditure of public funds in excess of \$17,500 requires the solicitation of bid proposals for delivery of said goods or services; and

WHEREAS, a need has been determined for the acquisition of two garbage trucks to be used by the Dept. of Public Works for a variety of projects including town wide yard and bulky waste pickup; and

WHEREAS bids were solicited and opened on Wednesday, February 1, 2012 and the following picked up bid packages and submitted bids:

Atlantic Sales & Salvage of Delran, NJ	\$69,999.99
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WHEREAS, the bids have been reviewed by the Borough Engineer, Attorney and DPW Supt. and it is their recommendation that the bid of Atlantic Sales & Salvage of Delran, NJ in the amount of \$69,999.99 be accepted and a contract be awarded; and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available in Bond Ordinance # 1945.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that authorization is hereby given to award a contract for the purchase of two used garbage trucks for the Dept. of Public Works, at a cost not to exceed \$70,000.00.

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement with Atlantic Sales & Salvage of Delran, NJ, the lowest responsible bidder.

#12-018

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 2012 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
CY 2012**

CURRENT FUND

			AMOUNT
2-01-20-140-000-204	Computers	O&E	5,000.00
2-01-25-240-001-311	Police	O&E	50,000.00
2-01-27-330-001-235	Board of Health	O&E	25,000.00
2-01-29-390-000-235	Library	O&E	100,000.00
2-01-30-415-001-101	Accumulated Leave	O&E	50,000.00
2-01-25-250-000-204	911	O&E	10,000.00
2-01-45-920-000-801	Bond Principal	Debt	615,000.00

3574

2-01-45-930-000-802	Bond Interest	Debt	22,050.00
2-01-45-940-000-225	Green Trust	Debt	10,670.80
2-01-45-942-000-235	MCIA Lease	Debt	1,806.02
Total CURRENT FUND			889,526.82

SEWER

			<u>AMOUNT</u>
2-07-55-515-002-215	Other Expenses	O&E	1,200,000.00
Total SEWER UTILITY			1,200,000.00

#12-019

WHEREAS, in accordance with N.J.S.A. 40A:4-58, appropriation transfers are permitted during the last two months of the fiscal year, for the purposes specified and in excess of sums appropriated in the Budget; and

WHEREAS, there are certain CY2011 Budget Appropriations of the Borough of South Plainfield with balances insufficient to meet requirements for operating borough affairs; and

WHEREAS, there are CY2011 Budget Appropriations with unexpected balances that are not needed for such purposes; and

WHEREAS, such transfers must be approved by a vote of not less than two-thirds of the full membership of the governing body.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be approved in accordance with State Statute:

**Borough of South Plainfield
Transfers 2011**

CURRENT FUND

FROM:			<u>AMOUNT</u>
1-01-20-130-000-101	Financial Administration	S&W	1,500.00
1-01-20-145-000-101	Collection of Taxes	S&W	1,500.00
1-01-20-150-000-235	Assessing	O & E	2,500.00
1-01-22-195-001-621	Code Enforcment	O & E	5,000.00
1-01-23-210-000-661	Other Insurance	O & E	5,000.00
1-01-25-250-000-101	Emergency Management	S&W	2,000.00
1-01-43-490-000-405	Court	O & E	500.00
1-01-43-490-000-519	Court	O & E	1,000.00
1-01-31-465-001-565	Gasoline	O & E	1,000.00
Total FROM:			20,000.00

3575

TO:				<u>AMOUNT</u>
1-01-20-165-001-235	Engineering	O & E		5,000.00
1-01-25-240-001-261	Police	O & E		2,000.00
1-01-31-440-001-541	Telephone	O & E		4,000.00
1-01-30-415-001-101	Accumulated Leave	O & E		5,000.00
1-01-38-481-000-225	Tax Appeals	O & E		4,000.00
Total TO:				<u>20,000.00</u>

#12-020

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2011 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of Borough of South Plainfield to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of South Plainfield that South Plainfield hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Dr. Alice Tempel to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

#12-021

Authorization is hereby granted for T & M Associates to provide engineering services related to additional remedial investigation of the former 300 gallon diesel fuel underground storage tank at the Cedar Brook Pumping Station including the installation of one ground water monitoring well, sampling and analysis, evaluation, and reports at a cost not to exceed \$15,850.00. (proposal attached)

#12-022

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, it has been determined that a need exists for the conversion of the Repeater Systems to Narrow Band including Auxillary Receivers, Spen, County Hot Line, EMS and DPW base stations in Police HQ Radio Equipment room; and

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 and it is the recommendation of the Police Chief and the Borough Administrator that a contract be awarded to Tactical Public Safety of West Berlin, NJ at a cost of \$12,960.00; and

WHEREAS, the availability of funds for this purpose have been certified by the Chief Financial Officer and is available in account 2-01-25-250-000-204; and

NOW THEREFORE BE IT RESOLVED by the South Plainfield Borough Council that the Mayor and Municipal Clerk are hereby authorized to execute a contract Tactical Public Safety, 199 Edgewood Ave, Suite A, West Berlin, NJ 08091 for the conversion of the Police Repeater Systems to Narrow Band including Auxillary Receivers, Spen, County Hot Line, EMS and DPW base stations in Police HQ Radio Equipment room, at a cost not to exceed \$12,960.00

#12-023

WHEREAS, CY2012 Temporary Budget was adopted by the Governing Body of the Borough of South Plainfield on the 19th day of December, 2011; and

WHEREAS it is the desire of the Governing Body to amend the capital budget section of the CY2012 Temporary Budget for various General Improvement purposes.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, that the amendment(s) to the adopted capital budget section of the 2012 Budget be made as follows:

<u>General Improvements:</u>	Total Cost	Cap. Improvement Fund	Debt Auth.
Ambulance	\$ 40,300	\$40,300	
Storm Sewers	\$ 15,200	\$15,200	
Garbage Trucks & Vehicles	\$119,000	\$ 5,950	\$113,050
Fire Truck	\$601,000	\$30,050	\$570,950
Total General Improvements	\$775,500	\$91,500	\$684,000

BE IT FURTHER RESOLVED that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

#12-024

Authorization is hereby granted for T & M Associates to provide engineering services related to the NJ DEP Wetlands Permit Application and Flood Hazard Permit for the proposed Truck By-pass Route for Supplemental Technical Design Submission (proposal attached), at a cost not to exceed \$135,000.

#12-025

WHEREAS, a need exists in the borough to establish a Dress Code Policy for municipal employees in order to establish uniformity and a standard of dress regulation during working hours which promotes a positive image to the general public we serve; and

WHEREAS, it is management’s intent that work attire should complement an environment that reflects an efficient, orderly, and professionally operated organization. This policy is intended to define appropriate “business attire” during normal business operations and “casual business attire” on Fridays.

NOW THEREFORE, it is hereby resolved by the South Plainfield Borough Council that a Dress Code Policy shall be established, effective February 6, 2012, a copy of with is attached herein.

#12-026

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

Block 74; Lot 1
Emil Robert Dispensa
2224 Woodland Avenue
South Plainfield, NJ 07080
\$792.40

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.

#12-027

WHEREAS, a vacancy exists on the Traffic Safety Advisory Commission due to the resignation of committee member Dennis Scalera; and

WHEREAS, Mr. Scalera's term was to end on 12/31/2013; and

WHEREAS, Doris Kirchner of Central Avenue has applied for appointment to the Traffic Safety Advisory Commission;

NOW THEREFORE, the South Plainfield Borough Council hereby appoints Doris Kirchner, 1616 Central Avenue, to fill the unexpired term of Dennis Scalera as a member of the Traffic Safety Advisory Commission, effective February 6, 2012; said term to expire on 12/31/2013.

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

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

1. Recreation Commission Minutes – Dec 2011
2. Planning Board minutes – January 10, 2012 Reorganization
3. Planning Board minutes – January 10, 2012
4. Zoning Board minutes – January 12, 2012 Reorganization
5. Zoning Board minutes – January 12, 2012
6. Business Advisory Group minutes – December 7, 2011
7. Letter from So.Plfd. Board of Education – Re: Resolution to change the Board of Education election to November General Election day
8. Middlesex County Planning Board minutes – December 13, 2011
9. Environmental Commission minutes – December 14, 2011
10. Recycling Dept. Monthly report – December 2011
11. Business Advisory Group minutes – January 11, 2012
12. PARSA Minutes, agenda & monthly Flow Chart – January 2012
13. Traffic Safety Advisory Commission minutes – December 7, 2011
14. Code Enforcement monthly report – January 2012
15. Dennis Scalera: Letter of resignation from Traffic Safety Advisory Commission
16. Zoning Board minutes – January 26, 2012

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

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

PAYMENT OF BILLS

Current Fund 1-01	\$ 227,814.37
Sewer Utility Operating Fund 1-07	\$ 595.73
Current Fund 2-01	\$ 434,366.87
Sewer Utility Operating Fund 2-07	\$1,258,453.05
General Capital	\$ 2,500.00
Grant Fund	\$ 6,434.07

Treasurers Trust	\$ 7,579.75
Recreation Trust	\$ 975.80
TOTAL ALL FUNDS	\$1,938,719.64

YES: Barletta, Bengivenga, Frank, McConville, White and Rusnak Motion Carried

Due to the need for the Council to attend the wake of former Councilman Andrew Lewendowski, the Mayor skipped the Reports section of the meeting and opened the meeting to the public for their comments.

Debbie Boyle of Van Fleet Ave commented on the ADA ramp project and the continued need to include ramps at the schools. She requested ramps on Geary Drive and in front of the Middle School. She also announced that on April 22nd our local PBA & the SPHS PTO will hold a Walk Run Basketball game to benefit scholarship for Rutgers Students with disabilities.

Frank Mikorski of Regency Place asked how much revenue in ratable have been lost since 2005 with no construction at the Tingley Rubber site. Mr. Cullen would look into it and let him know.

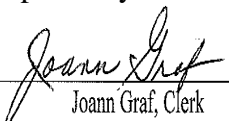
Deputy Chief Del Negro thanked the governing body for their support with the purchase of a new fire engine and especially the support of the the Fire Dept.'s two Council liaisons, Mayor Anesh and Councilman Bengivenga.

Mr. Leon of Selene Ave asked for the status of the ordinance amendment on restricting parking when snow covered. He was advised that action can't be taken mid-season and something will be in place for next season.

Mayor Anesh closed the public portion and announced that the Council would be going over to McCrisky's and that when they return the Council will go into Executive Session.

On the Council's return from Executive Session, Mayor Anesh reported that no additional business resulted and he called for a motion to adjourn.

Respectfully Submitted,



 Joann Graf, Clerk