

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
JUNE 4, 2012, 7:00 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 8:04 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	x		
Councilman Bengivenga	x		
Councilman Frank	x		
Councilman McConville	x		
Councilman White	x		
Council President Rusnak	x		
ALSO PRESENT			
Administrator Cullen	x		
Clerk Antonides	x		
Attorney Rizzo	x		

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

Approve Council Minutes: May 7, 2012 - Agenda

COUNCIL	Motion	Second	Ayes	Nays	Recused
Councilman Barletta		X	X		
Councilman Bengivenga					X
Councilman Frank			X		
Councilman McConville	X		X		
Councilman White			X		
Council President Rusnak			X		
TOTAL VOTE:			5	0	

May 7, 2012 - Public
May 7, 2012 - Executive

COUNCIL	Motion	Second	Ayes	Abstain	Recused
Councilman Barletta			X		
Councilman Bengivenga	X		X		
Councilman Frank			X		
Councilman McConville			X		
Councilman White		X	X		
Council President Rusnak			X		
TOTAL VOTE:			6	0	

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

Mr. Burgan asked about resolution 12-159. Councilman Barletta explained that only a few roll-off containers will be stored there for a few months. It will not be permanent. Mr. Burgan then asked what Resolution 12-165 is for. Councilman Bengivenga explained it is for the purchase of two K-9 dogs and some equipment for the two dogs clarifying that it is not for a vehicle. The equipment includes one year supply of dog food, crates, muzzles, leashes, etc. The program won't fully be in place until March 2013 when the training has been completed.

Mr. Frank Mikorski of Regency Place said pertaining to the bond ordinance on tonight's agenda to ask the Library Board to donate their money in place of this bond ordinance.

With no further comments made, Mayor Anesh closed the floor.

ORDINANCE – SECOND READING AND PUBLIC HEARING:

**ORDINANCE NO. 1963
AN ORDINANCE AMENDING CHAPTER 157 OF THE CODE OF
THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW
JERSEY ENTITLED “SEWERS”**

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of South Plainfield, State of New Jersey that the following be and is hereby amended as follows:

**Schedule A
Annual Sewer Rental - 2012
(Effective for bill periods beginning July 1, 2012)**

This Schedule A hereby establishes three (3) sewer user classes under this ordinance as follows:

- (1) Residential structures
 - (1A) Residential structures\$350.00 per service unit
 - (1B) Residential structures reduced rate:\$175.00 per service unit.

All recipients of the \$250.00 real property tax deduction granted in accordance with the provisions of P.L. 1963, C. 172 (R.S. 54:4-8.41) shall be given a deduction in the sewer rental rate that will result in a net annual rate not exceeding \$175.00.

- (2) Commercial users

Minimum annual sewer service unit user charge for any Commercial user connected to the Borough Sanitary Sewer System shall be six hundred and forty dollars (\$640.00). The following rates are for actual consumption in 100 cubic feet of water used per information supplied by the water company(ies).

(2A)	Class 1	\$7.64800
(2B)	Class 2	\$9.15900
(2C)	Class 3	\$11.25500
(2D)	Class 4	\$6.43400
(2E)	Class 5	\$6.18800
(2F)	Class 6	\$6.19300
(2G)	Class 7	\$7.90300
(2H)	Class 8	\$7.69500
(2I)	Class 9	\$8.03000

- (3) Industrial Establishment Users

- (3A) Monitored Industrial establishments:

Notwithstanding any rates set forth herein to the contrary, in no case shall the charge for Monitored Industrial users be less than the charge for an equal volume of flow as otherwise would be determined utilizing the commercial establishments rate set forth in Commercial User (2C) Class 3 rate \$11.255 or for a minimum annual user charge of five hundred dollars and ninety (\$640.00), whichever is higher. In addition to the loading and flow charges, the Monitored Industrial User shall pay for the cost of sampling and laboratory testing of the wastewater.

(1)	Flow Million Gallons	\$4,143.75
(2)	BOD per Ton.....	\$960.08
(3)	SS per Ton.....	\$1,232.00
(4)	Chlorine Demand per CWT	\$101.75

- (3B) Unmonitored Industrial User\$12.332 per 100 cubic feet

- (4) Sample collection fees and laboratory analysis fees paid by the Borough shall be a pass-through cost to the User being monitored and shall be included on the next bill.

- (5) Application for a Certificate of Use for sanitary sewer review shall be through the Borough Building Department. The fee shall be \$100.00 for an application of a change of building use. This fee is in addition to the current Building Department Review Fee.

All other fees and provisions of this Article shall remain in full force and effect. This amendment becomes effective after final adoption and advertisement in accordance with the law.

Mayor Anesh opened the floor for public hearing. With no comments from the public, Mayor Anesh closed the floor and called for comments from the Council. With no comments from the Council the following motions were made to adopt Ordinance #1963:

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga			x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White	x		x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

ORDINANCE – INTRODUCTION (Public Hearing Set For June 18, 2012)

**ORDINANCE #1964
An Ordinance Providing Fees for the Purpose of
Opting Out of Health Benefit Coverage
Provided by the Borough of South Plainfield**

WHEREAS, the Borough of South Plainfield provides health, prescription and dental group employee benefits coverage; and

WHEREAS, the Borough of South Plainfield wishes to control the cost of health benefits and other group employee coverage’s to the maximum extent possible; and

WHEREAS, one method of achieving this objective is to encourage employees to waive health, prescription and/or dental coverage where the employee does not need the coverage; and

WHEREAS, the Borough wishes to encourage employees to waive this coverage when they are able to do so and wishes to offer employees as an incentive to waive coverage a portion of the savings realized by the Borough when the employee chooses to waive the coverage(s);

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF SOUTH PLAINFIELD AS FOLLOWS:

Section 1. Effective July 1, 2012, an employee of the Borough of South Plainfield (“Borough”) who is eligible for other health care coverage may waive the health care coverage under the Borough’s health benefits program pursuant to N.J.S.A. 40A:10-17.1.

Section 2. In order to be eligible for this benefit, an employee must complete a new “Change in Coverage or Termination of Benefits” form and submit same along with proof of alternative health coverage (if waiving health coverage) to the Borough Administrator’s Office. Likewise, to reinstate coverage, this same form may be used. In each case, the form must be certified by the Borough Administrator in order for the request to be effective.

Section 3. In consideration of the filed waiver, the Borough will pay semi-annually to the eligible employee, benefits as set forth in the attached policy entitled “Borough of South Plainfield, Waiver of Health Benefit Coverage”.

Section 4. Any employee who waives coverage shall be permitted to resume coverage under the same terms and conditions as apply to initial coverage if the employee ceases to be covered through the employee’s spouse’s benefit plan for any reason. An employee who resumes coverage may be required to repay a pro rata portion of any previously paid lump sum that represents an advance payment for any period of time for which the waiver has been revoked. An employee wishing to resume coverage shall complete, sign and file with the Borough Administrator’s Office an official form for reinstatement.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 6. The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 7. This ordinance shall take effect July 1, 2012 upon passage, publication and approval pursuant to law.

Introduction of Ordinance #1964: June 4, 2012

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

ORDINANCE NO. 1965
AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS
MUNICIPAL PROPERTY PURSUANT TO N.J.S.A. 40A:12-13 FOR PROPERTY IDENTIFIED
AS BLOCK 305, LOT 2

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

WHEREAS, the Borough of South Plainfield, County of Middlesex is the owner of property identified as Block 305, Lot 2 on the Borough Tax Map and located within the Borough (hereinafter referred to as the "Property"); and

WHEREAS, the Borough Council of the Borough of South Plainfield has determined that said property is no longer needed for public use; and

WHEREAS, the Borough Council has determined it to be in the public interest to sell said Property to a contiguous property owner in accordance with N.J.S.A. 40A:12-13(b); and

WHEREAS, Jonathan Properties, LP is the owner of all property contiguous to the Property;

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

1. The Mayor and Council declare the Property to be surplus and not needed for public use;
2. The Property may be sold to Jonathan Properties, LP as the contiguous property owner by private sale for \$21,000.00, the price determined by the Borough Appraiser, Russell K. Sterling;
3. The Mayor, Borough Clerk, Borough Attorney and such other Borough officials as the law may provide are hereby authorized to prepare and execute such documents as may be required to close and transfer title to the Property to the contiguous owner;
4. The Property shall be sold subject to all existing encumbrances, liens, zoning regulations, easements or other restrictions, such facts as an accurate survey would reveal in any present or future assessments for the construction of improvements benefitting said Property;
5. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, and they shall remain in full force and effect;

6. In the event of any inconsistencies between the provisions of this Ordinance and any other Ordinance of the Borough of South Plainfield, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinance of the Borough of South Plainfield are hereby ratified and confirmed, except where inconsistent with the terms hereof.

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

Introduction of Ordinance #1965: June 4, 2012

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	x		x				
Councilman Bengivenga		x	x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak			x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

ORDINANCE 1966

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$199,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$210,000, including the aggregate sum of \$10,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$199,500 pursuant to the Local Bond Law. In anticipation of the issuance of the

bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of a police sport utility vehicle, including all related costs and expenditures incidental thereto.	\$131,250	\$124,687	5 years
b) The installation of a barn roof, including all work and materials necessary therefor and incidental thereto.	\$15,750	\$14,963	15 years
c) The acquisition of a striping machine, including all related costs and expenditures incidental thereto.	\$15,750	\$14,963	15 years
d) The acquisition of a generator, including all related costs and expenditures incidental thereto.	\$31,500	\$29,924	15 years
e) The acquisition of miscellaneous equipment, including all related costs and expenditures incidental thereto.	<u>\$15,750</u>	<u>\$14,963</u>	5 years
TOTALS	<u>\$210,000</u>	<u>\$199,500</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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

meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

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

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8 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 \$199,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or 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 law.

Introduction of Ordinance #1966: June 4, 2012

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS

RESOLUTION 12-152

ACCEPTING THE RESIGNATION OF MR. RICHARD VEIT FROM THE SOUTH PLAINFIELD CULTURAL ARTS COMMISSION

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the resignation of:

Mr. Richard Veit

From the Cultural Arts Commission is hereby accepted.

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

1. Municipal Clerk

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-153 – TABLED

**RESOLUTION No. 12-154
AUTHORIZING THE MUNICIPAL CLERK TO PUBLISH A REQUEST FOR BIDS FOR
SERVICES FOR ELECTRICAL SUBCODE INSPECTIONS FOR
THE BOROUGH OF SOUTH PLAINFIELD**

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, State of New Jersey that the Municipal Clerk is hereby authorized to publish a solicitation for Bids for Electrical Subcode Inspections.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION #12-155

AUTHORIZING THE RELEASE OF A PERFORMANCE BOND POSTED BY 455 HIGHLAND AVENUE, LLC FOR PUBLIC IMPROVEMENTS TO BLOCK 311, LOTS 15.01 AND 15.02 AND ACCEPTANCE OF THE MAINTENACE BOND IN THE AMOUNT OF \$8,104.50

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from 455 Highland Avenue, LLC for the Improvements located at Block 311, Lots 15.01 and 15.02 also known as 455 and 457 Highland Avenue; and

WHEREAS, 455 Highland Avenue, LLC has submitted a Maintenance Bond #S0012692M, First Indemnity of America being the surety, in the amount of \$8,104.50; and

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

NOW, THEREFORE, BE IT IHEREBY RESOLVED, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at Block 311, Lots 15.01 and 15.02.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION #12-156

AUTHORIZING THE RELEASE OF A PERFORMANCE BOND POSTED BY CULTECH INC. FOR PUBLIC IMPROVEMENTS TO BLOCK 528.01, LOTS 46.06 AND 46.07 AND ACCEPTANCE OF THE MAINTENACE BOND IN THE AMOUNT OF \$9,768.42

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from Cultech, Inc. for the Improvements located at Block 528.01, Lots 46.06 and 46.07 also known as 3500 Hadley Road; and

WHEREAS, Cultech, Inc. has submitted a Maintenance Bond, in the amount of \$9,768.42; and

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

NOW, THEREFORE, BE IT IHEREBY RESOLVED, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at Block 528.01, Lots 46.06 and 46.07.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION #12-157

AUTHORIZING THE RELEASE OF A PERFORMANCE BOND POSTED BY WILKINS BUILDING, INC. FOR PUBLIC IMPROVEMENTS TO BLOCK 97, LOT 16 AND ACCEPTANCE OF THE MAINTENACE BOND IN THE AMOUNT OF \$1,626.00

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from Wilkins Building, Inc. for the Improvements located at Block 97, Lot 16 also known as West Golf Avenue, Wilkins Minor Subdivision; and

WHEREAS, Wilkins Building, Inc. has submitted a Maintenance Bond in the amount of \$1,626.00; and

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

NOW, THEREFORE, BE IT IHEREBY RESOLVED, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at Block 97, Lot 16.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-158

AUTHORIZING A WAIVER FOR A ZONING PERMIT FEE IN THE AMOUNT OF \$25.00 FOR A TOOL SHED FOR THE ST. STEPHEN LUTHERAN CHURCH PARSONAGE FOR CHARITABLE PURPOSES

BE IT RESOLVED, that a South Plainfield Life Scout for Troop 309 will be constructing a tool shed for the St. Stephen Lutheran Church Parsonage House and as such is requesting a waiver of the \$25.00 zoning permit fees required due to the charitable nature of the construction of said tool shed;

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of South Plainfield hereby authorizes the waiver of the \$25.00 zoning permit fee for the aforementioned project.

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

Municipal Clerk
 Chief Financial Officer
 Brian McCarthy – Life Scout for Troop 309
 John Pabst, Zoning Officer

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 12-159
 AUTHORIZING CONSENT FOR ACCESS TO THE UNITED STATES ENVIRONMENTAL
 PROTECTION AGENCY FOR ACCESS TO PROPERTY KNOWN AS CORNELL-DUBILIER
 ELECTRONICS SUPERFUND
 SITE ON SPICER AVENUE**

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of South Plainfield hereby consents to officers, employees, contractors, and authorized representative of the United States Environmental Protection Agency (U.S. EPA) entering and having access to the following locations: Block 335, Lot 8.01 and Block 334, Lot 7.01 in the Borough of South Plainfield for the following purposes:

- Installation and use of support trailers
- Storage of construction and excavation equipment
- Storage of roll-off containers and excavated soils
- Performing restoration activities related to the aforementioned activities

BE IT FURTHER RESOLVED the Borough Council of the Borough of South Plainfield hereby authorizes the Mayor and Municipal Clerk to execute the Consent for Access form;

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

Municipal Clerk
 Borough Administrator

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 12-160
 AUTHORIZING THE SEASONAL HIRING OF FRONT DESK CASHIER I AND AN ASSISTANT
 SWIM COACH FOR THE COMMUNITY POOL**

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, New Jersey that at the recommendation of the Director of Recreation that a Resolution be adopted adjusting the following people for seasonal work at the South Plainfield Community Pool Utility to replace coaches and front desk personnel not returning , and

Front Desk Cashier I 10.33/hr
 Rachel Alexa

Assistant Swim Coach \$2000.00
 Emily Piekarski

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

1. Mr. Kevin Hughes, Recreation Director
2. Glenn Cullen, Chief Financial Officer
3. Marie Dudek, Payroll

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 12-161
AUTHORIZING THE HIRING OF FRANK PASQUALE AS
RECREATION ATTENDANT**

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, New Jersey that at the recommendation of the Director of Recreation that a Resolution be adopted employing Frank Pasquale as a Recreation Attendant at the rate of \$11.65 / hour

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

- Mr. Kevin Hughes, Recreation Director
Glenn Cullen, Chief Financial Officer
Marie Dudek, Payroll

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 12-162
AUTHORIZING THE HIRING OF 2012 SUMMER PARKS PERSONNEL**

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, New Jersey that at the recommendation of the Director of Recreation that a Resolution be adopted employing the following people for seasonal work at the South Plainfield Recreation Department. Dates of hire are June 25, 2012 to July 27, 2012.

Weekly salaries based on 30 hours of work. Working fewer hours will result in lower pay.

Head Counselor(Teacher Cert. req) 22.43/hr

Senior Counselor II 12.34

Megan Boyle	Aimee Maiorino
Michael Kavka	Tim Moskal
Brian Murtagh	Lyndsey Murtagh
John Padavano	Alyssa Sutherland
Frank Wrublevski	

Senior Counselor 10.09/hr

Junior Counselor III 8.97/hr.

Jayne Bishop	
Christina Monticchio	

Catherine Krawiec	
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<u>Junior Counselor II 8.41/hr.</u>	<u>Junior Counselor I 8.02/hr</u>
Angela DeSantis	Ryan Temple
Shruti Patel	Dylan Dorey
Chris Seidenberg	Moriah Garcia
Frank Licato	Catherine Emery

Head Tennis Instructor 14.97/ hr.

Natalie Colucci

Assist. Tennis Instructor 10.81/hr.

Sean Piersanti

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

Mr. Kevin Hughes, Recreation Director
 Glenn Cullen, Chief Financial Officer
 Marie Dudek, Payroll

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 12-163
 AUTHORIZING A WAIVER OF A FIRE PERMIT FEE FOR THE LIONS CLUB TO COOK
 FOOD ON LABOR DAY**

BE IT RESOLVED, that South Plainfield Lions Club will be cooking food at the South Plainfield Middle School on Labor Day 2012 of which proceeds are to be used for charitable purposes and as such, they are requesting a waiver of the required fire permit fee;

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of South Plainfield hereby authorizes the waiver of the fire permit fee for the aforementioned event.

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

Municipal Clerk
 Chief Financial Officer
 Joseph A. Abbruzese, Fire Inspector

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION No. 12-164
RESOLUTION AUTHORIZING CONTRACT EXECUTION WITH PALMA
FOR SALE OF BLOCK 364, LOT 5, MEASURING 50' BY 100'
LOCATED ON DELMORE AVENUE FOR \$35,000.00

WHEREAS, the Governing Body of the Borough of South Plainfield is the owner of property known as Block 364, Lot 5 on the Tax Map of the Borough of South Plainfield, which is a vacant lot measuring 50' by 100' and located on Delmore Avenue; and

WHEREAS, the Governing Body has determined that such property is no longer needed for public purposes; and

WHEREAS, Filomeo and Ivana Palma, contiguous property owners, have expressed interest in purchasing said property, and the other contiguous property owner has declined to purchase same; and

WHEREAS, the Borough has had its appraiser provide an appraisal of the property, and has valued same at \$35,000.00; and

WHEREAS, the Borough and Filomeo and Ivana Palma have agreed to the sale and purchase at the price established by the appraiser;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the property known as Block 364, Lot 5 on the Tax Map of the Borough, measuring 50' by 100' and located on Delmore Avenue, is to be sold to Filomeo Palm and Ivana Palma for a price of \$35,000.00, and the Mayor and Borough Clerk are authorized to execute a contract for such sale.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-165
AUTHORIZING THE PURCHASE OF TWO K-9 DOGS AND K-9 EQUIPMENT FROM
BIRKENHOF KENNELS FOR AN AMOUNT NOT TO EXCEED \$17,500

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that based upon the Police Chief's recommendation it hereby authorizes the purchase of two K-9 dogs and K-9 equipment from Birkenhof Kennels for an Amount Not to Exceed \$17,500

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

Municipal Clerk
 Chief Financial Officer
 Chief of Police

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-165A
AUTHORIZING A BLOCK PARTY LOCATED ON EAST CRESCENT PARKWAY FROM
WOODLAND AVENUE TO OXFORD AVENUE REQUESTED BY MARY DeLAIR
FOR JULY 4, 2012 FROM 2PM TO 10 PM

WHEREAS, a request was made by Mary DeLair to hold a block party on Wednesday, July 4, 2012 on East Crescent Parkway from Woodland Avenue to Oxford Avenue from 2:00pm – 10:00pm; 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		x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak		x	x				
		VOTE:	6	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. Traffic Safety Advisory Commission Minutes – April, 2012
2. Board of Adjustment Minutes – May 15, 2012
3. Department of Environmental Protection Letter

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga	X		X				
Councilman Frank			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	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 **\$465,603.35**

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

Municipal Clerk
 Glenn Cullen, Chief Financial Officer
 Dotty Paradiso, Supervisor of Accounts

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:	6	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Attorney Rizzo – advised that the Sosa property had its closing this week.

Administrator/CFO Cullen – Advised that we are in receipt of the easement designs for Woodland Avenue and Oak Tree. They have been sent to our engineer for review. We are looking forward to evaluating this intersection.

Municipal Clerk Antonides – had no report this evening.

Councilman Frank – complimented the Memorial Day Parade Committee for a job well done. Councilman Frank further extended his compliments to our law enforcement for doing things to make this a better community.

Councilman Barletta - Councilman Barletta reminded everyone that the Feast of St. Antony is this weekend and encourages everyone to attend. It is an excellent fund raiser for the church and one of the only big events that they each year.

Councilman Bengivenga – reminded everyone of the car show July 8th and encouraged attendance. Councilman Bengivenga thanked the Mayor and Council for their support of implementing a K-9 unit.

Councilman McConville – said it was nice to see everyone at the Memorial Day Parade and thanked the Police Chief, Police Department and DPW for their assistance pertaining to a recent complaint about an abandoned house. The complainant responded back with appreciation for expediting their complaint.

Councilman White – commended the community for their excellent attendance at the Memorial Day Parade. The Scouts placed over 1800 flags on the graves of our fallen heroes. On another note, the community pool opened at 10:00 a.m. this past Saturday and was also well attended. To conclude, Councilman White noted many events that are forthcoming.

Council President Rusnak – reported that progress is being made with research efforts into seeking a way of changing our sewer rates to charge by usage. It is not likely this method would take effect for this year's billing, but may be for next year.

Mayor Anesh – advised that the finishing touches are being put on the revised bypass truck route and anticipates the application will be submitted to the DEP in the not so distant future.

PUBLIC COMMENTS

Ms. Debbie Boyle advised that next Friday, June 15, 2012 the South Plainfield PTO will be hosting a Relay for Life. The gates open at 7:00. The snack stand will be open, and a DJ will be present. There will be volley ball, face painting, tattoos, and much more. Everyone is encouraged to attend. Ms. Boyle concluded by advising that she and Cappi are still working on the digital sign.

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

At this time, 8:25 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 9:13 p.m. and advised that there are no matters that require action from the closed session meeting this evening. Without further comment, Mayor Anesh called for a motion to adjourn. Councilman Barletta made a motion to adjourn, seconded by Councilman White and unanimously carried. The meeting was adjourned at 9:13 p.m.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk