

**PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
MAY 15, 2012, 6:30 P.M.
SPECIAL PUBLIC MEETING**

CALL TO ORDER: In Mayor Anesh and Council President Rusnak’s absence, Councilman McConville called the meeting to order at 6:34 p.m. Councilman McConville read the sunshine statement and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met.

ROLL CALL WAS TAKEN BY THE MUNICIPAL CLERK:

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

FLAG SALUTE: was led by Councilman McConville and Councilman McConville led the invocation.

PUBLIC COMMENTS – AGENDA ITEMS ONLY: Councilman McConville opened the floor for public comments on Agenda items only. With no comments made, Councilman McConville closed the floor.

PUBLIC HEARING FOR RESOLUTION #12-128 – Councilman McConville opened the floor for public comment for Resolution #12-128 on this evening’s agenda. Mr. Donald Rinaldi, Esq., and Mr. Demetrios Koniarelis, the applicant, came forward. Mr. Rinaldi said he does not feel his client’s establishment will compete with Sal’s establishment as his client does not desire to sell packaged goods and has only eight seats at his food counter. Mr. Rinaldi said his client does not desire the kind of clientele that comes in drinks shots and hangs out all night. Mr. Rinaldi further stated that his client is not going to advertise package goods.

Borough Attorney Rizzo asked Mr. Koniarelis if he concurs with everything his attorney, Mr. Rinaldi, has stated. Mr. Koniarelis said yes and that he and his brother have spent a lot of money to renovate and fix the diner up for the purpose of having a restaurant establishment, but if a customer wanted to have a take out order of a burger and wants a six pack of beer, he said he would be inclined to entertain that, unless the Borough tells me otherwise.

Councilman Barletta stated that when Mr. Koniarelis and his brother applied for this transfer they were aware that there was a 2000 foot provision in our ordinance and that there was an establishment less than 2000’ feet from the location of their diner. Councilman Barletta asked where the placement of packaged goods would be placed in the diner if they were allowed to sell packaged goods. Mr. Koniarelis said he is uncertain, but would not wish to ruin the look or atmosphere of his restaurant. Councilman Barletta asked how he would feel about not having exterior banners advertising alcoholic beverages. At this time, Mr. Steve Koniarelis came forward and advised that maybe they would have a sign in the window, but really have not yet considered putting up any kind of signage. Mr. Steve Koniarelis said they would not be inclined to put up banners on the exterior and would be agreeable to that condition.

Mr. Sal Severino came forward to ask the Council to reiterate the restrictions they would place on this transfer. Councilman Bengivenga reviewed the three provisions: being A) They shall operate a family oriented restaurant and not a sports bar, lounge or nightclub, B) They shall not sell any packaged goods on the premises and C) ; They shall not post any exterior banner advertising alcoholic beverages

With no further comments from the public, Councilman McConville closed the floor.

RESOLUTION 2012-128

APPROVING APPLICATION FOR A PERSON TO PERSON AND A PLACE TO PLACE LIQUOR LICENSE TRANSFER FOR LICENSE NO. 1222-33-05-06 FROM STEAK AND ALE OF NEW JERSEY TO KONBROTHERS, INC.

WHEREAS, an Application was filed by Konbrothers, Inc., a New Jersey Corporation, for the Person to Person and Place to Place Transfer of the inactive Liquor License number 1222-33-05-06, previously held by Steak and Ale of New Jersey, Inc., to Konbrothers, Inc., and for the Place to Place and Person to Person Transfer of the same license to the Café Everest Diner, located at 2002 Park Avenue, South Plainfield, New Jersey; and

WHEREAS, pursuant to South Plainfield Borough Code 136-6, the Mayor and Council of the Borough may, after a hearing and upon review of the location and availability of other licensed establishments to persons living in and utilizing the facilities located in and around the proposed location and of general neighborhood characteristics and boundaries, determine that approval of the transfer shall not result in an undue crowding and concentration of licensed establishments, shall render a convenience and service to an extent not otherwise available to persons in the area of the proposed location and shall be consonant with and be an asset to the neighborhood, and upon making findings substantiating the foregoing, the Mayor and Council of the Borough of South Plainfield hereby waive and forgo the 2000 foot restriction pursuant to Code 136-6; and

WHEREAS, the Konbrothers, Inc. and the Borough of South Plainfield have stipulated to certain conditions of operation of said establishment being A) They shall operate a family oriented restaurant and not a sports bar, lounge or nightclub, B) They shall not sell any packaged goods on the premises and C) ; They shall not post any exterior banner advertising alcoholic beverages; and

WHEREAS, the aforesaid Application has been reviewed and found to be in proper form and deemed complete, and the license has been properly renewed for the current license term, and there being no objection to the relief sought therein having been filed in the Municipal Clerk's Office, and all requirements for the Person to Person and Place to Place transfer of the aforesaid license have been met by the applicant;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the South Plainfield Borough Governing Body does hereby approve, effective this date of May 15, 2012, the Place to Place and Person To Person Transfer of the aforesaid Plenary Retail Consumption License from its former location and owner Michelle H. Chow, Chapt. 7 Trustee for Steak and Ale of New Jersey, Inc. located at 4901 Stelton Road in South Plainfield, New Jersey 07080, to its new location and owner Konbrothers Inc. of 2002 Park Avenue, South Plainfield, New Jersey, 07080 and does hereby direct the Municipal Clerk to provide a copy of this Resolution to the Licensee and to the State of New Jersey Division of Alcoholic Beverage Control and the State of New Jersey Division of Taxation;

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:	4	0			
Mayor Anesh – TIE ONLY							

RESOLUTION #12-129

**AUTHORIZING RENEWAL OF A SHARED SERVICE CONTRACT BETWEEN THE
BOROUGH OF SOUTH PLAINFIELD AND COUNTY OF MIDDLESEX FOR PUBLIC HEALTH
SERVICES FOR 2012 IN THE AMOUNT OF \$107,047.98**

WHEREAS, the Borough of South Plainfield and the County of Middlesex previously entered into a Shared Services Agreement for the Middlesex County Health Dept. to provide Municipal Health Services of a technical and professional nature; and

WHEREAS, both the Borough and the County wish to extend this Shared Service Agreement for an additional one (1) year, January 1, 2012 through December 31, 2012; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that authorization is hereby given for the Mayor and Municipal Clerk to execute the Shared Services Agreement with Middlesex County to provide Municipal Health Services of a technical and professional nature for a one year (1) year period, January 1, 2012 through December 31, 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:	4	0			
Mayor Anesh – TIE ONLY							

CORRESPONDENCE – There was no correspondence this evening.

PUBLIC COMMENTS – Councilman McConville opened the floor for public comment. Ms. Darlene Pinto said that Councilman McConville did a fine job this evening filling in for Mayor Anesh. With no further comments, Councilman McConville closed the floor.

ADJOURNMENT

Without further comment, Councilman McConville called for a motion to adjourn. Councilman Bengivenga made a motion to adjourn, seconded by Councilman Barletta and unanimously carried. The meeting was adjourned at 6:54 p.m.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk