

SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
MAY 7, 2012, 7:00 P.M.
AGENDA MEETING

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:01 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.

REVIEW OF AGENDA ITEMS: Municipal Clerk Antonides reviewed all the items on the agenda for this evening and explained that two resolutions, #12-117 and #12-118 will not require a roll call vote as they are for Environmental Commission Appointments of which are Mayor's Appointments. Councilman Bengivenga questioned Resolution #12-122 and expressed concerns that the location does not meet with our 2000' provision contained in our Ordinance. Mr. Rizzo, Esq., explained that there is a provision within our Ordinance that enables the Governing Body to implement a waiver or exemption for liquor license locations that do not meet with the 2000' requirement, however, a public hearing would be required if the Governing Body wishes to exempt the applicant.

At this point Mayor Anesh invited the attorney and applicant for the proposed Liquor License Transfer pursuant to Resolution #12-122 forward. Mr. Donald Rinaldi, Esq., and applicant Mr. Demetrios Koniarelis came forward. Mr. Rinaldi, Esq. said that the other liquor license establishment that is less than 2000' from the location of his client's Park Avenue Diner is a small bar that does not provide food service whereas his client does not desire a bar, but to serve beer or wine to his patrons with their dinner and to maintain a family-like environment. The urgency of this is due to the purchase being made through bankruptcy court. Councilman Bengivenga said he feels that a formal public hearing should take place for this. Mr. Rinaldi, Esq. insisted that the public hearing can take place this evening and not have to wait until the next Council meeting. Councilman Barletta asked if we could put a condition on the Resolution approving this transfer that there will be no selling of packaged goods and there will be no bar. Mr. Koniarelis, the applicant, said he has no desire to sell packaged goods or to set-up a bar as he wishes to keep a family type of environment and just wants to offer alcoholic beverages to his patrons to enjoy with their dinner and further stated that "there is no way he is putting a bar in his restaurant".

Mayor Anesh asked if the other Liquor License owner, Sal, is available in the audience this evening. Not seeing him, the Council said they felt reluctant to hold such a public hearing this evening without hearing from the other liquor license owner who is located in less than 2000' from Mr. Koniarelis' Diner. Mayor Anesh agreed that if Mr. Rinaldi, Esq., and or Mr. Koniarelis can locate "Sal" and bring him to this meeting he will table the Resolution #12-122 until the end of our meeting this evening for possible consideration. At this time both Mr. Rinaldi, Esq., and Mr. Koniarelis left the meeting.

RESOLUTION #12-099: AUTHORIZING A EXECUTIVE SESSION – Mayor Anesh called for a motion to authorize an Executive Session this evening for a litigation matter pertaining to Durham Associates Tax Appeal, a contract matter pertaining to the community pool and a contract matter pertaining to COAH. Councilman White made a motion to approve this Resolution, seconded by Council President Rusnak and unanimously carried by an all in favor.

PUBLIC COMMENT: Mayor Anesh opened the floor for public comments. With no comments made, Mayor Anesh closed the floor.

ADJOURN AGENDA MEETING: With no further comments, Mayor Anesh called for a motion to adjourn from the Agenda Meeting. Councilman Bengivenga made a motion to adjourn from the Agenda Meeting at 7:27 p.m., seconded by Councilman McConville, and unanimously carried by an all in favor.

Respectfully Submitted By:

Amy Antonides, RMC/CMC
Municipal Clerk