

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
OCTOBER 1, 2012, 7:10 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:10 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		
Engineer Miller	x		

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

Mayor Anesh read both proclamations in full. Mayor Anesh called Nancy Grennier forward to present her with the Proclamation commemorating the 15th Anniversary of The South Plainfield Observer. Everyone extended a round of applause and photographs were taken.

Public Comment For Agenda Items Only:

Mayor Anesh opened the floor for public comment.

Mr. Paul McCullen expressed his concerns pertaining to Ordinance 1968 in that there may be wetlands and asked if the Council, in the future, can include a provision that protects the Borough in the event there arises wetland issues. Mr. Rizzo, Esq. said that this was a very unique situation and these concerns don't apply to this particular property sale.

Ms. Debbie Boyle advised UNICO will be hosting an event on October 8, 2012 at 9 a.m. in which the Mayor will be speaking.

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

Proclamation: Domestic Violence Awareness Month
Put Brakes on Fatalities
Italian Heritage & Culture Month
Buddy Walk Day

Mayor Anesh read all four aforementioned proclamations in full. Presentation for the Italian Heritage & Culture Month was made in which photographs were taken and a round of applause was made.

Approve Council Minutes: September 17, 2012 - Agenda
September 17, 2012 - Public
September 17, 2012 – Executive

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

ORDINANCE – FIRST READING BY TITLE was read by Clerk Antonides and the public hearing set for October 15, 2012 for the following ordinance:

ORDINANCE NO.1968

**AN ORDINANCE AMENDING ORDINANCE 1935 REGARDING
THE SALE OF SURPLUS MUNICIPAL PROPERTY.**

WHEREAS, the Mayor and Council of the Borough of South Plainfield previously determined that the right-of-way owned by the Borough and abutting Lot 4.01, Block 380 is not needed for public use and pursuant to Ordinance 1934 vacated the rights of the borough to said property; and

WHEREAS, the Mayor and Council enacted Ordinance 1935 on July 11, 2012 which provided, in part, that the property may be sold to the only contiguous property owner, Susan Krystopik, by private sale for \$12,500.00; and

WHEREAS, the Borough and Susan Krystopik entered into a contract for the sale at said price; and

WHEREAS, thereafter, Ms. Krystopik advised that as a result of the property being located in a wetlands transmission area, making nearly all the land unsuitable for development, she had incurred unexpected expenses in excess of \$5,000.00 and requested a reduction in the sale price; and

WHEREAS, the terms of the agreement with Ms. Krystopik entitled her to void the agreement, and the Borough being aware there were no other viable purchasers;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the sale price for sale of the property known as the right-of-way abutting Lot 4.01, Block 380 to Susan Krystopik be reduced from \$12,500.00 to \$8,000.00.

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

Introduction of Ordinance #1968: October 1, 2012

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS:

RESOLUTION #12-276

AUTHORIZING THE RELEASE OF PERFORMANCE AND SURETY BONDS POSTED BY GEM ESTATES, INC. FOR PUBLIC IMPROVEMENTS TO BLOCK 81, LOT 19 KNOWN AS 2518 WOODLAND AVENUE IN THE TOTAL AMOUNT OF \$86,588.40 AND ENGINEERING ESCROW IN THE AMOUNT OF \$5,195.30 OF WHICH APPLICANT CHANGED THEIR MIND AND CONSTRUCTION NEVER TOOK PLACE

WHEREAS, the Borough of South Plainfield is in possession of a Performance and Surety Bonds from Gem Estates, Inc. for the Improvements located at Block 81, Lot 19; and

WHEREAS, Gem Estates, Inc. has submitted a Performance and Surety Bond in the total amount of \$86,588.40 and has since changed their mind and construction never took place; and

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

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to release the aforementioned Bond held for the Public Improvements located at Block 81, Lot 19 as well as the engineering escrow in the amount of \$5,195.30.

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-277

AUTHORIZING THE APPOINTMENT OF KATHLEEN MURANO TO THE TRAFFIC SAFETY ADVISORY BOARD TO FILL THE UNEXPIRED TERM OF DENNIS SCALERA OF 12/31/2013

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

KATHLEEN MURANO

is hereby appointed to the South Plainfield Traffic Safety Advisory Board as a member at large.

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-278

AUTHORIZING THE WAIVER OF FIRE PERMIT FEE IN THE AMOUNT OF \$42.00 FOR ST. STEPHENS ORTHODOX CHURCH ANNUAL TRICKY TRAY TO BE HELD ON OCTOBER 20, 2012

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

authorization is hereby given to waive the Fire Permit fees for St. Stephens Orthodox Church for their annual Tricky Tray to be held on October 20, 2012.

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

RESOLUTION 12-279

AUTHORIZING AMENDMENT TO RESOLUTION 12-221 AND DIRECTING THE TAX COLLECTOR TO CANCEL THE MONIES LEVIED FOR THE FOURTH QUARTER OF THE YEAR 2011 IN THE AMOUNT OF \$1,396.46 AND TO REFUND MONIES IN THE AMOUNT OF \$55.17 TO MICHAEL & LINDA SALA OF 1530 CHESTNUT STREET WHO HAS QUALIFIED AS A 100% DISABLED VETERAN

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

WHEREAS, **Michael Sala** , who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A. 54:4-3.30, causing his property to be exempt from taxation at the local level commencing on **July 28, 2011** as verified by the Tax Assessor; and

WHEREAS, the Tax Bills for the four quarters of Calendar Year 2012 were generated from the 2011 Assessor’s Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with tax bills for 2012, while the property is correctly classified as being Tax Exempt for the same period;

WHEREAS, the Tax Collector erroneously refunded monies levied for the 2nd quarter of the year 2012 in the amount of \$1341.29 as cited in RESOLUTION 12-221;

WHEREAS, the Tax Collector should have cancelled & refunded monies for the 4th quarter 2011 in the amount of \$1396.46, and cancelled the monies levied for the 2nd quarter of the year 2012, thus presenting a balance still due to the owner of \$55.17;

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the fourth quarter of the year 2011 in the amount of **\$1396.46**; and

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to refund monies in the amount of **\$55.17**.

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-280

AUTHORIZING SEWER REFUND DUE TO AN OVERPAYMENT IN THE AMOUNT OF \$6,840.53 TO BIT HOLDINGS FIFTY-THREE INC. OF PARK AND OAK TREE ROADS

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

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

OWNER/ADDRESS

Block 222; Lot 1
 Account # 4118-73
 Bit Holdings Fifty-Three Inc.
 Park & Oak Tree
 South Plainfield, NJ 07080
\$6,840.53

TITLE COMPANY

Royal Abstract Corp of NJ
 Attn: David R. Gelbert, Esq.
 500 Fifth Avenue, Ste 1540
 New York, NY 10110

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Chief Financial Officer is hereby authorized to issue a check(s) in the amount(s) as mentioned above.

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

RESOLUTION 12-281

AUTHORIZING THE TAX COLLECTOR TO CANCEL MONIES LEVIED FOR THE 2ND QTR. OF 2012 AND REMAINING BALANCE OF 2012 IN THE TOTAL AMOUNT OF \$3,208.38 AND TO CANCEL MONIES LEVIED FOR THE 1ST AND 2ND QTR. OF 2013 IN THE TOTAL AMOUNT OF \$2,898.17 FOR FRANK RIVERS OF 136 MILDRED STREET WHO HAS QUALIFIED AS A 100% DISABLED VETERAN

WHEREAS, property known as Lot 12, in Township Block 106, more commonly known as 136 Mildred Street in South Plainfield, NJ is owned by Frank Rivers; and

WHEREAS Frank Rivers, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A. 54:4-3.30, causing his property to be exempt from taxation at the local level commencing on June 15, 2012 as verified by the Tax Assessor; and

WHEREAS the Tax Bills for the four quarters of Calendar Year 2012 were generated from the 2011 Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill for 2012, while the property is correctly classified as being Tax Exempt for the same period;

NOW THEREFORE BE IT RESOLVED that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 2nd quarter for the year 2012 in the amount of **\$235.27** and for the remaining balance of 2012 in the amount of **\$2,973.11**,

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 1st and 2nd quarters of 2013 in the amount of **\$2,898.17**, on the property known and designated as Lot **12**, in Borough Block **106**;

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION #12-282

AUTHORIZING THE RELEASE OF PERFORMANCE AND SURETY BOND POSTED BY RICA REALTY RENTAL GROUP, LLC FOR PUBLIC IMPROVEMENTS TO BLOCK 468, LOT 4 KNOWN AS 90 TYLER PLACE IN THE AMOUNT OF \$30,708.00, ENGINEERING ESCROW IN THE AMOUNT OF \$1,842.48 AND SEWER AVAILABILITY FEE OF \$3,000 OF WHICH APPLICANT CHANGED THEIR MIND AND CONSTRUCTION NEVER TOOK PLACE

WHEREAS, the Borough of South Plainfield is in possession of a Performance and Surety Bond from Rica Realty Rental Group, LLC for the Improvements located at Block 468, Lot 4; and

WHEREAS, Rica Realty Rental Group, LLC has submitted a Performance and Surety Bond in the total amount of \$30,708.00 and has since changed their mind and construction never took place; and

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

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to release the aforementioned Bonds held for the Public Improvements located at Block 468, Lot 4 as well as the engineering escrow in the amount of \$1,842.48 and the sewer availability fee in the amount of \$3,000.00.

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION NO. 2012-283

RESOLUTION AUTHORIZING AGREEMENT TO PERMIT A POOL WITHIN AN EASEMENT LOCATED AT 260 PERLE PLACE, OWNER OF PROPERTY KNOWN AS EVERETT LIPPEL.

WHEREAS, Everett Lippel is the owner of property known as 260 Pearl Place, South Plainfield, New Jersey; and

WHEREAS, Mr. Lippel has requested permission to erect an above ground pool on his property, which would be located within an easement held by the Borough; and

WHEREAS, the Borough has determined that the erection of the pool within its easement will not impede drainage or detrimentally effect any other purpose for the easement, and has no objection to the pool being constructed or remaining within the easement under the terms of an Agreement, a copy of which is attached hereto; and

WHEREAS, in accordance with the Agreement, if Mr. Lippel agrees that if, in the future, it is necessary for the pool to be removed, it will be removed at his expense,

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 Mayor of the Borough of South Plainfield is authorized to execute the attached agreement permitting Mr. Lippel to erect and maintain a pool at 260 Pearl Place, South Plainfield, New Jersey within the easement of the Borough conditioned upon the property owner agreeing to removal of said pool at his expense if same should be necessary in the future.

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 12-284

AUTHORIZING A SHARED SERVICE AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX AND THE BOROUGH OF SOUTH PLAINFIELD FOR RADIO NETWORK SERVICES AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE SAID AGREEMENT

WHEREAS Middlesex County has constructed a wireless voice and data communications network that provides a high degree of coverage throughout Middlesex County for the purpose of improving public safety and public service communications and interoperability; and

WHEREAS the Borough of South Plainfield desires the ability to use the MCRN for purposes that have been approved by the MCRN Administrator, and

WHEREAS nothing in the Agreement is intended to lessen the Borough of South Plainfield’s authority over responsibility for events occurring within its jurisdiction;

NOW, THEREFORE, BE IT RESOLOVED by the Borough Council of the Borough of South Plainfield that the Governing Body of the Borough of South Plainfield hereby authorizes the Mayor and Municipal Clerk to execute said Shared Serve Agreement.

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2012-285

AUTHORIZING THE STATE CONTRACT PURCHASE OF FIRE EQUIPMENT (CARBON WRAP CYLINDER AND VALVE) FROM NEW JERSEY FIRE EQUIPMENT IN AMOUNT NOT TO EXCEED \$3,919.50

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

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:11, any expenditure of public funds in excess of \$17,500 requires municipalities without a QPA to advertise for proposals for delivery of said goods or services; and

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:	5	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Borough Attorney Rizzo, Esq. – had no report for this evening.

Administrator Cullen – was absent this evening.

Engineer Miller – Mr. Miller reported that Fisher Contracting will begin the milling of the roads this Wednesday, depending on the weather.

Clerk Antonides – had no report for this evening.

Councilman Barletta – thanked the organizers and everyone involved with putting on the First Aid Comedy Show. Mr. Barletta said this show was one of the best yet and proved to be a fun night for everyone. Also Mr. Barletta congratulated the South Plainfield Police Department on their victory over the South Plainfield Fire Department during this recent event this past Saturday.

Councilman Frank – reported that the anti-idling signs are a big hit and we have agreed to start posting these signs starting with the back parking lot of the municipal building. They should be us in the very near future.

Councilman Bengivenga – also commented that the First Aid Comedy Show was excellent. Mr. Bengivenga advised that next Monday there will be a Columbus Day celebration and we are all looking forward to it. The Buddy Walk begins this Saturday at 11:00 a.m. at Putnam Park and everyone is encouraged to come out to support such a great cause. To conclude, Mr. Bengivenga advised that the Fire Department is the recipient of a \$2,500 grant for smoke alarm detectors.

Councilman White – advised that he recently attended the end of the year Scout event which was a real nice and exciting time to see the kids out enjoying themselves as they work hard to earn their badges. The Senior Picnic was also a good time to be had. The high school senior national honor roll students all helped out to paint the room at the senior center and to conclude, Mr. White encouraged everyone to come out this Saturday to support the Tigers football game.

Councilman McConville – was absent this evening.

Council President Rusnak – reported that the tax bills were mailed out last week and the next payment coming due is for November 1st. Our contact information is on the tax bills if anyone has any questions. Mr. Rusnak said that at the last meeting we had some residents who expressed their concerns regarding some property maintenance issues they were experiencing with a home on their street. Since then we were able to make contact with the bank who sent someone out right away to clean up the property. They did promise to keep up with it. To conclude, Mr. Rusnak said he believes the new K-9 dogs will be introduced at our next Council meeting. Chief Parker, who was in the audience, confirmed that they may be ready to announce the names of the dogs at the next meeting and acknowledge the students who picked out the names.

Mayor Anesh – reported that October 3rd is walk to school day. The rain date will be the October 4th. The second annual health fair will be held on October 13th at the Senior Center and everyone is encouraged to come out. There will be free flu shots given out to the first 75 residents. Mayor Anesh concluded by advising that he will be attending a Mayor's Roundtable Meeting at the Governor's mansion and if anyone has any concerns or issues that they would like to have expressed at this meeting to let him know.

COMMENTS FROM THE PUBLIC:

Ms. Pat DeSantis expressed her appreciation to the Council with helping the residents on Beverly Place with the property maintenance issues that they are experiencing with one of the homes on their street. It was a job well done by the Council seeing how expeditiously it was taken care of.

Ms. Debbie Boyle said that maybe during the Mayor's Health Fair the K-9 dogs may be able to stop by. During this fair the PBA will be doing fingerprints for children and we will kick off our own Biggest Loser contest. Friday, October 12th will be the Taste of South Plainfield and tickets are still on sale. Everyone is encouraged to come out and support their local businesses. The proceeds go toward

high school scholarships. Speaking of the high school, since October is Breast Cancer Awareness Month, the high school students have been given pink shoelaces.

Nancy Grennier advised that tickets are on sale for Taste of South Plainfield. October 17th will be the annual local debates in which everyone is invited to attend. Also meet the candidates for the school board is forthcoming. To conclude, the South Plainfield Business Association will be sponsoring a food drive at the entrance to the polling places during the November election.

With no further comments from the public, Mayor Anesh closed the floor. At this time, 8:14 p.m., Mayor Anesh advised that they will be going into Executive Session and everyone is welcome to stay for their return back into public session.

ADJOURNMENT

The Mayor and Borough Council reconvened back into public session at 8:02 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 White made a motion to adjourn, seconded by Council President Rusnak and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk