

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
JANUARY 5, 2013, 11:00 A.M.  
REORGANIZATION MEETING**

**CALL TO ORDER:** Mayor Anesh called the meeting to order at 11:00 a.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:

<b>COUNCIL</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>
<b>Councilman Barletta</b>	x		
<b>Councilman Bengivenga</b>	x		
<b>Councilman Frank</b>	x		
<b>Councilman McConville</b>	x		
<b>Councilman White</b>	x		
<b>Council President Rusnak</b>	x		
<b>Mayor Anesh</b>	x		
<b>ALSO PRESENT</b>			
<b>Administrator Cullen</b>	x		
<b>Clerk Antonides</b>	x		
<b>Attorney Rizzo</b>	x		
<b>Engineer Miller</b>	x		
<b>Councilman Elect Diana</b>	x		

Mayor Anesh called for a moment of silence in remembrance of the students of Sandy Hook Elementary School in Connecticut.

Mayor Anesh led the salute to the flag.

Signing of the National Anthem was conducted by Ms. Taylor Kurilew followed by the invocation administered by Reverend Charles Mingle.

Honorable Assemblyman Patrick Diegnan, Jr. stepped forward to administer the Oath of Office to Councilman Elect Christopher "C.J." Diana while his wife held the Bible. Everyone extended a round of applause and photographs were taken by local media and/or members of the public.

Assemblyman Diegnan thanked C.J. for giving him the opportunity and honor today to swear him into office. Mr. Diegnan said he has advised C.J. over the past week that he is about to assume the highest roll that anyone can take in a democracy; the roll of public servant. It is a pleasure that the Lt. Governor is here with us today because over the past few months we have seen how partisanship can be put aside for the greater good. Our Governor has a tremendous job working with the President; working on both sides of the aisle to do what's best for the citizens of the State of New Jersey. Assemblyman Diegnan concluded by wishing both C.J. and Robert the best.

The Honorable Lieutenant Governor Kim Guadagno stepped forward at this time to administer the Oath of Office to the incumbent Councilman, Robert Bengivenga, Jr. while his parents, sister, and niece held the Bible. Everyone extended a round of applause and photographs were taken by local media and/or members of the public.

Lt. Governor Guadagno said the importance of the Borough of South Plainfield in the State of New Jersey is evidenced by the number of dignitaries that are here today in the audience. You have former Governors, you have Assemblymen, you have Senators, you have political party leaders, you have elected public leaders, and you have school board leaders and members. It is very important to the State of New Jersey to watch what happens here in South Plainfield. Lt. Governor Guadagno said it is not the first time she has been to South Plainfield as she said she has had the opportunity to attend many business meetings with Mayor Anesh. South Plainfield has an exemplary record of attracting businesses here and is an example for the rest of the State of New Jersey. Lt. Guadagno said the people in South Plainfield have taught her that they do things for one reason and that is for the good of the Borough of South Plainfield and she said she doesn't think you could ask for anything more than that from your elected public officials. We are reminded today by a phrase in the Oath of Office that says "by the authority of the people"...and that is a phrase that means under the authority of all of you, here in South Plainfield. We are here today to have your Councilman (with humor noting no women) be reminded that their Oath is for them to do unto the people, meaning the people that elected you to public office. Lt. Guadagno concluded by thanking South Plainfield for having her here to administer the Oath of Office and bestowed congratulations to the Governing Body for all the good work they have done during 2012, saying from a personal standpoint (being a resident of the shore area) she is happy to close the door on 2012. Lt. Guadagno said she looks upon 2013 as a year of opportunity and hopes that South Plainfield sees it that way also. Congratulations to the newly elected Councilman Diana and Congratulations to the reelected Councilman Robert Bengivenga, Jr.

Mayor Anesh asked if outgoing Councilman Richard “Dick” Frank wished to say a few words.

Councilman Frank thanked the Governing Body and all the residents of South Plainfield for his term of office saying that it was a real privilege for him to serve the people and stated how proud he was of having served as a Councilman for South Plainfield. It was a unique experience. We have a terrific town. We do work hard and we are an example to the rest of the County. The people here today are all an example of a free election. We come out and we choose our leaders. Councilman Frank said he has served in countries where you couldn’t do that and has seen the horror of people trying to get out from the iron curtains, not having this opportunity. Sometimes he wonders if we do take it all seriously enough. Of course you all do as you are here today and he applauds the audience for that. Being Councilman was one of the most important things in his life especially working with this administration and Council. Councilman Frank said that Mayor Anesh, in his opinion, is an exemplary Mayor who does a tremendous job and as for the rest of the Councilmembers here, he is proud to serve with these men because he knows how they feel and how they think; it is always for the people of South Plainfield and not for the politics. He would like to pass down to the newly elected Councilman Diana to always remember the people before the politics and he will be successful. That is something to cherish. Councilman Frank said he is passionate about that right. Councilman Frank went on to compliment the all emergency services, the DPW, and employees of the town. We have an administrator, Glenn Cullen, who does so many extras, can make quick decisions and gets things done, as evidenced by the recent storm clean-up. Councilman Frank said he is glad to have been a part of this Governing Body. To conclude, Councilman Frank said he is not going away and will continue to serve any way he can. One more thing for newly elected Councilman Diana, always let your conscience be your guide. You will get pushed and pulled no doubt, but as long as you put the people before the politics these people will be behind you 100%.

Mayor Anesh called for a motion to adjourn the 2012 Council. Councilman Barletta made a motion to adjourn from the 2012 Council at 11:30 a.m., seconded by Councilman White, and unanimously carried.

Mayor Anesh called for a brief recess at 11:30 a.m. before calling the 2013 Council to order.

Mayor Anesh called the 2013 Council to order at 11:35 a.m.

The roll call was administered by Clerk Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman Barletta	x		
Councilman Bengivenga	x		
Councilman Diana	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		
Engineer Miller	x		

Mayor Anesh presented 2012 outgoing Councilman Richard “Dick” Frank with a plaque. Former Councilman Frank thanked the Mayor and Council. Everyone extended a round of applause and photographs were taken by local media and/or members of the public.

#### **RESOLUTION # 13-01 AUTHORIZING THE APPOINTMENT OF BOROUGH ATTORNEY**

**WHEREAS** there exists a need for certain legal services for the Borough of South Plainfield for the year 2013, and

**WHEREAS** the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq) requires that the resolution authorizing the award of the contracts for "Professional Services" without competitive bidding must be publicly advertised; and

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer, P.C., 15 Mountain Boulevard, Warren, New Jersey 07059
2. This contract is awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. Payment will be based on an hourly rate of \$135.00 and health benefits will not be provided as part of the compensation for the position of Borough Attorney.

4. A copy of this resolution shall be published in The Observer as required by law within ten days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk

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

**RESOLUTION # 13-02**  
**AUTHORIZING THE NOMINATION OF THE 2013 COUNCIL PRESIDENT**

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT: “**Raymond Rusnak**”  
is hereby appointed Borough Council President for the year 2013.

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

- Amy Antonides, Municipal Clerk

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

**2013 COUNCIL COMMITTEE ASSIGNMENTS**

By the authority of the 2013 By-Laws of the Borough of South Plainfield, Council President Ray Rusnak hereby makes the following Committee assignments for 2013:

**ADMINISTRATION, FINANCE & PUBLIC INFORMATION**

Chairman: Council President Ray Rusnak

Committee Members: Councilmen: Alex Barletta and Rob Bengivenga

**PUBLIC WORKS**

Chairman: Tim McConville

Committee Members: Councilmen: C.J. Diana and Ray Rusnak

**ECONOMIC DEVELOPMENT**

Chairman: Alex Barletta

Committee Members: Councilmen: Tim McConville and C.J. Diana

**HEALTH, WELFARE & ENVIRONMENT**

Chairman: C.J. Diana

Committee Members: Councilmen: Alex Barletta and Derryck White

**PUBLIC SAFETY**

Chairman: Rob Bengivenga

Committee Members: Councilmen: Derryck White and Ray Rusnak

## **RECREATION**

Chairwoman: Derryck White

Committee Members: Councilmen: Tim McConville and Rob Bengivenga

**MAYOR'S ANNUAL MESSAGE** – At this time Mayor Anesh read his annual message in full. Please contact the Municipal Clerk's office or refer to our 2013 website for a full copy of Mayor Anesh's four page annual message.

### **RESOLUTION # 13-03 AUTHORIZING MAYORAL APPOINTMENTS FOR 2013**

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

<b>2013 APPOINTMENT</b>	<b>BOARD</b>	<b>POSITION</b>	<b>TERM EXPIRES</b>
<b>John Koelble</b>	Environmental Commission	Member	12/31/2015
<b>Jennifer Bechtoldt</b>	Housing & Community Development	Mayor's Representative	12/31/2013
<b>Melissa Katsingris</b>	Library Board	Mayor's Representative	12/31/2013
<b>Michael Pellegrino</b>	Planning Board	Class II	12/31/2013
<b>Jack Pederson</b>	Planning Board	Class IV	12/31/2015
<b>Joseph Wolak</b>	Planning Board	Alternate I	12/31/2013
<b>Christopher Colucci</b>	Recreation Commission	PAL Liaison	12/31/2013
<b>Calvin Gross</b>	Recreation Commission	Member	12/31/2017
<b>Michael Alvarez</b>	Recreation Commission	Member	12/31/2017
<b>Robert Bengivenga, Jr.</b>	Middlesex County TCC	Mayor's Representative	12/31/2013

is hereby appointed Borough Council President for the year 2013.

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

- Amy Antonides, Municipal Clerk

*(NO VOTE TAKEN FOR MAYORAL APPOINTMENTS)*

Former Governor Donald DiFrancesco administered the Oath of Office for all appointees present. Everyone extended a round of applause and photographs were taken by local media and/or members of the public.

### **RESOLUTION # 13-04 AUTHORIZING COUNCIL APPOINTMENTS FOR 2013**

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

<b>2013 APPOINTMENT</b>	<b>BOARD</b>	<b>POSITION</b>	<b>TERM EXPIRES</b>
<b>Dick Frank</b>	Affordable Housing	Member	12/31/2016
<b>Stephanie Bartfalvi</b>	Affordable Housing	Member	12/31/2016
<b>Glenn Cullen</b>	Affordable Housing	Member	12/31/2016
<b>Raymond Rusnak</b>	Board of Education Liaison	Council Liaison	12/31/2013
<b>Alex Barletta</b>	Business Advisory Group	Council Liaison	12/31/2013
<b>John Pabst</b>	Business Advisory Group	Zoning Representative	12/31/2013
<b>T&amp;M Associates</b>	Business Advisory Group	Engineering Rep.	12/31/2013
<b>Debbie Leporino</b>	Business Advisory Group	Member	12/31/2015
<b>Jack Pederson</b>	Business Advisory Group	Member	12/31/2015
<b>Nancy Grennier</b>	Business Advisory Group	Member	12/31/2015
<b>Marjorie Reedy</b>	Business Advisory Group	Member	12/31/2015
<b>C.J. Diana</b>	Environmental Commission	Council Liaison	12/31/2013
<b>C.J. Diana</b>	Greenbrook Flood Control Comm.	Class III	12/31/2013
<b>Robert Bengivenga</b>	Greenbrook Flood Control Comm.	Alt. I Council Rep.	12/31/2013
<b>T&amp;M Associates</b>	Greenbrook Flood Control Comm.	Alt. II Engineer	12/31/2013
<b>Dr. Alice Temple</b>	Greenbrook Flood Control Comm.	Member	12/31/2013
<b>C.J. Diana</b>	Health Advisory Board	Council Liaison	12/31/2013
<b>Robert Bengivenga, Jr.</b>	Housing & Community Dev.	Council's Rep.	12/31/2013

<b>Derryck White</b>	Office on Aging Advisory Board	Council Liaison	12/31/2013
<b>Wally Schuff</b>	Office on Aging Advisory Board	Member	12/31/2015
<b>Dick Frank</b>	Office on Aging Advisory Board	Member	12/31/2015
<b>Alex Barletta</b>	Planning Board	Class III-Council Liaison	12/31/2013
<b>Derryck White</b>	Public Celebrations	Council Liaison	12/31/2013
<b>Raymond Rusnak</b>	Shared Services Committee	Council Liaison	12/31/2013
<b>Robert Bengivenga, Jr.</b>	Shared Services Committee	Council Liaison	12/31/2013
<b>Robert Bengivenga, Jr.</b>	Traffic Safety Advisory Commission	Council Liaison	12/31/2013
<b>Robert Bengivenga, Jr.</b>	Youth Guidance Council	Council Liaison-Public Safety	12/31/2013
<b>Derryck White</b>	Youth Guidance Council	Council Liaison-Recreation	12/31/2013

is hereby appointed Borough Council President for the year 2013.

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

- Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

Former Governor Donald DiFrancesco administered the Oath of Office for all appointees present. Everyone extended a round of applause and photographs were taken by local media and/or members of the public.

Mayor Anesh read a proclamation in full honoring Mr. Peter Richkus for 30 year of volunteerism to the Traffic Safety Advisory Commission. Everyone extended a round of applause and photographs were taken by local media and/or members of the public.

**RESOLUTION # 13-05  
AUTHORIZING MAYORAL APPOINTMENTS  
WITH ADVISE AND CONSENT OF COUNCIL FOR 2013**

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

2013 APPOINTMENT	BOARD	POSITION	TERM EXPIRES
<b>Mark Abramson</b>	Cultural Arts Commission	Member	12/31/2015
<b>Pamela Stefanek</b>	Cultural Arts Commission	Member	12/31/2015
<b>Marian Weber</b>	Cultural Arts Commission	Member	12/31/2015
<b>Diane Stayvas</b>	Health Advisory Board	Member	12/31/2015
<b>Walter Kalman</b>	Health Advisory Board	Member	12/31/2015
<b>Dr. Anthony Loomis</b>	Health Advisory Board	Member	12/31/2015
<b>Gale Curran</b>	Housing & Community Develp.	Member	12/31/2015
<b>Dick Frank</b>	Housing & Community Develp.	Member	12/31/2015
<b>Darlene Cullen</b>	Library Board	Member	12/31/2017
<b>Annemarie Stoeckel</b>	Library Board	Board of Ed Member	12/31/2013
<b>Victoria Ferrara</b>	Mayor's Wellness	Member	12/31/2016
<b>Joseph DeAndrea</b>	Property Board of Appeals	Member	12/31/2016
<b>Dominic Demico, Jr.</b>	Property Board of Appeals	Member	12/31/2016
<b>John Sorrentino</b>	Public Celebrations	Member	12/31/2015
<b>Debbie Boyle</b>	Public Celebrations	Member	12/31/2015
<b>Pat DeSantis</b>	Public Celebrations	Member	12/31/2015
<b>Robert Capparelli</b>	Traffic Safety Advisory Comm.	Public Works Rep.	12/31/2013
<b>Lt. Kevin Murtagh</b>	Traffic Safety Advisory Comm.	Police Dept. Rep.	12/31/2013
<b>Peter Richkus</b>	Traffic Safety Advisory Comm.	Member	12/31/2015
<b>Cathy Feeney</b>	Traffic Safety Advisory Comm.	Member	12/31/2015
<b>Robert Hughes</b>	Zoning Board of Adjustment	Alternate I	12/31/2014
<b>Lloyd McNelly</b>	Youth Guidance Council	Police Rep.	12/31/2013

is hereby appointed Borough Council President for the year 2013.

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

- Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga		X	X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak	X		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

Former Governor Donald DiFrancesco administered the Oath of Office for all appointees present. Everyone extended a round of applause and photographs were taken by local media and/or members of the public.

### **RESOLUTION # 13-06 AUTHORIZING THE APPOINTMENT OF BOROUGH PROSECUTORS**

**WHEREAS**, in conformance with public laws of the state of New Jersey, 1996, c.95, sect. 14, **THOMAS LANZA, ESQ and PAUL GARELICK, ESQ.,** attorneys at law of the State of New Jersey, are hereby appointed **MUNICIPAL PROSECUTORS** for calendar year 2013 under the supervision of the Attorney General or the County Prosecutor who may represent the State, County or Municipality in any matter within the jurisdiction of the Central Municipal Court or any other Municipal Court:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with Thomas Lanza, Esq., 2416 Plainfield Avenue, South Plainfield, NJ 07080 and Paul Garelick, Esq., 1862 Oak Tree Road, Edison, NJ 08820 to provide Prosecutorial services for calendar year 2013.
2. This contract is awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. Salary for this position is determined in the Salary Ordinance. Health Benefit coverage will not be provided as part of the compensation package for the position of Municipal Prosecutor.
4. A copy of this resolution shall be published in The Observer as required by law within ten days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Municipal Court Administrator
- Thomas Lanza, Esq.
- Paul Garelick, Esq.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

### **RESOLUTION # 13-07 AUTHORIZING THE APPOINTMENT OF CONFLICT PUBLIC DEFENDER**

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

- The Mayor and Municipal Clerk are hereby authorized to execute an agreement with
- Marcia L. Silva to provide Conflict Public Defender services for calendar year 2013.

- This contract is awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
- Salary for this position is an annual prorated salary of \$8,580.00. Health Benefit coverage will not be provided as part of the compensation package for the position of Municipal Conflict Public Defender.
- A copy of this resolution shall be published in The Observer as required by law within ten days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Municipal Court Administrator
- Marcia L. Silva, Esq.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mavor Anesh – TIE ONLY							

**RESOLUTION # 13-07A**  
**AUTHORIZING THE APPOINTMENT OF PUBLIC DEFENDER**

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

- The Mayor and Municipal Clerk are hereby authorized to execute an agreement with
  - Edward Santoro to provide Public Defender services for calendar year 2013.
  - This contract is awarded pursuant to a fair and open process in accordance with N.J.S.A.19:44A-20.4 et seq.
- Salary for this position is an annual pursuant to the salary ordinance and shall be identical to the salary received during 2012. Health Benefit coverage will not be provided as part of the compensation package for the position of Municipal Public Defender.
- A copy of this resolution shall be published in The Observer as required by law within ten days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Municipal Court Administrator
- Edward Santoro, Esq.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mavor Anesh – TIE ONLY							

**RESOLUTION # 13-08**  
**AUTHORIZING APPOINTMENT OF BOROUGH AUDITOR**

**WHEREAS** there exists a need for the services of a Registered Municipal Auditor to conduct an audit of the Borough of South Plainfield, and

**WHEREAS** the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of the contracts as “Professional Services” without competitive bidding must be publicly advertised:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

The Mayor and Municipal Clerk are hereby authorized to execute an agreement with Suplee, Clooney and Company, 308 E. Broad Street, Westfield, NJ 07090, for the period January 1, 2013 through December 31, 2013. The cost shall be the fees indicated in the company's proposal submission of \$61,475.00 with additional services based on variable hourly rates per the proposal and health benefits will not be provided as part of the compensation for the position.

1. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
2. A copy of this resolution shall be published in The Observer as required by Law within ten (10) days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Suplee, Clooney and Company

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-09**  
**AUTHORIZING APPOINTMENT OF BOROUGH APPRAISERS**

**WHEREAS** the Borough of South Plainfield requires the services of a licensed appraisal company for the year 2013; and

**WHEREAS** the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of the contracts as "Professional Services" without competitive bidding must be publicly advertised:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. This Mayor and Municipal Clerk are hereby authorized to execute an agreement with Sterling, DiSanto and Associates, as well as Sockler Realty Services Group Inc.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. The cost shall be the fees indicated in the company's proposal submission of \$130.00 per hour for Sterling, DiSanto and Associates and \$135.00 per hour for Sockler Realty Services Group Inc. with other variable hourly rates pursuant to their proposal and health benefits will not be provided as part of the compensation for the position for either appraiser.
4. A copy of this resolution shall be published in The Observer as required by law within ten (10) days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Sterling DiSanto and Associates
- Sockler Realty Services Group Inc.



COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-10**  
**AUTHORIZING THE APPOINTMENT OF CONDEMNATION COUNSEL**

**WHEREAS**, there exists a need for certain legal services dealing with Condemnation for the year 2013, and

**WHEREAS**, the Local Public Contract Law (N.J.S.A. 40A:11-1 et.seq) requires that the resolution authorizing the award of the contracts for "Professional Services" without competitive bidding must be publicly advertised; and

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with the legal firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer, P.C. to provide legal services as Condemnation Counsel for the Borough for the year 2013, expiring December 31, 2013.
2. This contract is awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. The cost shall be the fees indicated in the company's proposal submission of \$140.00 per hour and health benefits will not be provided as part of the compensation for the position.
4. A copy of this resolution shall be published in The Observer as required by law within ten days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer, P.C.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-11**  
**AUTHORIZING THE APPOINTMENT OF REDEVELOPMENT ATTORNEY**

**WHEREAS**, there exists a need for certain legal services dealing with Redevelopment for the year 2013, and

**WHEREAS**, the Local Public Contract Law (N.J.S.A. 40A:11-1 et.seq) requires that the resolution authorizing the award of the contracts for "Professional Services" without competitive bidding must be publicly advertised; and

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with the legal firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer, P.C. to provide legal services as Redevelopment Attorney for the Borough for the year 2013, expiring December 31, 2013.
2. This contract is awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.

3. The cost shall be the fees indicated in the company's proposal submission of \$140.00 per hour and health benefits will not be provided as part of the compensation for the position.
4. A copy of this resolution shall be published in The Observer as required by law within ten days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer, P.C.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-12**  
**AUTHORIZING APPOINTMENT OF BOROUGH BOND COUNSEL**

**WHEREAS**, there exists a need for the services of Bond Counsel for the Borough of South Plainfield for CY2013, and

**WHEREAS**, the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq) requires that the resolution authorizing the award of the contracts for "Professional Services" without competitive bidding must be publicly advertised.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with McManimon and Scotland, 1037 Raymond Boulevard, Suite 400, Newark, NJ 07102 for CY2013 at the fees indicated in the company's proposal submission which are all variable hourly rates contingent upon the assignment at hand. Please refer to the proposal for the variable rates. Amount not to exceed \$60,000.00 without Council's authorization.
2. This contract is awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. Health Benefits will not be provided as part of the compensation for the position of Bond Counsel.
4. A copy of this resolution shall be published in The Observer as required by law within ten days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- McManimon and Scotland

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-13**  
**AUTHORIZING THE APPOINTMENT OF INSURANCE BROKER**

**WHEREAS** the Borough of South Plainfield in need of retaining an insurance brokerage and consulting firm that will handle the implementation of the employee benefits as well as negotiation with the various benefit providers for the year 2013; and

**WHEREAS** the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of the contracts as “Professional Services” without competitive bidding must be publicly advertised:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with Insurance Buyers’ Council, Inc., 97220 Greenside Drive, Suite 1E, Cockeysville, MD 21030
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. The contract amount shall not exceed \$38,750.00 or the fees indicated in the company’s proposal submission for 2013 and health benefits will not be provided as part of the compensation package for this position.
4. A copy of this resolution shall be published in The Observer as required by law within ten (10) days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Insurance Buyers’ Council, Inc.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-14**  
**AUTHORIZING APPOINTMENT OF BOROUGH ENGINEER**

**WHEREAS** the Borough of South Plainfield in need of retaining an engineering firm to act as Borough Engineer for the year 2013; and

**WHEREAS** the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of the contracts as “Professional Services” without competitive bidding must be publicly advertised:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with T & M Associates, 11 Tindall Road, Middletown, NJ 07748, for calendar year 2013.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. The fee schedule for Engineering Services is attached to the proposal submission for 2013 and shall not exceed \$250,000.00 in total expenses
4. A copy of this resolution shall be published in The Observer as required by law within ten (10) days of its passage.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- T&M Associates

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-15 – PULLED RESOLUTION FROM AGENDA**

**RESOLUTION # 13-16**  
**AUTHORIZING APPOINTMENT OF BOROUGH PLANNER**

**WHEREAS** the Borough of South Plainfield in need of retaining a professional planner to review land use and land development, preparation of master plan, housing element and fair share plan for the year 2013; and

**WHEREAS** the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of the contracts as “Professional Services” without competitive bidding must be publicly advertised:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with T & M Associates, 11 Tindall Road, Middletown, NJ 07748 to provide Planner services, for calendar year 2013 at the fees established in the company's proposal submission); The cost be part of the total engineering cost and shall not exceed \$250,000.00.
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. A copy of this resolution shall be published in The Observer as required by law within ten (10) days of its passage.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-17**  
**AUTHORIZING THE APPOINTMENT OF TAX SEARCH OFFICER**

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

*Kimberly Clifford*

is hereby appointed Tax Search Officer for the year 2013

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Kimberly Clifford, Tax Search Officer

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville	X		X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mavor Anesh – TIE ONLY							

**Mayor Anesh – TIE ONLY**

**RESOLUTION # 13-18**  
**AUTHORIZING APPOINTMENT OF PUBLIC AGENCY COMPLIANCE OFFICER**

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

**PAUL RIZZO, ESQ.** of the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer, P.C.

is hereby appointed as the Public Agency Compliance Officer for the Borough of South Plainfield for the year 2013

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Paul Rizzo, Esq.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville	X		X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**BY - LAWS**  
**OF THE BOROUGH OF SOUTH PLAINFIELD**  
**RESOLUTION 13-19**  
**FOR THE YEAR 2013**

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk

(A full copy of the By-Laws are available to the public at no charge by request to the Municipal Clerk)

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville	X		X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-20**  
**AUTHORIZING THE CHECK SIGNERS FOR**  
**THE BOROUGH OF SOUTH PLAINFIELD**

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

the following individuals are hereby authorized to sign checks or withdrawal slips where a combination of three (3) principal signatures are required:

**MAYOR, MUNICIPAL CLERK and CHIEF FINANCIAL OFFICER**

**BE IT FURTHER RESOLVED** that the signature cards with the signatures of said individuals authorized to sign be forwarded to all bank depositories.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville	X		X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-21**  
**AUTHORIZING THE 2013 OFFICIAL NEWSPAPERS**

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

the following be and are hereby officially declared to be the official newspapers for the purpose of publishing official advertisements for the Borough of South Plainfield:

***THE OBSERVER, THE STAR LEDGER and THE COURIER NEWS***

**BE IT FURTHER RESOLVED** that the listing of said newspaper herein shall not preclude additional advertising in other newspapers not eligible for declaration as official newspapers.

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

- Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville	X		X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-22**  
**ESTABLISHING THE BOROUGH HOLIDAYS FOR 2013**

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

the calendar of employee holidays for the year 2013 be adopted as follows:

January 1, 2013	Tuesday	New Year's Day
January 21, 2013	Monday	Martin Luther King
February 12, 2013	Tuesday	Lincoln's Birthday
February 18, 2013	Monday	President's Day
March 29, 2013	Friday	Good Friday
May 27, 2013	Monday	Memorial Day
July 4, 2013	Thursday	Independence Day
September 2, 2013	Monday	Labor Day (Except Police Officers)
October 14, 2013	Monday	Columbus Day
November 5, 2013	Tuesday	Election Day (Police Only)
November 11, 2013	Monday	Veteran's Day
November 28, 2013	Thursday	Thanksgiving Day
November 29, 2013	Friday	Day After Thanksgiving (Per Contracts)
December 25, 2013	Wednesday	Christmas Day

**BE IT FURTHER RESOLVED** that should the approved holidays be changed due to contract negotiations, this schedule will be adjusted accordingly; and

**BE IT FURTHER RESOLVED** that any day designated by the Governor of the State of New Jersey or the President of the United States be also designated a holiday. Those holidays falling on Saturday shall be observed on Friday and those holidays falling on Sunday shall be observed on Monday.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville	X		X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 13-23**  
**AUTHORIZING THE FIX RATES OF INTEREST ON TAXES AND SEWERS**  
**IN THE BOROUGH OF SOUTH PLAINFIELD**

**WHEREAS**, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for the non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes and assessments provided by law; and

**WHEREAS**, N.J.S.A. 54:4-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500 of the delinquency and 18% per annum on any amount in excess of \$1,500 and allows an additional penalty of 6% be collected against a delinquency in excess of \$10,000 on properties that fail to pay the delinquency prior to the end of the fiscal year; and

**WHEREAS**, N.J.S.A. 40A:14b-41 permits the rate of interest for delinquent charges or payments on the Sewer Utility be 1 ½% per month on any amount provided, however, that a grace period of 10 calendar days from the due date is hereby granted and provided further, that if such installment is not made within 10 days of the due date then interest shall be charged from the original due date; and

**WHEREAS**, “delinquency” means the sum of all taxes and other municipal charges due on a given parcel of property covering any number of quarters or years.

**NOW THEREFORE BE IT RESOLVED** on the 7th day of January, 2013, that:

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500 of taxes and assessments becoming delinquent after the due date and 18% per annum on any amount of taxes and assessments in excess of \$1,500 of taxes becoming delinquent after the due date and if a delinquency is in excess of \$10,000 and remains in arrears beyond June 30, and additional penalty of 6% shall be charged against the delinquency.
2. Effective January 1, 2013 there will be a ten (10) day grace period for quarterly tax, sewer and annual assessment payments made by cash, check, money order, credit card or debit card.
3. Any payments not made in accordance with Paragraph 2 of this resolution shall be charged interest from the due date as set forth in Paragraph 1 of this resolution.

In the event that a service charge of any municipal authority with regard to any parcel of real property shall not be paid as and when due, interest shall accrue and be due to the municipal authority on the unpaid balance at a rate of 18% per annum until such service charge, and the interest thereon, shall be fully paid to the municipal authority.

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

- Amy Antonides, Municipal Clerk
- Tax Collector

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville	X		X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mavor Anesh – TIE ONLY							

**RESOLUTION #13-24**  
**ESTABLISHING THE BOROUGH COUNCIL MEETING DATES FOR 2013**

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

the following dates are hereby approved as meeting dates for the Mayor and Council:

<u><b>Agenda Meeting</b></u>	<u><b>Public Meeting</b></u>
(Reorganization) January 5, 2013	
January 14, 2013	January 14, 2013
February 4, 2013	February 4, 2013
February 19, 2013 <b>Tuesday</b>	February 19, 2013
March 4, 2013	March 4, 2013
March 18, 2013	March 18, 2013
April 1, 2013	April 1, 2013
April 15, 2013	April 15, 2013
May 6, 2013	May 6, 2013
May 20, 2013	May 20, 2013
June 10, 2013 <b>2<sup>nd</sup> Monday</b>	June 10, 2013 *Primary on 4th
June 24, 2013 <b>4<sup>th</sup> Monday</b>	June 24, 2013
July 15, 2013	July 15, 2013
August 12, 2013	August 12, 2013
September 3, 2013 <b>Tuesday</b>	September 3, 2013
September 16, 2013	September 16, 2013
October 7, 2013	October 7, 2013
October 21, 2013	October 21, 2013
November 12, 2013 <b>Tuesday</b>	November 12, 2013*General on 5th
December 2, 2013	December 2, 2013
December 16, 2013	December 16, 2013

All Agenda Meetings begin at 7:00pm followed immediately by the Public Meeting, unless otherwise noted. Any changes to the aforementioned schedule shall be advertised and posted on the Borough bulletin board and website.

All meetings of the Governing Body are held in accordance with the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) in the Council Chambers at 2480 Plainfield Avenue, South Plainfield, New Jersey.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville	X		X				
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-25**  
**ESTABLISHING A CASH MANAGEMENT PLAN AND NAMING**  
**OFFICIAL CASH DEPOSITORIES**

**WHEREAS**, NJSA 40A: 5-14 mandates that a Governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state; and

**WHEREAS**, NJSA 40A: 5-15.1 amended by Chapter 148, P.L. 1997 established new requirements for the investment of public funds and adoption of a cash management plan for counties, municipalities and authorities; and

**WHEREAS**, the Borough Council of the Borough of South Plainfield, County of Middlesex wish to comply with the above statutes;



**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of South Plainfield, County of Middlesex adopts the following cash management plan, includes the official depositories for the Borough of South Plainfield, County of Middlesex for the period January 1, 2013 through December 31, 2013.

**CASH MANAGEMENT PLAN OF THE  
BOROUGH OF SOUTH PLAINFIELD,  
COUNTY OF MIDDLESEX**

**I. STATEMENT OF PURPOSE**

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A. 40A: 5-14 in order to set forth the basis for the deposits (“Deposits”) and investment (“Permitted Investments”) of certain public funds of the Borough of South Plainfield, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

**II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED**

**BY THE PLAN**

- A. The plan is intended to cover all deposits and/or all investments of the funds of the Borough of South Plainfield including but not limited to:

Current Operating  
Claims Checking Account  
Payroll  
State Aid  
Sewer Utility Operating  
Sewer Capital Account  
Pool Operating  
Pool Capital  
Developers’ Escrow Trust Funds  
COAH Trust  
Municipal Court General Account  
Municipal Court Bail Account  
Assessment Trust Fund  
Collectors Trust Fund  
Green Trust Accounts  
General Capital Account  
Recreation Trusts Account

**III. DESIGNATION OF OFFICIALS AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN**

The Chief Financial Officer (the “Designated Official”) is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Borough of South Plainfield are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

The Chief Financial Officer is further authorized to make interfund transfers between the Township Funds as may be necessary from time to time. The Chief Financial Officer is authorized to make such transfers and/or any and all payments by wire transfer as necessary.

#### **IV. DESIGNATION OF DEPOSITORIES**

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

TD Bank  
Fulton Bank of NJ  
Wachovia Bank  
Valley National Bank  
PNC Bank  
Chase Bank  
Columbia Savings  
Bank of America  
Unity Bank  
Investors Bank  
Money Market Investment Accounts and/or Certificates of Deposit  
  
TD Bank  
Chase Bank  
Wachovia Bank  
Bank of America  
Unity Bank  
MBIA-Class Management Unit Trust  
NJ ARM Program  
NJ Cash Management Fund  
Fulton Bank of NJ  
PNC Bank  
Columbia Bank  
Valley National Bank  
Investors Bank

**All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official(s) referred to in Section III above.**

#### **V. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.**

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the Borough of South Plainfield referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official (s) referred to in Section III above.

Commerce Capital  
TD Bank  
Fulton Bank of NJ  
Bank of America  
MBIA  
New Jersey Cash Management

## VI.

### AUTHORIZED INVESTMENTS

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of the school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, ch. 281 (C.52: 18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
  - (a) The underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a:
  - (b) The custody of collateral is transferred to a third party;
  - (c) The maturity of the agreement is not more than 30 days;
  - (d) The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17: 19-41); and
  - (e) A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “governmental money market mutual fund” and “local government investment pool” shall have the following definitions:

#### Government Money Market Mutual Fund

An investment company or investment trust:

- (a) Which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 USC sec. 80a-1 et seq., and operated in accordance with 17 CFR sec. 270.2a-7.
- (b) The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) Which has:
  - (1) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
  - (2) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” 15 U.S.C. sec 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

## Local Government Investment Pool

An investment pool:

- (a) Which is managed in accordance with 17 C.F.R. sec 270.2a-7;
- (b) Which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) Which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (c.52: 14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investment;
- (e) Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected at the time of interest rate adjustment, to have a market value that approximates their par value, or net asset value; and
- (f) Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C49: 3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in the U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

## **VII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGEMENT OF RECEIPT OF PLAN.**

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Borough of South Plainfield, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Borough of South Plainfield to assure that there is no unauthorized use of the funds or the Permitted

Investments that involve Securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the Borough of South Plainfield or by a third party custodian prior to or upon the release of the Borough of South Plainfield's funds.

To assure that all parties with whom the Borough of South Plainfield deals either by way of Deposits or Permitted Investments are aware of the authority and the limits sets forth in the Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s)

## **REPORTING REQUIREMENTS**

At the public meeting of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the governing body of the Borough of South Plainfield a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Borough of South Plainfield as a Deposit or a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.



**RESOLUTION # 13-28**  
**AUTHORIZING THE MUNICIPAL CLERK TO ADMINISTER ALL GAMES OF CHANCE LICENSES**  
**FOR THE YEAR 2013**

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

the Municipal Clerk is hereby authorized to administer, sign and execute all Games of Chances Licenses for the year 2013 contingent that applicants have met all State and Borough requirements and all fees have been paid.

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

- Amy Antonides, Municipal Clerk
- Diane Janus, Assistant to Municipal Clerk

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

**RESOLUTION 2013-29**  
**AUTHORIZING A 2013 TEMPORARY BUDGET AMENDMENT OF \$4,965.85 IN THE CURRENT FUND**  
**TO ACCOMMODATE FOR THE 2012 BODY ARMOR GRANT**

**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 FY 2013 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 year's 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**  
**CALENDAR YEAR 2013**  
**CURRENT FUND**

			AMOUNT
INSERTION:	BODY ARMOR GRANT-2012	O&E	<u>4,965.85</u>
		<b>TOTAL:</b>	<u>4,965.85</u>

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

**RESOLUTION 2013-30**  
**AUTHORIZING THE CHIEF OF POLICE TO PURCHASE BULLET PROOF VESTS FROM LANIGANS**  
**OF RED BANK, NJ IN AN AMOUNT NOT TO EXCEED**  
**THE STATE CONTRACT PRICE OF \$10,428.00**

**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

**WHEREAS**, a need has been determined that the purchase of bullet proof vests for the Police Department is necessary; and

**WHEREAS** quotations/proposals were solicited and the following submitted quotations/proposals as follows:

Lanigans of Red Bank, NJ	\$10,428.00
(State Contract #A81348 Line item -00110)	

**WHEREAS**, the proposals have been reviewed by the Police Chief who has verified that the lowest qualified proposal is through a State Contract with Lanigans of 496 Shrewsbury Avenue, Red Bank, NJ 0771. in the amount of \$10,428.00 and has recommended that this proposal be accepted to purchase; and

**WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available to pay for said bullet proof vests in the current fund budget as well as utilizing NJ State Grant Funding;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract, if applicable, for the State Contract purchase of bullet proof vests for the Police Department from Lanigans of Red Bank, NJ. in an amount not to exceed \$10,428.00.

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

**RESOLUTION NO. 13-31**  
**AUTHORIZING MAYOR AND CLERK TO EXECUTE A SETTLEMENT AGREEMENT IN THE**  
**AMOUNT OF \$54,500 WITH BIRDSALL SERVICES GROUP, INC. FOR CIVIL ENGINEERING AND**  
**ENVIRONMENTAL CONSULTING SERVICES PERTAINING TO THE NEW MARKET ROAD**  
**EXTENSION PROJECT**

**BE IT RESOLVED** by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that:

**WHEREAS**, the Borough of South Plainfield entered into a written agreement with PMK Group, Inc. for the provision of certain civil engineering and environmental consulting engineering services in connection with the New Market Road Extension Project; and

**WHEREAS**, in or about August 2009, Birdsall Services Group, Inc. entered into an agreement to purchase the assets of PMK Group, Inc., which included the contract for the provision of services as referenced hereinbefore; and

**WHEREAS**, in or about May 2012, Birdsall advised that they had completed the contract for professional services for the project, and sought the balance due of the contract plus claimed extras for a total of \$88,844.00; and

**WHEREAS**, the Borough disputed the amount claimed by Birdsall; and

**WHEREAS**, the Borough and Birdsall have reached an agreement in satisfaction of any and all claims of Birdsall pursuant to which Birdsall shall receive \$54,500.00;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Municipal Clerk of the Borough of South Plainfield, County of Middlesex, State of New Jersey are hereby authorized to execute the attached Agreement, and

the Chief Financial Officer is authorized to make payment in the amount of \$54,500.00 to Birdsall Services Group, Inc. in full and complete satisfaction of any and all claims of said corporation for services rendered with regard to the New Market Road Extension Project.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga			x				
Councilman Diana			x				
Councilman McConville	x		x				
Councilman White		x	x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
Mayor Anesh – TIE ONLY							

### **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 **\$340,203.59**

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

1. Municipal Clerk
2. Glenn Cullen, Chief Financial Officer
3. Dotty Paradiso, Supervisor of Accounts

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	x		x				
Councilman Bengivenga			x				
Councilman Diana			x				
Councilman McConville			x				
Councilman White		x	x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
Mayor Anesh – TIE ONLY							

**PUBLIC COMMENTS** – Mayor Anesh opened the floor for public comments. With no comments made, Mayor Anesh closed the floor.

With no further business of Council, Councilman White called for a motion to adjourn the meeting at 12:25 p.m., seconded by Councilman Bengivenga and unanimously carried.

Mayor Anesh invited everyone to the American Legion for refreshments to celebrate all the new appointees and newly elected and reelected Councilmen.

Submitted By:

\_\_\_\_\_  
Amy Antonides, RMC/CMC - Municipal Clerk