

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
FEBRUARY 4, 2013, 7:18 P.M.  
PUBLIC MEETING**

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**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:18 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 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		

**Flag Salute:** was led by Mayor Anesh and Councilman Barletta led the invocation.

**Proclamation** – Mayor Anesh read three Proclamations in full honoring Black History Month in which Robert Hughes accepted, Boy Scout Week in which a Boy Scout from the audience accepted, and 2013 National Wear Red Day for Women in which Darlene Cullen and Debbie Boyle accepted. Photographs were taken by the media and a round of applause was extended.

**Approve Council Minutes:** January 5, 2013 – Reorganization  
January 14, 2013 - Agenda  
January 14, 2013 – Public  
January 14, 2013 - Executive Session

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	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**Public Comment For Agenda Items Only:**

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

**ORDINANCE – SECOND READING BY TITLE:**

**ORDINANCE 1977**

**AN ORDINANCE PROVIDING FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2010 THROUGH 2014**

Administrator Cullen requested to have this Ordinance removed from the agenda as we are going to introduce Ordinance 1980 this evening, which will replace this proposed ordinance. Councilman Barletta made a motion to remove this ordinance from the table, seconded by Councilman White and unanimously carried by voice vote.

**ORDINANCE 1978**

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2011 THROUGH 2015.

Be it ordained by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, as follows:

SECTION 1. The rates of compensation for each employee of the Borough of South Plainfield shall be on an annual basis as follows except where indicated. Such rates of pay shall be effective on January 1st of the years shown.

Position	2011	2012	2013	2014	2015
PBA 100 Superior Officers	-	1.90%	1.90%	1.90%	1.90%
Sergeant	\$112,325	\$114,459	\$116,634	\$118,850	\$121,108
Lieutenant	\$125,804	\$128,194	\$130,630	\$133,112	\$135,641
Captain	\$140,900	\$143,577	\$146,305	\$149,085	\$151,917
Chief	\$157,825	\$160,824	\$163,879	\$166,993	\$170,166

Mayor Anesh opened the floor for public comment. With no comments from the public made, Mayor Anesh closed the floor. Mayor Anesh asked if there were any comments from the Council. Councilman Bengivenga thanked the Superior Officers for all their time that they put into this contract. The contract will be on the next meeting agenda for execution.

**Adoption of Ordinance #1978: February 4, 2013**

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		x	x				
Councilman Bengivenga	x		x				
Councilman Diana							x
Councilman McConville							x
Councilman White			x				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>3</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**ORDINANCE – FIRST READING BY TITLE** – Clerk Antonides se the Public Hearing for February 19, 2012, 7:00 p.m. for the following four Ordinances:

#1979 AN ORDINANCE AMENDING ARTICLE IV, SECTION 17-24 OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD TO INCLUDE THE MEMBERSHIP OF PRESIDENT OF THE SOUTH PLAINFIELD BUSINESS ASSOCIATION

**WHEREAS**, the Borough Business Advisory Group has determined that the addition of the President of the South Plainfield Business Association would complement the membership of the Borough Business Advisory Group; and

**WHEREAS**, the Borough Business Advisory Group is desirous of including the President of the Borough Business Association to its membership;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Code of the Borough be amended to include an addition to subsection “C” within section 17-24, Article IV of the Code of the Borough as follows in the underlined passage below:

**C. *In addition to the seven regular members as set forth in Subsection B above, the Zoning Officer and Borough Engineer will be nonvoting members. Also, in addition to Subsection B above, the President of the South Plainfield Business Association shall serve as a member of the South Plainfield Business Advisory Group.***

**BE IT FURTHER ORDANINED** that this Ordinance shall take effect upon final passage and publication in accordance with New Jersey Law. All ordinance or parts inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		x	x				
Councilman Bengivenga			x				
Councilman Diana			x				
Councilman McConville	x		x				
Councilman White			x				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

#1980 A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY APPROPRIATING THE AGGREGATE AMOUNT OF \$775,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$525,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

The bond ordinance #1980, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey, on February 4, 2013. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Municipal Building, in the Borough on February 19, 2013 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: "Bond Ordinance Providing for the Paving of Various Roads in and by the Borough of South Plainfield, in the County of Middlesex, New Jersey, Appropriating \$775,000 Therefor and Authorizing the Issuance of \$525,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof."

Purpose: The paving of various roads, including but not limited to Sampton Avenue Phase #2, Lowden Avenue, Willow Avenue, Bollinger Way, Skene Drive, Libourel Road, Sims Place, Lafayette Place and Strong Place, including all work and materials necessary therefor and incidental thereto.

Appropriation: \$775,000

Bonds/Notes Authorized: \$525,000

Grant Appropriated: N/A

Section 20 Costs: \$125,000

Useful Life: 10 years

Councilman Diana asked if there is a way we can put this in the budget instead of borrowing the money. Is there a way that we can pay as you go as Councilman Diana said he is unsure that borrowing is the best way to go right now. Councilman Bengivenga said that Administration and Finance have met for several months to come up with a capital improvement plan that encompasses at least two years. One of the things that we do is take a list of roads that need to be resurfaced and do it over a ten year period of which this bond is for. It would not be fair to tax residents in the current year for 100% of the cost of the road(s). It would be too burdensome to our resident's which is why you spread it out over a ten year period; similar to what you would do with a mortgage. In this particular case we found four or five other bonds that had money left over in which we consolidated and cancelled those out which enables us to use that to cover about 1/3 of the cost. In the coming days we hope to obtain DOT grant funding to further offset this bond. Councilman Bengivenga said he feels this to be a very wise plan opposed to some that he has seen years past i.e. one road being resurfaced maybe once per year. Mayor Anesh said he couldn't have said it better himself. Mayor Anesh added that for these types of projects you do not wait until your current year budget is adopted, as the time line would not enable us to get any of these projects accomplished. It is not prudent to wait when we know we have roads that need to be repaired. Mayor Anesh further explained why it is not feasible to put a capital improvement project in your current year's budget and also sited that we are right now at historically low rates. We also have a AA bond rating as quoted from Moody's stating that the Borough of South Plainfield is conservative with their debt expenditures. Our borrowing has actually gone down three to four years in a row. We are in tough economic times, but we are still able to get things done. Mayor Anesh said that he respectfully disagrees with Councilman Diana's desire to put these projects in the current year's budget. We don't have a AA rating just because we stumbled upon it. We achieved it and they confirmed it. Essentially they are saying we are on the right path here. Perhaps if the economic climate were to change consideration would be made to fund some capital improvement projects in our current year's budget. But right now, it would not be economically in the best interest of South Plainfield to do that. With historically low rates, it is the best time right now to proceed with this bond. Councilman Bengivenga said to Councilman Diana that he sat in his seat seven years ago and had the very same questions but have sense come to understand the process a lot better, and the right thing to do is to spread these types of projects out over ten years. Councilman Diana said both Councilman Bengivenga and Mayor Anesh made fair points but is unsure the borrowing environment is advantages at this time and respectfully disagrees. Does there comes a time where you tighten the purse strings and say that while these are worthy projects we just can't afford them right now. Councilman Barletta expressed his concerns pertaining to how bad our infrastructure currently is and that waiting these projects out until the economy were to bounce back, the infrastructure problems will be compounded and become much worse and thus even more costly. When we go out to bond we try to do the projects that make the best sense for the Borough and this time is

the best time to borrow because the interest rates are so low. We are being as fiscally responsible as possible while not ignoring the existing infrastructure problems.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	x		x				
Councilman Bengivenga		x	x				
Councilman Diana				x			
Councilman McConville			x				
Councilman White			x				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>4</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

#1981 AN ORDINANCE PROVIDING FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2012 THROUGH 2014 FOR NON-UNION PROFESSIONALS AND GOVERNING BODY

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

**SECTION 1.** The rates of compensation for each employee of the Borough of South Plainfield shall be on an annual basis as follows except where indicated. Such rates of pay shall be effective on January 1<sup>st</sup> of the years shown, except if otherwise noted.

Position	2011	2012	2013	2014
Administrator	26,922	27,434	27,955	28,486
Municipal Clerk	70,000	71,330	72,685	74,066
Chief Financial Officer	121,253	123,557	125,904	128,297
Confidential Assistant	25,000 – 45,000	25,475 - 45,855	25,959 - 46,726	26,452 - 47,614
OEM Coordinator	15,000	15,000	15,000	15,000
Registrar Vital Stats\Principal Clerk	52,707	53,708	54,729	55,769
Social Service Director	9,616	9,616	9,616	9,616
Municipal Housing Liaison	2,055	2,094	2,134	2,174
Affordable Housing Trust Reporter	2,055	2,094	2,134	2,174
DVRT Coordinator	5,384	5,486	5,591	5,697
Mayor	8,607	8,607	8,607	8,607
Council President	6,885	6,885	6,885	6,885
Council Person	5,738	5,738	5,738	5,738
Municipal Prosecutor	45,005	45,005	45,005	45,005
Public Defender	8,580	8,580	8,580	8,580
Planning Board Attorney	9,008	9,008	9,008	9,008
Zoning Board Attorney	9,008	9,008	9,008	9,008
Municipal Court Judge	50,485	50,485	50,485	50,485
Deputy Registrar	1,438	1,465	1,493	1,522
Secretary to Mayor	1,610	1,641	1,672	1,704

**SECTION 2. INCONSISTENCY-** All ordinance or parts inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3. EFFECTIVE DATE –** This ordinance shall become effective after publication in accordance with the law.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				

Councilman Bengivenga		x	x			
Councilman Diana			x			
Councilman McConville	x		x			
Councilman White			x			
Council President Rusnak						X
		<b>VOTE:</b>	<b>5</b>	<b>0</b>		
Mayor Anesh – TIE ONLY						

#1982 AN ORDINANCE AMENDING ORDINANCE 1977 PROVIDING FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2010 THROUGH 2014 FOR PART TIME SEASONAL HELP

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

**SECTION 1.** The rates of compensation for each employee of the Borough of South Plainfield shall be on an annual basis as follows except where indicated. Such rates of pay shall be effective on January 1<sup>st</sup> of the years shown, except if otherwise noted.

<b>Position</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Account Clerk	\$17.63	\$17.63	\$17.63	\$17.96	\$18.31
Clerk	\$14.21	\$14.21	\$14.48	\$14.76	\$15.04
PT Building Inspector	\$36.00	\$36.00	\$36.00	\$36.65	\$37.31
PT Plumbing Sub-Code	\$33.00	\$33.00	\$33.00	\$33.59	\$34.20
Public Safety Telecommunicator	\$17.05	\$17.05	\$17.05	\$17.37	\$17.70
Clerk Typist	\$11.81	\$11.81	\$11.81	\$12.03	\$12.26
Finance Clerk	\$11.81	\$11.81	\$11.81	\$12.25	\$12.48
Groundskeeper	\$11.37	\$11.37	\$11.37	\$11.59	\$11.81
Groundskeeper	\$12.28	\$12.28	\$12.28	\$12.75	\$12.99
Building Maintenance Worker	19,922	19,922	20,301	20,686	21,079
Recreation Housekeeper	11,092	11,092	11,303	11,518	11,736
DPW Summer Help	\$11.65	\$11.65	\$11.65	\$12.10	\$12.33
Recreation Attendant I	\$11.65	\$11.65	\$11.87	\$12.10	\$12.33
Recreation Attendant II	\$13.27	\$13.27	\$13.52	\$13.78	\$14.04
Recreation Attendant III	\$14.87	\$14.87	\$15.15	\$15.44	\$15.73
Recreation Attendant IV	\$15.92	\$15.92	\$16.22	\$16.53	\$16.84
Recreation Leader	\$22.00	\$22.00	\$22.42	\$22.84	\$23.28
Motor Vehicle Operator Part-time	\$15.00	\$15.00	\$15.29	\$15.58	\$15.87
Food I	\$8.33	\$8.33	\$8.33	\$8.49	\$8.65
Food II	\$8.57	\$8.57	\$8.57	\$8.73	\$8.90
Food III	\$8.74	\$8.74	\$8.74	\$8.91	\$9.08
Cashier I	\$10.33	\$10.33	\$10.33	\$10.53	\$10.73
Cashier II	\$10.86	\$10.86	\$10.86	\$11.07	\$11.28
Lifeguard I	\$9.64	\$9.64	\$9.64	\$9.82	\$10.01
Lifeguard II	\$9.93	\$9.93	\$9.93	\$10.12	\$10.31
Lifeguard III	\$10.63	\$10.63	\$10.63	\$10.83	\$11.04
Lifeguard IV	\$11.21	\$11.21	\$11.21	\$11.42	\$11.64
Head Tennis Instructor	\$14.97	\$14.97	\$14.97	\$15.25	\$15.54
Assistant Tennis	\$10.81	\$10.81	\$10.81	\$11.02	\$11.22

Instructor						
Swimming Lesson Instructor	\$12.22	\$12.22	\$12.22	\$12.45	\$12.69	
Junior Counselor I- Parks	\$8.02	\$8.02	\$8.02	\$8.17	\$8.33	
Junior Counselor II- Parks	\$8.41	\$8.41	\$8.41	\$8.57	\$8.73	
Junior Counselor III- Parks	\$8.97	\$8.97	\$8.97	\$9.14	\$9.31	
Senior Counselor I- Parks	\$10.09	\$10.09	\$10.09	\$10.28	\$10.48	
Senior Counselor II- Parks	\$12.34	\$12.34	\$12.34	\$12.57	\$12.81	
Head Counselor (Teaching Certification Required)	\$22.43	\$22.43	\$22.43	\$22.83	\$23.24	

<b>Positions Paid Per Season</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Swim Coach	\$4,661.00	\$4,661.00	\$4,661.00	\$4,749.56	\$4,839.80
Assistant Swim Coach	\$2,367.00	\$2,367.00	\$2,367.00	\$2,411.97	\$2,457.80
Diving Coach	\$3,846.00	\$3,846.00	\$3,846.00	\$3,919.07	\$3,993.54
Assistant Diving Coach	\$2,367.00	\$2,367.00	\$2,367.00	\$2,411.97	\$2,457.80
Recreation Leader / Aquatic (1)	\$11,217.00	\$11,217.00	\$11,217.00	\$11,430.12	\$11,647.30
Assistant Recreation Leader / Aquatic	\$5,814.00	\$5,814.00	\$5,814.00	\$5,924.47	\$6,037.03
Concession Manager	\$5,708.00	\$5,708.00	\$5,708.00	\$5,816.45	\$5,926.96

**SECTION 2. INCONSISTENCY-** All ordinance or parts inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3. EFFECTIVE DATE** – This ordinance shall become effective after publication in accordance with the law.

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>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTIONS:**

**RESOLUTION 2013-49  
AUTHORIZING A REFUND OF A TAX OVERPAYMENT IN THE AMOUNT OF \$2,448.95 FOR THE COMMERCIAL  
PROPERTY OF TD BANK  
OF 2481 PLAINFIELD AVENUE**

**WHEREAS**, the Tax Collector advises that the following taxpayers and/or their agents have overpaid their taxes and have requested a refund:

**OWNER/ADDRESS**

Block 188, Lot 47.01  
Commerce Bank, TD Bank 12<sup>th</sup> Floor Canada  
2481 Plainfield Avenue  
South Plainfield, NJ 07080

\$2,448.95

**MAKE CHECK PAYABLE TO:**

Commerce Bank, TD Bank Group  
380 Wellington Street, 12<sup>th</sup> Fl  
London, Ontario N6A 4S4  
Canada

**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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		x	x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak						x	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION: 2013-50**

**AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$447.48 FOR ROBERT TUCCERI OF 313-315 PITT STREET**

**WHEREAS**, the Tax Collector advises that the following taxpayer and/or their agent have overpaid their taxes and have requested a refund:

Block: 331 Lot: 1.021  
Robert Tucceri  
313-315 Pitt Street  
South Plainfield, NJ 07080  
\$447.48

Issue refund check payable to: Corelogic 1 Corelogic Way Westlake, Texas 76262

**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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		x	x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak						x	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION: 2013-51**

**AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$1,311.10 FOR JOANNE ROSATO OF 158-160 TEEPLE PLACE**

**WHEREAS**, the Tax Collector advises that the following taxpayer and/or their agent have overpaid their taxes and have requested a refund:

Block: 254 Lot: 17  
Joanne Rosato  
158-160 Teeple Place  
South Plainfield, NJ 07080  
\$1,311.10

**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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		x	x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak						x	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION #2013-52**

**AUTHORIZING RENEWAL OF A SHARED SERVICE CONTRACT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND COUNTY OF MIDDLESEX FOR PUBLIC HEALTH SERVICES FOR 2013 IN THE AMOUNT OF \$109,188.94**

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

**WHEREAS**, both the Borough and the County wish to extend this Shared Service Agreement for an additional one (1) year, January 1, 2013 through December 31, 2013; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given for the Mayor and Municipal Clerk to execute the Shared Services Agreement with Middlesex County to provide Municipal Health Services of a technical and professional nature for a one year (1) year period, January 1, 2013 through December 31, 2013.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		x	x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville			x				
Councilman White			x				
Council President Rusnak						x	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION NO. 2013-53 .....TABLED**

**RESOLUTION AUTHORIZING AGREEMENT TO PERMIT A SHED NEAR A STORM WATER BASEMENT WITHIN A RIGHT-OF-WAY LOCATED AT 112 HILL HOLLOW ROAD, OWNER OF THE PROPERTY KNOWN AS CEDRIC R. JOHNSON**

**RESOLUTION 2013-54**

**AUTHORIZING WAIVER OF FIRE PERMIT FEE IN THE AMOUNT OF \$42.00 FOR THE CUB SCOUT PACK 207'S MAGIC SHOW FUNDRAISER TO BE HELD AT THE FRANKLIN SCHOOL IN SOUTH PLAINFIELD**

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 fee in the amount of \$42.00 for the Cub Scout Pack 207's magic show fundraiser to be held at the Franklin School in South Plainfield.



COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-55**

**AMENDING RESOLUTION 13-22 TO INDICATE THAT THE BOROUGH HOLIDAY FOR LINCOLN’S BIRTHDAY  
WILL BE ACKNOWLEDGED ON MONDAY, FEBRUARY 11, 2013  
OPPOSED TO TUESDAY, FEBRUARY 12, 2013**

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

Authorization is hereby given to amend Resolution 2013-22 to indicate that the Borough Holiday for Lincoln’s Birthday will be acknowledged on Monday, February 11, 2013 opposed to Tuesday, February 12, 2013 and as such all Borough offices will be closed on Monday, February 11, 2013 opposed to Tuesday, February 12, 2013.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION No. 13-56**

**AUTHORIZING 2012 APPROPRIATION TRANSFERS IN THE AMOUNT OF \$102,000.00 FOR THE  
CURRENT FUND PURSUANT TO N.J.S.A. 40A:4-58**

**WHEREAS**, in accordance with N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the fiscal year, for the purposes specified and in excess of sums appropriated in the Budget; and

**WHEREAS**, such transfers must be approved by a vote of not less than two-thirds of the full membership of the governing body.

**NOW, THEREFORE, BE IT RESOLVED** that the following transfers be approved in

**Borough of South Plainfield  
Transfers**

**2012**

**CURRENT FUND**

**FROM:**

			<u>AMOUNT</u>
2-01-20-130-000-101	Financial Administration	S&W	5,000.00
2-01-20-140-001-235	Computers	O&E	2,500.00
2-01-20-150-000-101	Assessment	S&W	3,000.00
2-01-20-155-000-221	Legal	O&E	10,000.00
2-01-20-165-000-204	Engineering	O&E	7,500.00
2-01-25-240-001-101	Police	S&W	

			10,000.00
2-01-25-240-003-241	Crossing Guards Road Repairs & Maintenance	O&E	4,000.00
2-01-26-290-002-435	Public Buildings & Grounds	O&E	10,000.00
2-01-26-310-000-235	Public Buildings & Grounds	O&E	3,000.00
2-01-26-310-000-445	Salary & Wage Adjustment	O&E	4,000.00
2-01-30-425-001-101	Recreation	O&E	37,000.00
2-01-28-370-001-101		S&W	6,000.00

**Total FROM:** 102,000.00

<b>TO:</b>			<u><b>AMOUNT</b></u>
2-01-23-210-000-651	Other Insurance	O&E	31,000.00
2-01-25-250-000-102	911	S&W	7,000.00
2-01-20-135-000-236	Audit	O&E	26,000.00
2-01-25-265-002-331	Fire Official Vehicle	S&W	4,000.00
2-01-26-315-000-215	Maintenance OCC Leme	O&E	3,000.00
2-01-30-415-001-101	Comp Office On	O&E	4,000.00
2-01-28-370-002-101	Aging	S&W	5,000.00
2-01-32-465-001-545	Landfill Group	O&E	16,000.00
2-01-43-490-000-101	Insurance	O&E	6,000.00

**Total TO:** 102,000.00

OUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-57  
AUTHORIZING THE CANCELLATION OF IMPROVEMENT BALANCES  
IN THE AMOUNT OF \$ 223,933.45**

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

The Chief Financial Officer is hereby authorized to cancel balances according to the following Schedule of Improvement Authorizations:

**Borough of South Plainfield**  
**Schedule of Improvement Authorizations to be Cancelled**  
**2/04/2013**

Ordinance

Number	Description	AMOUNT
1729	Various capital Improvements	30,624.53
1756	Belmont Avenue	10,437.31
1864	Decorative Lights	76,690.61
1815	Tompkins Ave	37,855.24
1816	South Plainfield Ave	45,194.43
1938	New Market Ave Phase #2	23,194.14
<b>Total</b>		<b>223,996.26</b>

**Capital Surplus** **223,996.26**

**Total** **223,996.26**

OUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION NO. 13-58**  
**AUTHORIZING DEVELOPERS AGREEMENT WITH JSM AT TINGLEY, LLC**

**WHEREAS**, JSM at Tingley, LLC (hereinafter “Developer”) received preliminary and final major site plan approval from the Borough Planning Board memorialized in a Resolution adopted on May 25, 2010 for demolition of an existing industrial development and construction of a development consisting of 340 residential units for sale or rent; and

**WHEREAS**, the project requires connection with the municipal sewer system, and the Code of the Borough of South Plainfield requires payment of any sewer system connection fee to be paid prior to the issuance of any permits for construction; and

**WHEREAS**, the Developer has requested permission to begin construction in stages with payment of the connection fee to be paid in related stages; and

**WHEREAS**, the Developer has obtained a sanitary sewer treatment works approval from the State of New Jersey, Department of Environmental Protection; and

**WHEREAS**, there will be no detrimental effect to allowing the Developer to make payment of the sewer connection fee in three installments;

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

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-59**

**AUTHORIZING THE TERMINATION OF EMPLOYMENT OF WILLIAM STAATS FROM THE DPW EFFECTIVE JANUARY 8, 2013**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the termination of employment of William Staats from the DPW effective January 8, 2013.

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

1. Glenn Cullen, CFO
2. Marie Dudek, Payroll
3. Amy Antonides, Municipal Clerk
4. Robert Capparelli, DPW Supervisor

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-60**

**AUTHORIZING THE HIRING OF THOMAS ZAZZARA AS FULL TIME LABORER FOR THE DPW WITH BENEFITS AT A RATE OF \$13.20/HR**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the hiring of Thomas Zazzara as full time Laborer for the DPW at an hourly rate of \$13.20 per hour with an effective date of February 5, 2013.

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

- Glenn Cullen, CFO  
 Marie Dudek, Payroll  
 Amy Antonides, Municipal Clerk  
 Robert Capparelli, DPW Supervisor

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-61**

**AUTHORIZING THE HIRING OF PART-TIME TELE-COMMUNICATOR OPERATORS FOR THE POLICE DEPARTMENT DISPATCH ON A PER DIEM BASIS WITH AN EFFECTIVE DATE OF FEBRUARY 5, 2013.**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the hiring of George Hogan and Jurrien Kratz as part-time Tele-Communicator Operators on a per diem basis with an effective date of February 5, 2013.

BE IT FURTHER RESOLVED at the recommendation of the Police Chief that that following part-time Tele-Communicator Operators be removed from the roster as they are no longer available to work for the Borough: Michael Bell and Susan Anthony.

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

Glenn Cullen, CFO  
 Marie Dudek, Payroll  
 Amy Antonides, Municipal Clerk  
 James Parker, Chief of Police

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-62**

**RESOLUTION AUTHORIZING SETTLEMENT OF 2010, 2011 and 2012 TAX APPEALS FILED BY LIU CHUAN-WEI & FANG-JUNG c/o ROYAL (NOW KNOWN AS GOLDEN LINK ENTERPRISE, LLC), FOR THE PROPERTY KNOWN AS 901 HADLEY ROAD AND IDENTIFIED AS BLOCK 528, LOT 46.081, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, Liu Chuan-Wei & Fang-Jung c/o Royal (now known as Golden Link Enterprise, LLC) (hereinafter referred to as “Taxpayer”) is the owner of the property known as 901 Hadley Road and identified as Block 528, Lot 46.081, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$1,800,000 for 2010; and

**WHEREAS**, the assessed value of the Property was set at \$1,800,000 for 2011; and

**WHEREAS**, the assessed value of the Property was set at \$1,800,000 for 2012; and

**WHEREAS**, Taxpayer filed appeals of the 2010, 2011 and 2012 tax assessments in the Tax Court of the State of New Jersey under docket numbers 010793-2010, 005335-2011 and 005684-2012; and

**WHEREAS**, a proposed settlement of the aforesaid tax appeals was negotiated between Taxpayer and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2010, 2011 and 2012 tax years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for all three years under appeal; and

**WHEREAS**, pursuant to the proposed Stipulation of Settlement annexed hereto, the aforesaid tax appeals are to be resolved as follows:

- The 2010 original assessment in the amount of \$1,800,000 shall be affirmed and Taxpayer agrees to withdraw its Complaint for the 2010 tax year;
- The 2011 original assessment in the amount of \$1,800,000 shall be reduced to \$1,374,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2011;
- The 2012 original assessment in the amount of \$1,800,000 shall be reduced to \$1,302,650 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2012;
- The 2013 total tax assessment has been set by the Borough Tax Assessor at a total tax assessment of \$1,278,900;
- Taxpayer has agreed to waive statutory interest provided the subject refunds are received within sixty (60) days from the date of the entry of Judgment; and

- Refunds regarding over payments shall be made payable to “Liu, Chuan-Wei & Fang-Jung c/o Royal as Plaintiffs and The Davidson Legal Group, LLC, as Attorney for Plaintiff” without any offsets or deductions for any unpaid taxes or municipal charges for tax years subsequent to the tax years covered by the Stipulation of Settlement.

**WHEREAS**, the Borough of South Plainfield Tax Assessor agrees that it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

**WHEREAS**, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

**WHEREAS**, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto; and

**WHEREAS**, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer’s request for tax assessment reduction; and

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment reductions to the Borough Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Borough.

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

1. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$1,374,000 total tax assessment reduction for the 2011 tax year for Block 528, Lot 46.081 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$1,302,650 total tax assessment reduction for the 2012 tax year for Block 528, Lot 46.081 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. The Mayor and Borough Council leave the allocation between land and improvements of the aforesaid 2013 total tax assessment reduction for Block 528, Lot 46.081 to the Borough Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Borough.
4. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by Liu, Chuan-Wei & Fang-Jung c/o Royal under Docket Nos.: 010793-2010, 005335-2011 and 005684-2012 , for the property known as 901 Hadley Road and identified as Block 528, Lot 46.081, on the Borough of South Plainfield Tax Assessment Maps which results in the withdrawal of the Taxpayer’s 2010 tax appeal; which reduces the 2011 total tax assessment on the Property from \$1,800,000 to \$1,374,000; which reduces the 2012 total tax assessment on the Property from \$1,800,000 to \$1,302,650; which provides that the Property’s 2013 total tax assessment shall be set to reflect a total tax assessment of \$1,278,900; which further provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is received within sixty (60) days from the issuance of Judgment; and which further provides that any refunds shall be made payable to “Liu, Chuan-Wei & Fang-Jung c/o Royal, as Plaintiff and The Davidson Legal Group, LLC, as Attorney” without any offsets or deductions for any unpaid taxes or municipal charges for the tax years subsequent to the tax years covered by the Stipulation of Settlement.
5. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-63**

**AUTHORIZING AWARD OF CONTRACT TO ACTION ELECTRIC SERVICES, INC. FOR THE INSTALLATION OF THE DPW GENERATOR IN AN AMOUNT NOT TO EXCEED \$11,660.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes award of contract to Action Electric Services, Inc. for the installation of the DPW generator in an amount not to exceed \$11,660.00.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Robert Capparelli, Supervisor DPW

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-64**

**AUTHORIZING T&M ASSOCIATES TO PERFORM ENGINEERING SERVICES TO PROVIDE AND ADMINISTER BIDS FOR A TANDEM DUMP TRUCK FOR THE BOROUGH OF SOUTH PLAINFIELD**

**BE IT RESOLVED** that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for T&M Associates to provide and administer bids for a tandem dump truck for the Borough of South Plainfield and is also hereby authorized to publish a solicitation for said bid accordingly;

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

1. Municipal Clerk
2. Chief Financial Officer
3. T&M Associates

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-65**

**ACCEPTING THE RETIREMENT OF PATROLMAN JOSEPH PAPA FROM THE SOUTH PLAINFIELD POLICE DEPARTMENT, EFFECTIVE SEPTEMBER 1, 2013.**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the acceptance of retirement of Partolman Joseph Papa from the South Plainfield Police Department with an effective date of September1, 2013.

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

- Glenn Cullen, CFO
- Marie Dudek, Payroll
- Amy Antonides, Municipal Clerk
- James Parker, Chief of Police

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-66**  
**AUTHORIZING AWARD OF CONTRACT WITH GEORGE ELY ASSOCIATES, INC. FOR THE**  
**INSTALLATION OF A PLAYGROUND SET AT MEMORIAL PARK LOCATED AT THE SOUTH**  
**PLAINFIELD JUNIOR BASEBALL FIELD COMPLEX**  
**IN AN AMOUNT NOT TO EXCEED \$7,000.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes award of contract to George Ely Associates, Inc. for the installation of a playground set at Memorial Park located at the South Plainfield Junior Baseball Field Complex in an amount not to exceed \$7,000.00.

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

Glenn Cullen, CFO  
Amy Antonides, Municipal Clerk  
Recreation Director

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-67**  
**AUTHORIZING THE NJ STATE CONTRACT PURCHASE WITH SPC OF PARSIPPANY, NJ FOR A NEW PHONE**  
**SYSTEM FOR THE PAL BUILDING IN AN AMOUNT NOT TO EXCEED \$4,822.72 (\$3,915.86 EQUIPMENT + \$906.86**  
**MAINTENANCE)**

**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 a new phone system for the PAL is necessary; and

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

SPS of Parsippany, NJ                      \$3,915.86 Equipt.+ \$906.86 Maint.= \$4,822.72  
(State Contract #A80802)

**WHEREAS**, the proposals have been reviewed by the Recreation Director who has verified that the lowest qualified proposal is through a State Contract with SPS of Parsippany, NJ in the amount of \$4,822.72 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 phone system in the budget;

**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 a phone system from SPS of Parsippany, NJ. in an amount not to exceed \$4,822.72.



COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-68**

**AUTHORIZING THE HIRING OF ARIEL IRIZARRY AS PART-TIME LABORER FOR THE DPW AT AN HOURLY RATE PURSUANT TO ORDINANCE WITH NO BENEFITS WITH AN EFFECTIVE DATE OF FEBRUARY 5, 2013**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the hiring of Ariel Irizarry as part-time Laborer for the DPW at an hourly rate pursuant to Ordinance with no benefits with an effective date of February 5, 2013.

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

- Glenn Cullen, CFO
- Marie Dudek, Payroll
- Amy Antonides, Municipal Clerk
- Robert Capparelli, DPW Supervisor

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION # 13-69**

**AUTHORIZING APPOINTMENT OF ENVIRONMENTAL ENGINEER**

**WHEREAS**, the Borough of South Plainfield in need of retaining an engineering firm for matters dealing with site assessments, site remediation and brownfields development and for all matters regulated by the New Jersey Department of Environmental Protection, including the Suburban Transit Bus Co. property, 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 Maser Consulting, PA, 331 Newman Springs Road, Red Bank, NJ 07701 for Environmental Engineering services for 2013 at a cost based on the 2013 proposal fee schedule submitted schedule but not to exceed \$100,000.00.
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.

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. Maser Consulting, PA

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		X	X				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville			X				
Councilman White			X				
Council President Rusnak						X	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**ACCEPTANCE OF CORRESPONDENCE**

**BE IT RESOLVED THAT THE FOLLOWING CORRESPONDENCE BE AND ARE HEREBY ACCEPTED BY THE BOROUGH COUNCIL OF SOUTH PLAINFIELD AND AUTHORIZATION IS HEREBY GIVEN TO FILE ALL CORRESPONDENCE RECEIVED:**

- o Moody’s Investors Services reaffirmed credit rating of the Borough of South Plainfield
- o Middlesex County Planning Board Minutes – December 11, 2012
- o Middlesex County Planning Board 2013 Meeting Schedule
- o PARSA meeting Minutes – December 6, 2012
- o South Plainfield Planning Board Minutes – December 11, 2012
- o South Plainfield Cultural Arts Commission Minutes – for the 2012 calendar year
- o South Plainfield Business Advisory Minutes – October 3, 2012
- o South Plainfield Business Advisory Minutes – December 5, 2012
- o Recycling Monthly Report – December, 2012
- o Environmental Monthly Report – December, 2012
- o Traffic Safety Advisory Commission Minutes – December 12, 2012
- o Board of Adjustment Minutes – October 2, 2012
- o Board of Adjustment Minutes – October 16, 2012

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga		x	x				
Councilman Diana			x				
Councilman McConville	x		x				
Councilman White			x				
Council President Rusnak						x	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**SOUTH PLAINFIELD BOROUGH  
APPROVAL OF BILLS AND CLAIMS**

**WHEREAS,** The Chief Financial Officer has certified and submitted a consolidated bill list for the payment of claims; and

**WHEREAS,** all vouchers listed herewith have been encumbered and sufficient funds are available for payment; and

**WHEREAS,** the required signatures of the Department Head or the and/or the Finance Chairperson, the Vendor, and the Chief Financial Officer, have all been obtained on each voucher on the attached list.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Borough Council of South Plainfield Borough that the voucher list submitted is hereby approved for payment in the total amount of **\$1,724,985.99**

**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				
Councilman Bengivenga			x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White	x		x				
Council President Rusnak						x	
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**COUNCIL REPORTS:**

Borough Attorney Paul Rizzo, Esq. – reported that he delivered a check earlier today to Mr. Cullen from Anda Builders for \$35,000 pursuant to our agreement having vacated Chelsea Place. Mr. Rizzo said that he had alerted the Council earlier that Dr. Patel wishes to extend until the end of April to close his contract pertaining to Carol Place. If no one has any objection to it, he said he will go ahead and agree to the extension as there does not seem to be any alternatives. Councilman Bengivenga asked how many extensions this has been. Mr. Rizzo said this will be the third one. The Council asked for the reason of the third extension. Mr. Rizzo said this time it appears he has had difficulty in obtaining an engineer for the necessary site plans. They intend to file the site plan and use variance by the end of February. After brief discussion, the Council agreed to the third extension.

Administrator Cullen – welcomed and congratulated Tom Zazzara to the DPW. Tom was very instrumental to the Borough during the October storm clean-up. He has since obtained his CDL license and also has been a part of helping the DPW with the senior bulk pickups and debris removal. Everyone extended a round of applause to welcome Tom Zazzara.

Engineer Miller – briefed the Council on the status of the road improvement projects. We will be meeting tomorrow for a pre-con pertaining to the Jack Morris project as they are looking to get started as soon as possible. The project on West End Avenue he will be looking to move forward on that shortly.

Clerk Antonides – had no report for this evening.

Councilman Diana – reported that he had the opportunity to attend the Multi-Cultural Day at the Roosevelt School this past Friday in which it was a very nice event that he was amazed at how well that many kids can behave. The Clean Communities group have decided to make a donation toward the digital sign in the amount of \$1,000. April 20<sup>th</sup> will be Spring Clean-Up Day and Alice Temple is seeking volunteers. They also have a power point presentation pertaining to recycling for anyone who is interested. It is about 20 minutes long. Councilman Diana said at the last meeting there was some discussion pertaining to the County Open Space Fund and he just wants to point out that he has had some conversations with the County who have advised that South Plainfield has received over \$9 million over the life of the program and understands that as much of what we put into it has come back to us and it is a good program and good partner for us and feels we should continue to use this relationship with the County as much as we can. Mayor Anesh said he doesn't think anyone here has said that the County is not useful. The point is when you look at the program from inception it is just common courtesy that when we make a request, especially when it comes from the Mayor or Administrator of a municipality, that they get back to us. Then when we make follow-up repeated requests and phone calls that are completely ignored is just wrong. We are not disputing that we have not been the beneficiaries of getting our own money back, though we have not received anything for the past three years. If we put in \$9 million and if we got more than \$9 million back then it stands to reason that there is some other community that didn't get anything back at all and don't know what community out there would support a program where you put in money and get less back than you put in. Councilman Diana said that is the nature of government. New Jersey is a giver state rather than a taker state. Mayor Anesh reiterated that his point is, that when you put in an application and/or make phone calls it would be common courtesy to get back to us. Mayor Anesh advised that perhaps they get so many requests that it is physically impossible to get back to every applicant, but yet during Hurricane Sandy Mayor Anesh said he responded to hundreds of residents. The problem is when you make repeated phone calls and send repeated letters to Freeholders and Administrators and you do not get any response, there is just no excuse for that. Mayor Anesh said he appreciates that they gave Councilman Diana notification that we received what we put in, but that is not necessarily what the problem is. Councilman Diana said he hears the Mayor's concerns. Mayor Anesh concluded by saying we will bring this up with Council President Rusnak.

Councilman Barletta – congratulated Tom Zazzara saying that he heard what a hard worker he is. Councilman Barletta advised that he will be attending the pre-construction meeting tomorrow that Len Miller spoke of earlier.

Councilman Bengivenga – thanked Chief Mikorski for inviting him to speak to the Boy Scouts. They had a lot of questions and comments. It was a great time to spend with them.

Councilman McConville – congratulated Tom Zazzara and noted that the DPW was out this past weekend salting all the roads and did a great job of it. We have a great team down there.

Councilman White – congratulated Tom Zazzara saying that he has obviously has a work ethic that has allowed you to receive this position. Councilman White thanked the Mayor, Council, and Glenn for supporting the funds this evening for the Memorial Park Playground. Also Councilman White commended all the Borough Employees for all they did with the Wear Red Day to support the American Heart Association. Regarding the Multicultural Day Councilman White said he too attended it and the students really did a great job. On another note, James Conrad received his Eagle Scout award last week and we congratulate him. TBall registration will be taking place as well as the Cultural Arts Annual Talent Show.

Council President Rusnak – was absent this evening.

Mayor Anesh – advised that a week ago he attended the softball comedy night. It was a great night raising money for a worthy cause. Mayor Anesh advised he got picked on a little bit by the comedian and there was a ventriloquist in which had him come forward and made him speak in a comical way. It was all pretty funny and again, for a good cause. This past Friday was a wonderful day for the Borough with the Go Red Day. It is an event we touched upon in years past with lighting the building in red lights. This year we got a little more creative; thanks to the help of Darlene Cullen, Anne Daley and Glenn Cullen. Borough employees donated \$5 each and wore red thus raising about \$200. We then posted a challenge on our Facebook page pledging that for every “Like” received we would donate \$1 to the American Heart Association up to a maximum of \$500. We received over 940 “Likes” and the statistics were amazing. We are going to look to see if we can come up with the extra \$440 to match all the “Likes”. To conclude Mayor Anesh discussed an article in a recent paper pertaining to MRP Steel who are actively involved in working on the new Freedom Towers.

### **COMMENTS FROM THE PUBLIC:**

Mayor Anesh opened the floor for public comment.

Debbie Boyle of Van Fleet thanked the Police Chief for having daily police coverage at our schools saying how much it is appreciated. Ms. Boyle also thanked the Council for their attendance at the Multi-Cultural Day. To conclude, Ms. Boyle went on to mention some of the upcoming events in town.

Mr. Anthony Mondoro of 120 Clifford Street questioned property that many, many years ago was sold with a deed restriction attached to it. Mr. Mondoro asked if the deed restriction is still in effect and if taxes are being paid on it. Mr. Cullen said he that taxes are being paid on it for the land. Mr. Mondoro said he would like to know the status of the deed restriction. Mr. Cullen said he will look into it and find out.

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

At this time, 8:21 p.m., Mayor Anesh advised that the Council will be going into Executive Session and everyone is welcome to stay for their return back into public session.

### **ADJOURNMENT**

Without further comment, Mayor Anesh called for a motion to adjourn. Councilman McConville made a motion to adjourn at 8:39 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC - Municipal Clerk