

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
FEBRUARY 19, 2013, 7:07 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:07 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 Bengivenga led the invocation.

Proclamation – Mayor Anesh read a Proclamation in full honoring Youth Art Month for March 2013.

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

| COUNCIL | MOTION | 2 ND | 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 | | | | | | | |

Public Comment For Agenda Items Only:

Mayor Anesh opened the floor for public comment.

Ms. Libby Barsky from the South Plainfield Observer asked if Ordinance 1984 on tonight's agenda refers to tucks? Mr. Rizzo Esq. said yes for trucks that are 4 tons or greater. Councilman Bengivenga gave Ms. Barsky a little background as to why this ordinance is necessary.

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

ORDINANCES – SECOND READING BY TITLE was read by Clerk Antonides for the following:

**ORDINANCE 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**

Mayor Anesh opened the floor for comments from the public. There were no comments. Mayor Anesh opened the floor for comments from Council. There were none.

| COUNCIL | MOTION | 2 ND | 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 | | | | | | | |

BOND ORDINANCE 1980

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.

The bond ordinance #1980, the summary terms of which are included herein, has been finally adopted by the Borough of South Plainfield, in the County of Middlesex, State of New Jersey on February 19, 2013 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who 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

Mayor Anesh opened the floor for comments from the public. There were no comments. Mayor Anesh opened the floor for comments from Council. Councilman Diana said that he has already made his feelings known about this ordinance and will be voting no on it this evening.

| COUNCIL | MOTION | 2 ND | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|-------------------------------|--------|-----------------|----------|----------|---------|--------|--------|
| Councilman Barletta | | | x | | | | |
| Councilman Bengivenga | | | x | | | | |
| Councilman Diana | | | | x | | | |
| Councilman McConville | | x | x | | | | |
| Councilman White | | | x | | | | |
| Council President Rusnak | x | | x | | | | |
| | | VOTE: | 5 | 1 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

ORDINANCE 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

Mayor Anesh opened the floor for comments from the public. There were no comments. Mayor Anesh opened the floor for comments from Council. Council President Rusnak pointed out the positions that this Ordinance does not refer to remain plat and congratulated the Mayor and Council for their work on this.

| COUNCIL | MOTION | 2 ND | 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 | | | | | | | |

ORDINANCE 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

Mayor Anesh opened the floor for comments from the public. There were no comments. Mayor Anesh opened the floor for comments from Council. There were no comments from Council.

| COUNCIL | MOTION | 2 ND | 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 | | | | | | | |

ORDINANCES – FIRST READING BY TITLE was read by Clerk Antonides. The public hearing was set for March, 4, 2013, 7:00 p.m. for the following:

ORDINANCE 1983

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 THE PROFESSIONAL MANAGERS

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, except if otherwise noted.

| Position | 2011 | 2012 | 2013 | 2014 |
|-------------------------------|---------|---------|---------|---------|
| Tax Collector | 25,000 | 25,375 | 25,756 | 26,142 |
| Tax Assessor | 58,000 | 58,870 | 59,753 | 60,649 |
| Assessor Field Representative | 7,500 | 7,500 | 7,613 | 7,727 |
| Environmental Specialist | 64,882 | 65,855 | 66,843 | 67,846 |
| Recycling Coordinator | 5,085 | 5,161 | 5,239 | 5,317 |
| Fire Official | 76,168 | 77,311 | 78,470 | 79,647 |
| Fire Subcode | 6,017 | 6,107 | 6,199 | 6,292 |
| Construction Officer | 102,711 | 104,252 | 105,815 | 107,403 |
| Zoning Officer | 14,500 | 14,718 | 14,938 | 15,162 |
| Court Administrator | 65,690 | 66,675 | 67,675 | 68,691 |

| | | | | | |
|------------------------|--|--------|--------|--------|--------|
| Recreation Director | | 71,366 | 72,436 | 73,523 | 74,626 |
| Pool Administrator | | 8,764 | 8,895 | 9,029 | 9,164 |
| Health Board secretary | | 2,564 | 2,602 | 2,641 | 2,681 |

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 ND | 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 | | | | | | | |

**ORDINANCE NO. 1984
AN ORDINANCE RESTRICTING VEHICLES FROM DESIGNATED STREETS.**

WHEREAS, the Borough Police Department has received several complaints and has documented a number of incidents regarding vehicle traffic on Lowden Avenue and connecting streets near Lowden Avenue; and

WHEREAS, the Traffic Safety Advisory Commission, upon recommendation of the Police Department, has recommended to the Mayor and Council that an ordinance be passed restricting vehicles from Lowden Avenue, Willow Avenue, Ralph Avenue and Oakmoor Avenue;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Code of the Borough of South Plainfield shall be amended to provide that vehicles over the registered gross weight set forth herein are hereby excluded from the streets or parts of streets described herein, except for pickup and delivery of materials on such street, or the use of emergency vehicles on such streets.

| Name of Street | Weight Limit | Location |
|----------------|--------------|---------------|
| Lowden Avenue | 4 tons | Entire length |
| Willow Avenue | 4 tons | Entire length |
| Ralph Avenue | 4 tons | Entire length |
| Oakmoor Avenue | 4 tons | Entire length |

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

| COUNCIL | MOTION | 2 ND | 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 | | | | | | | |

RESOLUTIONS:

**RESOLUTION 2013-71
AUTHORIZING APPLICATION TO THE MIDDLESEX COUNTY DEPARTMENT
OF HOUSING AND COMMUNITY DEVELOPMENT FOR A 2013 COMMUNITY DEVELOPMENT BLOCK GRANT
FOR THE PURPOSE OF IMPROVEMENTS IN THE AREAS OF SENIOR CITIZEN SERVICES AND
LIBRARY ADA ACCESSIBILITY PROJECT.**

WHEREAS, the Borough of South Plainfield wishes to apply to Middlesex County Housing and Community Development Agency for discretionary aid; and

WHEREAS, the Borough’s Citizen Advisory Committee met to discuss possible uses of the 2013 CDBG funding; and

WHEREAS, the Governing Body of the Borough of South Plainfield held a public hearing on February 19, 2013 to elicit input from borough residents on the best uses for the 2013 CDBG;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of South Plainfield do hereby make application to Middlesex County Housing and Community Development for discretionary aid to be used for the following proposed uses:

| | |
|-----------------------------------|-----------------|
| Senior Citizen Coordinator salary | \$12,500 |
| Senior Center Generator | \$25,000 |
| Library ADA Entrance | \$23,823 |
| TOTAL | \$61,323 |

BE IT FURTHER RESOLVED that a certified copy of this resolution will be forwarded to the Director of the Middlesex County Housing and Community Development Agency.

| COUNCIL | MOTION | 2 ND | 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 NO. 2013-72TABLED

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

RESOLUTION 2013-73

AUTHORIZING THE PLAINFIELD’S CHAPTER OF UNICO TO UTILIZE BOROUGH HALL ON SATURDAY, APRIL 27, 2013 FROM 8:00 A.M. TO 4:00 P.M. TO CONDUCT THEIR ANNUAL BLOOD DRIVE

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 authorizes The Plainfield’s Chapter of UNICO to utilize Borough Hall on Saturday, April 27, 2013 from 8:00 a.m. to 4:00 p.m.

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

1. Amy Antonides, Municipal Clerk
2. The Plainfield’s Chapter of UNICO

| COUNCIL | MOTION | 2 ND | 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 No. 13-74

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND THE COUNTY OF MIDDLESEX FOR THE 2013 ALLIANCE CONTRACT THAT PROVIDES GRANT FUNDING FOR THE DEDR PROGRAM

WHEREAS, the Borough of South Plainfield, through the South Plainfield Alliance for Substance Awareness, wishes to renew participation in the New Jersey State DEDR grant program for 2013; and

WHEREAS, the Borough of South Plainfield agrees to provide matching funds to the anticipated grant award of \$20,777.00, as designated in the County plan for 2013; and

WHEREAS, the Borough of South Plainfield and the Alliance for Substance Awareness accept and agree to the terms and conditions set forth in the letter of agreement.

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 an agreement between the Borough of South Plainfield and the County of Middlesex for the 2013 Alliance Contract in which the Borough will receive a \$20,777.00 grant.

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

- Amy Antonides, Municipal Clerk
- The Plainfield’s Chapter of UNICO

| COUNCIL | MOTION | 2 ND | 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 2013-75

RESOLUTION AUTHORIZING SETTLEMENT OF 2010, 2011 and 2012 TAX APPEALS FILED BY TEITELBAUM PARTNERS, L.P., FOR THE PROPERTY KNOWN AS 140 SOUTH AVENUE AND IDENTIFIED AS BLOCK 518, LOT 1, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, Teitelbaum Partners, L.P. (hereinafter referred to as “Taxpayer”) is the owner of the property known as 140 South Avenue and identified as Block 518, Lot 1, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$2,250,600 for 2010; and

WHEREAS, the assessed value of the Property was set at \$2,250,600 for 2011; and

WHEREAS, the assessed value of the Property was set at \$2,250,600 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 002724-2010, 002014-2011 and 002312-2012; 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 \$2,250,600 shall be affirmed and remain unchanged;
- The 2011 original assessment in the amount of \$2,250,600 shall be reduced to \$1,885,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2011;
- The 2012 original assessment in the amount of \$2,250,600 shall be reduced to \$1,807,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2012;
- Taxpayer has agreed to waive statutory interest provided the subject refunds are paid within sixty (60) days from the date of the entry of Judgment; and

- Refunds regarding over payments shall be made payable to “Teitelbaum Partners, L.P. as Plaintiff and Zipp & Tannenbaum, LLC, as Attorney for Plaintiff” and forwarded to Zipp & Tannenbaum, LLC within 60 days from the date of the entry of Judgment.

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 \$1,885,000 total tax assessment reduction for the 2011 tax year for Block 518, Lot 1 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 \$1,807,000 total tax assessment reduction for the 2012 tax year for Block 518, Lot 1 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. 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 Teitelbaum Partners, L.P. under Docket Nos.: 002724-2010, 002014-2011 and 002312-2012 , for the property known as 140 South Avenue and identified as Block 518, Lot 1, on the Borough of South Plainfield Tax Assessment Maps which results in the Taxpayer’s 2010 tax appeal being affirmed and remaining unchanged; which reduces the 2011 total tax assessment on the Property from \$2,250,600 to \$1,885,000; which reduces the 2012 total tax assessment on the Property from \$2,250,600 to \$1,807,000; which further provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is paid within sixty (60) days from the issuance of Judgment; and which further provides that any refunds shall be made payable to “Teitelbaum Partners, L.P., as Plaintiff and Zipp & Tannenbaum, LLC, as Attorney” and forwarded to Zipp & Tannenbaum, LLC within 60 days from the date of the entry of Judgment.
4. 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 ND | 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 2013-76
AUTHORIZING A SEWER REFUND IN THE AMOUNT OF \$40,646.70 TO THE HOLIDAY INN
OF 4701 STELTON ROAD

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

Block 528.01; Lot 46.03
4701 Stelton Rd LLC
c/o Holiday Inn
4701 Stelton Rd
South Plainfield, NJ 07080
\$40,646.70

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.

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

- Amy Antonides, Municipal Clerk
- Tax Collector

| COUNCIL | MOTION | 2 ND | 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 13-77
AUTHORIZING EMERGENCY CONTRACT WITH STILO EXCAVATING FOR A WATER ALARM AT THE LOWDEN
AVENUE PUMP STATION DUE TO A TEN INCH BREAK IN A SEWER LINE IN AN AMOUNT NOT TO EXCEED
\$16,000

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes an emergency contract award with Stilo Excavating for water alarm at the Lowden Avenue Pump Station due to a ten inch break in a sewer line in an amount not to exceed \$16,000.

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 ND | 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 13-78

AUTHORIZING THE HIRING OF ALEXANDRA MATTIA AS ZUMBA INSTRUCTOR FOR THE SENIOR CENTER ON AN AS NEEDED BASIS AT A RATE OF \$65.00 PER CLASS WITH NO BENEFITS

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the hiring of:

Alexandra Faye Mattia
6 Brandywine Court
Annandale, NJ 08801
908-670-7636

As a Zumba Instructor at a rate of \$65.00 per class on an as needed basis with an effective date of February 22, 2013.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Tree Olano, Senior Center Director

| COUNCIL | MOTION | 2 ND | 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 No. 13-79

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: | | | | | AMOUNT |
| 2-01-20-165-000-204 | Engineering | | O&E | | 5,000.00 |
| 2-01-26-305-003-102 | Snow Removal | | S&W | | 4,000.00 |
| 2-01-260-305-003-235 | Recycling | | O&E | | 3,000.00 |
| 2-01-26-310-000-101 | Public Buildings & Grounds | | S&W | | 3,000.00 |
| 2-01-30-425-001-101 | Salary & Wage Adjustment | | O&E | | 10,000.00 |
| 2-01-31-420-001-555 | Electric | | O&E | | 3,000.00 |
| 2-01-31-435-002-555 | Street Lighting | | O&E | | 2,500.00 |
| 2-01-31-445-001-581 | Water | | O&E | | 2,000.00 |
| 2-01-31-465-001-565 | Gasoline | | O&E | | 2,500.00 |

| | | | |
|---------------------|---------------------|-----------|------------------|
| 2-01-36-472-000-675 | SSI | Statutory | 5,000.00 |
| 2-01-43-490-000-601 | Municipal | O&E | 5,000.00 |
| | | | |
| Total FROM: | | | 45,000.00 |
| TO: | | | AMOUNT |
| 2-01-23-210-000-651 | Other Insurance | O&E | 5,000.00 |
| 2-01-25-250-000-102 | 911 | S&W | 10,000.00 |
| 2-01-20-135-000-236 | Audit | O&E | 5,000.00 |
| 2-01-25-265-002-331 | Fire Official | S&W | 5,000.00 |
| 2-01-20-135-000-237 | Compensated Absence | O&E | 2,500.00 |
| 2-01-32-465-001-545 | Landfill | O&E | 12,500.00 |
| 2-01-43-490-000-101 | Group Insurance | O&E | 5,000.00 |
| | | | |
| Total TO: | | | 45,000.00 |

| OUNCIL | MOTION | 2 ND | 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 2013-80
AUTHORIZING A 2013 TEMPORARY BUDGET AMENDMENT OF \$512,000.00 IN THE CURRENT FUND**

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 |
|---------------------------|----------------------------|--|-----|-------------------|
| 3-01-20-100-000-101 | Administration | | S&W | 25,000.00 |
| 3-01-25-140-000-204 | Computer Service | | O&E | 10,000.00 |
| 3-01-20-145-000-101 | Tax Collection | | S&W | 15,000.00 |
| 3-01-20-150-000-225 | Aessing | | O&E | 10,000.00 |
| 3-01-23-210-000-651 | Other Insurance | | O&E | 25,000.00 |
| 3-01-23-220-000-601 | Health Benfeits | | O&E | 200,000.00 |
| 3-01-25-250-000-101 | 911 | | S&W | 20,000.00 |
| 3-01-25-250-000-204 | 911 | | O&E | 20,000.00 |
| 3-01-25-265-003-581 | Fire Service Charges | | O&E | 55,000.00 |
| 3-01-26-290-002-235 | Road Repairs & Maintenance | | O&E | 15,000.00 |
| 3-01-27-330-002-101 | Youth Aid | | S&W | 2,000.00 |
| 3-01-28-370-002-101 | Office on Aging | | S&W | 15,000.00 |
| 3-01-38-481-000-225 | Tax Appeals | | O&E | 100,000.00 |
| Total CURRENT FUND | | | | 512,000.00 |

| COUNCIL | MOTION | 2 ND | 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 13-81

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A CONTRACT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND THE PBA LOCAL #100 FOR SUPERIOR OFFICERS

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT: authorization is hereby given for the Mayor and Municipal Clerk to execute the Collective Bargaining Agreement with PBA Local #100 for Superior Officers.

| COUNCIL | MOTION | 2 ND | 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: | 4 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 2013-82

AUTHORIZING T&M ASSOCIATES TO PERFORM ENGINEERING DESIGN AND CONSTRUCTION ADMINISTRATION AS WELL AS TO ADMINISTER BIDS FOR THE 2013 ROAD IMPROVEMENT PROGRAM FOR THE BOROUGH OF SOUTH PLAINFIELD IN AN AMOUNT NOT TO EXCEED \$112,000

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for T&M Associates to perform engineering design and construction administration as well as to administer bids for the 2013 Road Improvement Program for the Borough of South Plainfield in an amount not to exceed \$112,000.00.

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 ND | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|--------------------------|--------|-----------------|----------|----------|---------|--------|--------|
| Councilman Barletta | | | X | | | | |
| Councilman Bengivenga | | | X | | | | |
| Councilman Diana | | | | X | | | |
| Councilman McConville | | X | X | | | | |
| Councilman White | | | X | | | | |
| Council President Rusnak | X | | X | | | | |
| | | VOTE: | 5 | 1 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 2013-83

AUTHORIZING T&M ASSOCIATES TO PERFORM ENGINEERING DESIGN AND CONSTRUCTION ADMINISTRATION AS WELL AS TO ADMINISTER BIDS FOR ADA RAMPS IN ACCORDANCE WITH CDBG GRANT FUNDING FOR THE BOROUGH OF SOUTH PLAINFIELD

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield hereby grants T&M Associates to perform engineering design and construction administration as well as to administer bids for ADA Ramps in accordance with CDBG funding for the Borough of South Plainfield.

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

- Municipal Clerk
- Chief Financial Officer
- T&M Associates

| COUNCIL | MOTION | 2 ND | 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 | | | | | | | |

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:

- Code Enforcement Monthly Report – January, 2013
- Environmental Commission Monthly Report – January, 2013
- Environmental Commission Minutes – December 12, 2012
- Board of Adjustment Minutes – December 4, 2013 & January 15, 2013
- Email complimenting the DPW for their snow plowing efforts
- Resignation of Suzanne M. Lyte from the Cultural Arts Commission

| COUNCIL | MOTION | 2 ND | 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 | | | | | | | |

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 **\$283,902.99**

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 ND | 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 | | | | | | | |

COUNCIL REPORTS:

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

Administrator Cullen – had no report for this evening.

Engineer Miller – briefed the Council on the status of upcoming bid projects. The 3rd party electrical bid will be opened on March 7th and awarded the evening of March 7th. The recycling bid opening will be March 6th and awarded the evening of March 7th. The used tandem dump truck will have a bid opening of March 13th and awarded at the Council meeting of March 18th. To conclude, the survey work for the road improvements for 2013 is underway

Clerk Antonides – had no report for this evening.

Councilman Diana – thanked Cappi and the DPW for the emergency work that they recently performed on a pipe. Their fast action saved the Borough a lot of money. Councilman Diana commented on being happy to see Ordinance 1984 on this evening, having grown up in that area he has seen a lot of 18 wheelers getting hung up there.

Councilman Barletta – reported progress for this evening.

Councilman Bengivenga – pointed out that under “Correspondence” this evening you will see the resignation of Susanne Lyte from the Cultural Arts Commission and she has served on this Commission for a good many years and will be well missed. She is resigning as she is moving out of town. Councilman Bengivenga thanked her for her many years of service. Councilman Bengivenga also commented on how the bond ordinance this evening will enable us to continue with our road resurfacing program.

Councilman McConville – praised Cappi and the DPW for their expedient work fixing a broken water pipe on Lowden Avenue. They fixed the pipe in no time at all and saved the Borough a good deal of money. Kudos also to Stilo Excavating who assisted the DPW with this emergency repair. Also the DPW did a fantastic job last Friday during the snow storm and have already had many residents compliment the DPW for a job well done.

Councilman White – advised that he had attended the Valentine’s Day party at the Senior Center in which over 100 were in attendance. The annual Cultural Arts Talent Showcase will be held on February 24, 2013. Read Across America events will be taking place all during March at our local schools and library. Recreation T-Ball Ponytail registration is still taking place. Councilman White concluded by congratulating the South Plainfield wrestling team on another win.

Council President Rusnak – advised that the goal he would like to see this year is for all the road projects to be completed by Labor Day this year. Council President Rusnak complimented Councilman Bengivenga on his negotiations with the Professional Managers as they have settled for 1.5% for the next three years.

Councilman Diana interjected that there was one thing he forgot to comment on earlier in that he received a call from a resident pertaining to all the trucks on Hamilton Blvd. and we did discuss a few meetings ago that perhaps GPS needs to be updated. Councilman Diana said he feels the truck issue on Hamilton Blvd. continues to be an issue and we need to explore this further as it continues to be a problem. Councilman Barletta said that he live off of Belmont Avenue and travel Hamilton a lot and do not see that many trucks, on occasion yes. Councilman Barletta said he would like to hear a statistic as he does not really see this as a big issue. There are so many signs telling trucks that they can’t go on Hamilton Blvd. that I don’t know what else you can do. There is at least six signs that say “no tucks allowed”. Councilman Barletta said he believes the Police Department is doing and good job and sees them pulling trucks over. We have done all we can do. Councilman Barletta reiterated that he doesn’t think it is that big of a problem. Councilman Diana said the only thing he can do it bring it to the Council when he hears of such a complaint. Councilman Diana said he suggests we see about updating the GPS as he does not have any statistics in this regard. Mayor Anesh said we can certainly look into the GPS aspect. Also Mayor Anesh said that he has been in contact with the Police Chief any time this issue has come up. The Chief doesn’t need anyone on this Council to tell him to enforce the laws, as he already is doing that. Mayor Anesh said he essentially has had no residents come to him or to any Council meetings to complain about this. We do get calls endlessly on certain issues out there but, this is not one of them. Mayor Anesh turned to the Police Chief Parker in the audience and asked him if he is getting any of these phone calls or complaints. Chief Parker said no. Mayor Anesh advised Councilman Diana that if he is getting these complaints to have the people come forward. Council President Rusnak asked Councilman Diana to please forward via email the contact names and phone numbers of those who have complained about this matter so that he can reach out to them. Councilman Diana said he will see if they are comfortable with that. Council President Rusnak said he is sure they will be comfortable with that and to please forward the information to him.

Mayor Anesh – reported that the Mayor’s Healthy Bake-Off is forthcoming. Also the Biggest Loser contest has ended and the results will be reported shortly. The wedding donations are still being determined and hope to have some ideas back in the near future.

Mayor Anesh concluded by advising that approximately 7:45 this evening the FBI and Attorney General has issued a press release pertaining to an incident that took place in town involving a former South Plainfield Police Captain; Michael Grennier. The arrest took place last Friday, February 15th in which they have charged Mr. Grennier with sexual exploitation of children. There is another individual involved in this case who has also been arrested and we believe has faced a Judge in Newark today. Those exact charges have not yet been released publically nor have they been included in this evening’s press release that has gone out by the Attorney General’s Office. Mayor Anesh said that it goes without saying that he as well as the Council’s thoughts and prayers go out to the victims and their families. Mayor Anesh said that if these allegations are true the he, like everyone else, is physically angry and disgusted that such a thing could happen anywhere, let alone in our little community. Mayor Anesh said he has been told this investigation is ongoing and thus cannot provide any more details. Mayor Anesh advised what he can say is that the FBI was, and still is, the lead investigative body in this crime. The South Plainfield Police Department, particularly the Detective Bureau has assisted with this investigation led by Chief Parker. Their assistance will continue until such time the matter is brought to its conclusion. As more reportable details become available we will keep the residents apprised. Mayor Anesh concluded by respectfully asking that there be no questions at this time and that frankly he has told everyone all that he knows.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Mr. Robert Capparelli said he wanted to thank Stilo Excavating for their help with assisting the DPW with the recent emergency water pipe leak. Stilo goes above and beyond to help our town when needed.

Debbie Boyle of Van Fleet asked if the Board of Education is on our Recycling bid as there was an issue in the past about this. Council President Rusnak said yes. Mrs. Boyle went on to advise of all the upcoming events and dates for various activities in town.

Mr. Bob Richkus of 1325 Famularo Drive thanked the Governing Body for their support of resolution #13-74 this evening for the Alliance. Mr. Richkus also thanked Glenn, Amy and Anne for all their help.

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

At this time, 7:48 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. Council President Rusnak made a motion to adjourn at 8:09 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk