

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
MARCH 18, 2013, 7:35 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:35 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 Diana led the invocation in Councilman McConville's stead.

Proclamation – Mayor Anesh advised that the Proclamation pertaining to Autism Awareness Month will read at the next Council meeting.

Approve Council Minutes:

March 4, 2013 - Agenda

March 4, 2013 – Public

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:	4	0			
Mayor Anesh – TIE ONLY							

Public Comment For Agenda Items Only:

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

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

Mayor Anesh opened the floor for public hearing. With no public comments, Mayor Anesh asked the Council if they had any comments and there were none.

ORDINANCE 1985

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 \$649,000 THEREFOR AND

AUTHORIZING THE ISSUANCE OF \$599,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Adoption of Ordinance #1985: March 18, 2013

COUNCIL	MOTION	2 ND	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:	4	1			
Mayor Anesh – TIE ONLY							

**LAND USE ORDINANCE #1986
AN ORDINANCE AMENDING LAND USE ORDINANCE 1311 SECTION 8 ENTITLED
“SCHEDULE OF REQUIRED FEES FOR ESCROW DEPOSITS”**

Mayor Anesh opened the floor for public hearing. With no public comments, Mayor Anesh asked the Council if they had any comments and there were none.

Adoption of Ordinance #1986: March 18, 2013

COUNCIL	MOTION	2 ND	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							

RESOLUTIONS:

RESOLUTION 2013-99

AUTHORIZING THE REJECTION OF ALL BIDS FOR 3RD PARTY ELECTRICAL SERVICES RECEIVED ON MARCH 7, 2013 DUE TO THE BIDS EXCEEDING COST ESTIMATES

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

Authorization is hereby given to reject the one and only bid received for 3rd party electrical services from Nestera Energy Services via Avion Energy Group that was received at 1:00 p.m. on March 7, 2013 as the bid exceeded the cost estimates for 3rd party electrical services as projected/estimated by the Borough Engineer.

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-100

AUTHORIZING A MIDDLESEX COUNTY CO-OP PURCHASE OF TWO 2013 FORD INCEPTOR SUV PATROL VEHICLES FROM BEYER-WARNOCK IN AN AMOUNT NOT TO EXCEED \$63,360.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a Middlesex County Co-Op purchase of two 2013 Ford Inceptor SUV Patrol Vehicles from Beyer-Warnock in an amount not to exceed \$63,360.00 pursuant to Middlesex County Co-Op Contract #101 (Beyer Ford of 31 Williams Pkwy, East Hanover, NJ 07936)

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. James Parker, Chief of Police

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

RESOLUTION 2013-101
AUTHORIZING A 2013 TEMPORARY BUDGET AMENDMENT OF \$1,216,875.00 IN THE
CURRENT FUND AND \$1,064,800.00 IN THE SEWER 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.

CURRENT FUND				AMOUNT
3-01-20-110-000-101	Executive		O&E	10,000.00
3-01-20-145-000-215	Tax Collection		O&E	5,000.00
3-01-20-155-000-101	Legal Services		S&W	10,000.00
3-01-23-220-000-601	Health Benefits		O&E	300,000.00
3-01-25-240-001-204	Police		O&E	10,000.00
3-01-25-240-001-241	School Guards		O&E	25,000.00
3-01-25-252-000-101	Emergency Management		S&W	5,000.00
3-01-25-265-002-101	Fire Official		S&W	25,000.00
3-01-25-265-003-581	Fire Service Charges		O&E	25,000.00
3-01-26-290-001-101	Public Works Admin		S&W	5,000.00
3-01-26-290-002-235	Road Repairs & Maintenance		O&E	20,000.00
3-01-26-290-003-321	Snow		O&E	5,000.00
3-01-26-310-000-101	Public Buildings & Grounds		S&W	25,000.00
3-01-26-315-000-101	Vehicle Maintenance		S&W	5,000.00
3-01-26-315-000-215	Vehicle Maintenance		O&E	5,000.00
3-01-28-370-002-101	Office on Aging		S&W	10,000.00
3-01-29-390-000-235	Library		O&E	100,000.00
3-01-32-465-001-545	Landfill		O&E	5,000.00
3-01-36-472-000-675	SSI		Statutory	25,000.00
3-01-45-920-000-801	Bond Principal		Debt	340,000.00
3-01-45-930-000-802	Bond Interest		Debt	231,875.00
3-01-38-481-000-225	Tax Appeals		O&E	25,000.00
TOTAL CURRENT FUND				1,216,875.00
SEWER				
3-07-55-515-001-585	Sewer O&E		O&E	1,000,000.00
3-07-55-910-000-801	Bond Principal		Debt	60,000.00
3-07-55-911-000-802	Bond Interest		Debt	4,800.00
TOTAL SEWER				1,064,800.00

COUNCIL	MOTION	2ND	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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2013-102

RESOLUTION AUTHORIZING SETTLEMENT OF 2009 and 2012 TAX APPEALS FILED BY K-LAND NO. 58, FOR THE PROPERTY KNOWN AS 308 OAK TREE AVENUE AND IDENTIFIED AS BLOCK 254, LOT 29, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, K-Land No. 58 (hereinafter referred to as “Taxpayer”) is the owner of the property known as 308 Oak Tree Avenue and identified as Block 254, Lot 29, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$113,200 for 2009; and

WHEREAS, the assessed value of the Property was set at \$113,200 for 2012; and

WHEREAS, Taxpayer filed appeals of the 2009 and 2012 tax assessments in the Tax Court of the State of New Jersey under docket numbers 014987-2009 and 011763-2012; 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 2009 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 both 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 2009 original assessment in the amount of \$113,200 shall be reduced to \$95,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund/credit for 2009;
- The 2012 original assessment in the amount of \$113,200 shall be reduced to \$95,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund/credit for 2012;
- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax years 2010 and 2011;
- The Borough agrees to withdraw any counterclaims contesting the assessment of the Property;
- The 2013 total tax assessment shall be set by the Borough Tax Assessor at a total tax assessment of \$110,000 and no party shall file an appeal for tax year 2013 for the subject Property except to enforce this settlement;
- Taxpayer has agreed that all tax savings shall be credited toward future taxes in the discretion of the Borough Tax Collector.

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 \$95,000 total tax assessment reduction for the 2009 tax year for Block 254, Lot 29 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 \$95,000 total tax assessment reduction for the 2012 tax year for Block 254, Lot 29 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 254, Lot 29 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 K-Land No. 58 under Docket Nos.: 014987-2009 and 011763-2012 , for the property known as 308 Oak Tree Avenue and identified as Block 254, Lot 29, on the Borough of South Plainfield Tax Assessment Maps which reduces the 2009 total tax assessment on the Property from \$113,200 to \$95,000; which reduces the 2012 total tax assessment on the Property from \$113,200 to \$95,000; which provides that the Property’s 2013 total tax assessment shall be set to reflect a total tax assessment of \$110,000; which further provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax years 2010 and 2011; which further provides that the Borough agrees to withdraw any counterclaims contesting the assessment of the Property; and which further provides that the Taxpayer has agreed that all tax savings shall be credited toward future taxes in the discretion of the Borough Tax Collector.
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.

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. Tax Assessor
4. Tax Collector

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-103
AUTHORIZING AWARD OF CONTRACT TO “NIXLE” TO PROVIDE A NOTIFICATION PLATFORM THAT
STREAMLINES
EMERGENCY NOTIFICATION SERVICES
IN AN AMOUNT NOT TO EXCEED \$1,675.00

WHEREAS, Nixle is an online public safety broadcast system that leverages the power of the Internet to deliver timely and critical public safety information via email or text message. Subscribers can choose the information they want to receive, for the locations they want; and

WHEREAS, when an incident occurs, police can log onto a secure Web site to enter a message and will have the capability to send it to either the entire community or a specific area within the community. Any type of notice can be sent to thousands of people within minutes, notifying them of a problem occurring in their area. These notices can range from missing or wanted individuals, to traffic delays, to natural disasters;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes award of a contract with Nixle to provide a notification platform that streamlines emergency notification services in an amount not to exceed \$1,675.00

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

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

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:		5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-104

AUTHORIZING EMERGENCY CONTRACT WITH BRENT MATERIAL COMPANY 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 \$4,618.92

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes an emergency contract award with Brent Material Company 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 \$4,618.92 for the purchase of pipes.

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				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville						X	
Councilman White		X	X				
Council President Rusnak			X				
	VOTE:		5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2013-105

AUTHORIZING AWARD OF RFP FOR BULK WASTE REMOVAL SERVICES TO REPUBLIC SERVICES IN AN AMOUNT NOT TO EXCEED \$11,002.44

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:11 any expenditure of public funds in excess of \$17,500 requires the solicitation of bid proposals for delivery of said goods or services; and

WHEREAS, a need has been determined for the acquisition of bulk waste removal services town wide yard and bulky waste pickup; and

WHEREAS RFP's were solicited and opened on Wednesday, March 6, 2013 and the following submitted RFP's:

REPUBLIC SERVICES, NEW BRUNSWICK, NJ	\$11,002.44
Waste Management	\$11,390.21

WHEREAS, the price quotes have been reviewed by the Borough Engineer, and Attorney and it is their recommendation that the RFP of Republic Services of New Brunswick, NJ in the amount of \$11,002.44 be accepted and a contract be awarded; and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available:

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that authorization is hereby given to award a contract for the purchase of bulk waste removal services; and

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement with Republic Services of New Brunswick, NJ, the lowest responsible contractor.

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

4. DPW Superintendent

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:	2	0			
Mayor Anesh – TIE ONLY							

(Note: Borough Attorney Rizzo advised this passes 2-0 as the vote is based on the vote of the voting members present. In this case there are only two voting members present thus it passes 2-0)

**RESOLUTION No. 13-106
AUTHORIZING 2012 APPROPRIATION TRANSFERS IN THE AMOUNT OF \$9,000.00 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
2-01-27-330-001-235	Board of Health		O&E	2,500.00
2-01-28-370-001-104	Recreation		S&W	1,500.00
2-01-260-305-003-235	Recycling		O&E	1,500.00
2-01-30-425-001-101	Salary & Wage Adjustment		O&E	3,500.00
Total FROM:				9,000.00
TO:				AMOUNT
2-01-20-110-000-101	Executive		S&W	1,500.00
2-01-25-240-001-102	Police		S&W	2,500.00
2-01-25-265-002-331	Fire Official		S&W	2,500.00
2-01-30-415-001-101	Compensated Absence		O&E	2,500.00
Total TO:				9,000.00

OUNCIL	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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-107

AUTHORIZING AWARD OF CONTRACT TO ABSOLUTE FIRE PROTECTION FOR THE REPLACEMENT OF A PUMP ON A FIRE ENGINE IN AN AMOUNT NOT TO EXCEED \$17,000.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes award of contract to Absolute Fire Protection for the replacement of a pump on a fire engine in an amount not to exceed \$17,000.00.

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				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville						X	
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-108

AUTHORIZING A MIDDLESEX COUNTY CO-OP PURCHASE OF A FLAIR MOWER FROM POWER PLACE, INC. IN AN AMOUNT NOT TO EXCEED \$4,600.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a Middlesex County Co-Op purchase of a Flair Mower from Power Place, Inc. in an amount not to exceed \$4,600.00 pursuant to Middlesex County Co-Op Contract MRESC 65 MCESCCTS Bid # MRESC 12-13-24.

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				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville						X	
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-109

AUTHORIZING THE WAIVER OF ENGINEERING ESCROW FEES FOR THE OASIS CHURCH N.J. FOR THEIR ZONING APPLICATION THAT WOULD ENABLE THEM TO UTILIZE REGAL CINEMA THEATERS ON SUNDAYS FOR RELIGIOUS SERVICES

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the waiver of engineering escrow fees for the Oasis Church N.J. for their Zoning Application that would enable them to utilize Regal Cinema Theaters on Sunday's for religious services.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Len Miller, Borough Engineer
- John Pabst, Zoning Officer

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-110

AUTHORIZING THE HIRING OF RICHARD ROTELLA AS FINANCE CLERK ON A PART-TIME, NO BENEFITS, AS NEEDED BASIS FOR THE 2013 CALENDAR YEAR AT AN HOURLY RATE OF \$12.25

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the hiring of Richard Rotella as Finance Clerk on a part-time, no benefits, as needed basis for the 2013 calendar year at an hourly rate of \$12.25.

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				
Councilman Bengivenga	X		X				
Councilman Diana			X				
Councilman McConville						X	
Councilman White		X	X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2013-111

OPPOSING S2364/A3553 WHICH CREATES A SYSTEM OF EARLY VOTING IN THE STATE OF NEW JERSEY COSTING THE STATE’S TAX PAYERS SOME \$20 MILLION IN THE FIRST YEAR, WHEN A LITTLE TO NO COST “VOTE BY MAIL” PROCEDURE HAS ALREADY BEEN IMPLEMENTED FOR SPECIFICALLY FOR EARLY VOTING

WHEREAS, Senate Bill S-2364 and Assembly Bill A3553 propose to create a system of early voting in the State of New Jersey; and

WHEREAS, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and

WHEREAS, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

WHEREAS, these bills would require for each primary and general election a public facility, except a public school, located in each municipality in an area of a high concentration of population to be open and available to registered voters starting 15 days before an election for early polling, possibly conflicting with if not pushing out other important uses for these buildings, causing inconvenience to residents; and

WHEREAS, these bills require retraining of poll workers and dramatically increased hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training polls workers is already a difficult process; and

WHEREAS, these bills would increase costs to municipalities, including overtime pay for municipal workers; and

WHEREAS, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicated funding, only that which the State Treasurer and the Director of the Division of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and

WHEREAS, the opportunity for “Early Voting” already exists in the State of New Jersey through the Vote by Mail ballot process at little to no cost to the Tax Payers,

NOW, THEREFORE, BE IT RESOLVED that Governing Body of the Borough of South Plainfield in the County of Middlesex do hereby oppose S2364 and A3553; and

BE IT FURTHER RESOLVED, the Governing Body of the Borough of South Plainfield do hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to the Office of the Governor, Senate President Sweeney, Senators Gill and Whelan, sponsors of S2364, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Benson, Conaway, and Coughlin, sponsors of A3553, our State Senator and Assembly representatives, the County Board of Elections, and the New Jersey League of Municipalities.

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

RESOLUTION NO. 2013-112

AUTHORIZING THE BOARD OF TRUSTEES OF THE SOUTH PLAINFIELD FREE PUBLIC LIBRARY TO EXPEND SUMS OF MONEY FROM EXISTING FUNDS NECESSARY FOR THE EXPANSION OF THE EXISTING FACILITY

WHEREAS, South Plainfield Free Public Library Board of Trustees have determined that expansion of their current facility is necessary; and

WHEREAS, pursuant to N.J.S.A. 40:54-25, the Library Board has certified to the Governing Body that there is currently available the sum of \$2,100,000.00 for the purpose of expanding the Library; and

WHEREAS, the Library Board has further certified that it is estimated that the sum of \$850,000.00 is required for the operation and maintenance of the Library for the balance of 2013; and

WHEREAS, all funds for the expansion of the Library will be paid from existing funds available and in the possession of the Library Board;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Board of Trustees of the Free Public Library is authorized and empowered to expend such sums of money as deemed necessary for the expansion of the existing facility, not to exceed the amount certified by the Board of Trustees as the amount available for the purposes of expanding the Library.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga			x				
Councilman Diana				x			

Councilman McConville							x
Councilman White	x		x				
Council President Rusnak		x	x				
		VOTE:	4	1			
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:

- Middlesex County Planning Board Minutes – January 8, 2013
- Recycling Monthly Report – January, 2013
- Planning Board Minutes – January 22, 2013
- Board of Adjustment Minutes – January 15, 213 & February 5, 2013
- Business Advisory Group Minutes – January 19, 2013
- Economic Development Committee Website Sub-Committee Minutes – January 30, 2013
- Health Advisory Board Minutes – February 26, 2013

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:	5	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 **\$504,059.36**

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		x				
Councilman Bengivenga			x				
Councilman Diana						x	

Councilman McConville			x			
Councilman White		x	x			
Council President Rusnak			x			
	VOTE:		5	0		
Mayor Anesh – TIE ONLY						

COUNCIL REPORTS:

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

Administrator Cullen –thanked Mike Zushma for the FEMA report though I think the numbers will be closer to six and three quarters. Mr. Cullen said that coming in tonight everyone probably noticed the new color on the walls in the hallways painted by our Public Works Department. Next they will be moving inside to paint the police department. Next we are looking for some price quotes to redo the floors. We have received a number of compliments about our new color on the walls. At the next Council meeting of April 1st we anticipate having the budget introduction. The budget public hearing we believe will be in May as well as the budget workshops. A resident asked about painting inside the meeting room. Mr. Cullen said that is something for consideration. We were thinking about painting it a year ago, but the we need to decide how best to handle the mural on the wall. As an aside we will be sanding and varnishing the doors to spruce them up a bit. As for the piece of metal that we received from the World Trade Center, we have a special cabinet being designed especially for it right now of which we hope to display here at Borough Hall for all citizens to appreciate.

Engineer Miller – gave a brief update that we are out to bid right now for recycling services for a March 27, 2013, 10:00 a.m. bid opening.

Clerk Antonides – had no report for this evening.

Councilman Diana – reminded everyone that the Borough Clean-Up Day will be April 20th and volunteers are needed to help out. Councilman Diana said we spoke a lot tonight about how this Governing Body can agree to disagree on things, but when push comes to shove it is really nice to see everyone up here at this Council table without exception showing a lot of genuine concern for him; in this case having been under the weather these last few weeks. It really means a lot to him that everyone up here expressed a lot of concern and reached out. Councilman Diana said we may laugh about disagreeing on a lot of things but we are all friends and no one can disagree with that. Councilman Diana said he wanted to particularly thank Council President Rusnak who had the unfortunate experience to have to scrub up to visit Councilman Diana in the hospital and also Glenn Cullen who kept him in the loop and reached out to him on a number of occasions expressing his concern. Councilman Diana said these concerns really meant a lot and thanked the Council again.

Councilman Barletta – said what a great job the DPW did with painting all the hallways. Councilman Barletta said he as well as other Council members attended the grand opening for the Fight Club on Plainfield Avenue and thanked the owner for hosting that event that day as he was so gracious to us all. Councilman Barletta gave a shout out to the South Plainfield High School for their district music festival. They did a wonderful job. Councilman Barletta thanked the teachers, the staff and the students who put so much effort into this program. The participation they have is amazing. Councilman Barletta also advised that he attended the Cultural Arts Talent show of which the participants also did an amazing job. To conclude, Councilman Barletta said he was glad to see resolution #13-112 pass this evening and looks forward to seeing the plans for the library.

Councilman Bengivenga – expressed congratulations to all the South Plainfield Wrestlers, particularly Anthony Ashnault for making history down in Atlantic City, though all the wrestlers are winners in our eyes.

Councilman McConville – was absent this evening.

Councilman White – thanked the Mayor and Council for attending the Cultural Arts Talent Show. Councilman White read a list of names of all those he wished to thank for all their time, help, support and effort put into such a successful Talent Show event. Councilman White also advised that the St. Patrick’s Day luncheon at the Senior Center was a success in which about 75 seniors were in attendance. It just goes to show there is a lot happening at the Senior Center with all their various programs- spread the word and come down. Councilman White concluded by reminding everyone about the Cultural Arts Commission’s next event; “An Afternoon of Brahms” on Saturday, March 23rd at 2:00 p.m. to be held at the Wesley United Methodist Church Fellowship Hall on Plainfield Avenue.

Council President Rusnak – said he would be more than happy when the time presents itself to sing with Mr. Aronowitz and looks forward to this library project getting off the ground.

Mayor Anesh – Mayor Anesh announced that the Borough has launched its own Twitter page. Anything that you see typically on the Borough Facebook page will be duplicated on the Twitter page. It's just one more tool for the Borough to stay in touch with the community. On that note, Mayor Anesh explained that tonight we passed a resolution authorizing the purchase of the Nixel system of which is yet another method in which to keep our residents informed. It is similar to the reverse 9-1-1 system that we have. The Police Department will soon have a link on our website in which residents would need to sign up for it if they are interested in receiving mobile alerts to their mobile device.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Darlene Cullen, Library Board President, thanked the Mayor and Council for their support of resolution #13-112 this evening. In our data base, we have over ten thousand residents who use our library, with over five thousand children. Mrs. Cullen said in her opinion when Councilman Diana first got elected he came out guns blazing against the library, as was also indicated in his speech and a letter he wrote to the paper. Mrs. Cullen said she had invited Councilman Diana several times to attend the library board meetings to learn what is going on, but as we are in March now, she has yet to see him at any of these meetings. Mrs. Cullen once again invited Councilman Diana to attend these meetings to learn about what they do there, to see what the thought process is for the refurbishment (not saying she expects Councilman Diana to change his views) but to be a part of the solution and not the problem. Councilman Diana responded by saying that he does not feel his position all along has been anti-library but concern for the location of the library with concern for weather events and doesn't think attending any number of library meetings will change that concern. Councilman Diana said he never has hoped about being more wrong about something. A strong vibrant library is important to this community. If something does happen we will address it and fix it and be sure the same thing doesn't happen again in the future. Councilman Diana said let's hope he is wrong about this and nothing does happen in the future. Councilman Diana commended the Library Board for the great work they have done in making the library such a vibrant and important part of this community. A strong library is important. Councilman Diana said that although he voted no for the library improvements, he does wish the best for the library. Mrs. Cullen said she appreciates Councilman Diana's concerns for flooding, we ourselves have had similar concerns but unfortunately we do not have a crystal ball. This project has been looked out for over ten years and we have done all we can to address the flood concerns utilizing the best technology, design, and professionals. Councilman Diana said he has the utmost confidence in Mr. Miller (Borough Engineer) that things will be done the correct way. Mrs. Cullen said that she and the Mayor last week met with Assemblyman Diegnan who offered a suggestion about the library. Mrs. Cullen said she immediately looked into his suggestion and unfortunately the suggestion is not a feasible one. Mrs. Cullen concluded by imploring Councilman Diana to be a part of the solution and not the problem; that's not to say that we will change your opinion but to see what efforts are taking place. Mrs. Cullen said it is very easy to sit up there and say no to things but you are not offering up any solutions either which is how she said she perceives his viewpoint right now, especially because we are three months into the year and have not seen him at any of the meetings to see what they are all about.

Mayor Anesh said that though he does not wish to continue with this issue, one thing that keeps striking him is that Councilman Diana keeps saying that if the library has a long fruitful life that he will eat crow, but at what point do we determine this was a success; 10 years, 20 years, 30 years, 40 years, 50 years, etc. Mayor Anesh said no one needs to answer that as it is just rhetorical. With the storm we had that caused flooding, it was relatively minor in nature. There is no basement there right now. There is nothing deemed sensitive and dangerous that got damaged. We are pretty convinced that water got in there due to an archaic 1960's poorly designed door. Our new designs will address these issues. The new building will be above the flood plain. Mr. Len Miller corrected and said it will be one foot above the flood line. Doors will be flood proofed to meet all state requirements. We will be doing state of the art of what is required. Mr. Miller said a good portion of the town is in a flood plain; i.e. Town Hall. Councilman Barletta interjected that as

he understood it, the flood issue that happened was due to a sewer back-up and provisions were already made to make sure that doesn't happen again. Councilman Diana said that perhaps he is making a poor attempt by using the words eating crow to insinuate that someone will be right and someone will be wrong and hopes that the library will not have any issues at all. The concern is what do we do if something happens to the library. Mayor Anesh said if something were to happen we fix it. When the library flooded, what did we do....we fixed it. We deal with it. There are never any guarantees. Mayor Anesh said you buy a home and you think nothing is wrong with it until you live there and then all these problems arise. But you deal with it. You will never be 100% sure that nothing will ever happen. A plane crashed into three houses the other day on the news, no one expected that to happen.

Debbie Boyle of Van Fleet advised that the Healthy Dessert Bake-Off has been rescheduled. There are a lot of people with great intentions but they need to bring the recipes so the event will be rescheduled. The blood drive we held at the high school last Friday

was a huge success with over 100 donors, and 87 units of blood. To conclude, this Saturday is our volley ball tournament. It starts at the middle school at 8:30 a.m. and so far we have 25 teams.

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

ADJOURNMENT

Without further comment and no Executive Session for this evening, Mayor Anesh called for a motion to adjourn. Council President Rusnak made a motion to adjourn at 8:15 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides

Amy Antonides, RMC/CMC - Municipal Clerk