

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
APRIL 15, 2013, 7:10 P.M.  
PUBLIC MEETING**

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**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:10 p.m. Mayor Anesh read the sunshine statement and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met with adequate notice of this meeting having been provided to the Borough's two official newspapers and also published on the Borough's website.

The roll call was administered by Clerk Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman Barletta	x		
Councilman Bengivenga	x		
Councilman 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 Council President Rusnak led the invocation.

**Proclamation / Presentation:** \* Honoring Women's History – High School Contest Winners – Mayor Anesh read the proclamation in full. Presentation of this year's high school contest winners for their essay was made by: Chrissy Buteas and Debbie Boyle. Photographs were taken by the media and a round of applause was extended.

The following proclamations were also read in full by Mayor Anesh:

- \* Autism Awareness Month – April, 2013
- \* Volunteer Litter Clean-Up Week
- \* Sexual Assault Awareness Month
- \* Alcohol Awareness Month

**Approve Council Minutes:**

April 1, 2013 - Agenda  
April 1, 2013 – Public

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**Public Comment For Agenda Items Only:**

Mayor Anesh opened the floor for public comment.

Ms. Chrissy Buteas of 434 Lucy Court questioned if resolution #13-131 is a part of the County system. Mayor Anesh said no. Ms. Buteas asked if we moved away from using the County because they are more expensive. Council President Rusnak confirmed that it is much cheaper to provide the service this way. Ms. Buteas asked if it is still single stream. Council President Rusnak said yes and actually it will be cheaper now then it was during the first three years of having this contract, saving the Borough over \$20,000.00. Mayor Anesh clarified that this is not something new for this year. This is a renewal of what we have been doing for the past three years. Mr. Cullen further clarified by saying that this year is a different vendor. Councilman Barletta noted that this year's vendor offers an additional benefit to the Borough in offering a program called a "recycle bank" and explained what it entails. Ms. Buteas then asked if we need to award resolution #13-148 since we have two or three garbage trucks. Mr. Cullen explained this contract is awarded utilizing grant funds and also feel that this is one of the contract awards that makes the best sense for the Borough and is cost efficient. Councilman Barletta explained if the Borough were to do it there would be a lot of added costs i.e. the purchase of all specialty rear load containers, hookups for the trucks, etc. Mr. Barletta said it would cost more money in the end than what this vendor is doing providing the service for. Ms. Buteas asked what the projected impact of the budget is to the residents. Council President Rusnak said at the moment the estimated amount is about \$44.00 which is nearly exactly the same amount at the time we adopted the budget last year. Mr. Cullen said due to the ratable base it is only about 1.5%.

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

**ORDINANCE # 1987 TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE FOR  
CALENDAR YEAR 2013 AND TO ESTABLISH A CAP BANK  
WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT  
PURSUANT TO N.J.S.A. 40A:4-45.14.....was read by title by Clerk Antonides with a public hearing set for  
May 6, 2013 at approximately 7:00 p.m.**

**WHEREAS**, the Local Government Cap Law, N.J.S. A. 40A:4-45.1 *et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

**WHEREAS**, the COLA for 2013 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.0% and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of South Plainfield in the County of Middlesex finds it advisable and necessary to increase its 2013 budget by more than 2.0% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$312,724.80 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2013 budget year, the final appropriations of the Borough of South Plainfield shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$729,691.20 and that the 2013 municipal budget for the Borough of South Plainfield be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**Introduction of Ordinance #1987: April 15, 2013**

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>							

**RESOLUTIONS - BUDGET**

**RESOLUTION No. 13-129  
AUTHORIZING THE MUNICIPAL CLERK TO READ THE PROPOSED  
2013 BUDGET BY TITLE ONLY**

**WHEREAS**, N.J.S.A. 40A:4-8 provides that the budget may be read by title only at the time of the public hearing, providing that at least one week prior to the date of the public hearing, a complete copy of the approved budget as advertised has been delivered to the South Plainfield Library, posted in the Municipal Building, with copies available to any persons requesting same; and

**WHEREAS**, the Municipal Clerk shall fulfill her responsibilities of insuring the availability of the Municipal budget to the public;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the CY 2013 Municipal Budget be read by title only and not in full.

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk

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				
Council President Rusnak		x	x				
		<b>VOTE:</b>	<b>5</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION #13-129A**  
**AUTHORIZING AND CONDUCTING A SELF-EXAMINATION OF THE 2013 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of South Plainfield has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Borough of South Plainfield that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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				
Council President Rusnak		x	x				
		<b>VOTE:</b>	<b>5</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-130**  
**AUTHORIZING THE INTRODUCTION OF 2013 MUNICIPAL BUDGET**

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield that it hereby introduces the 2013 Municipal Budget with a total general appropriation of \$27,000,033.20 pursuant to the attached 2013 proposed municipal budget, read by title by the Municipal Clerk of the Borough of South Plainfield during introduction on April 1, 2013; and

BE IT FURTHER RESOLVED that a public hearing relative to said budget will be conducted on May 6, 2013 7:00 p.m., Borough Hall, 2480 Plainfield Avenue, South Plainfield, NJ 07080. A full complete copy of the proposed 2013 Budget is available for public inspection in the office of the Borough Clerk during normal business hours.

BE IT FURTHER RESOLVED that the 2013 Municipal Budget Revenue and Appropriation Summaries shall be published in The Courier News and The Observer prior to the aforementioned public hearing.

NOW, THEREFORE, BE IT FUTURE RESOLVED that a copy of this Resolution be forwarded to the following;

1. Director of Local Government Services
2. Glenn Cullen, Chief Financial Officer/Administrator
3. Amy Antonides, Municipal Clerk
4. The Courier News and The Observer

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				
Council President Rusnak		x	x				
		<b>VOTE:</b>	<b>5</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**REGULAR RESOLUTIONS:**

**RESOLUTION 13-131  
AUTHORIZING AWARD OF BID TO WASTE MANAGEMENT FOR RECYCLABLE MATERIAL  
COLLECTION SERVICE PURSUANT TO OPTION ONE FOR A THREE YEAR TERM  
IN AN AMOUNT NOT TO EXCEED \$428,640.00**

**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 advertisement for proposals for delivery of said goods or services; and

**WHEREAS**, a need has been determined to provide curbside recycling collection services

**WHEREAS**, bids were solicited and opened on Tuesday, April 9, 2013 and the following companies picked up bid packages and submitted bids on Option #1 for a 3 year term:

- Waste Management \$428,640.00
- Republic Services \$458,207.00
- Galluzzo Brothers \$462,657.00
- Pinto Brothers \$495,050.00

**WHEREAS**, the bids have been reviewed by the Borough’s Engineer T & M Associates, and the Borough Attorney, and it is their recommendation that the bid of Waste Management of 107 Silvia Street, Ewing, NJ 08628 for single stream curbside recycling collection, Option 1, for a 3 year term in the amount of \$428,640.00 be accepted and a contract be awarded; and

**WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available in the 2013 budget

**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 curbside recycling collection services for a three (3) period, at a cost not to exceed \$428,640.00.

**FURTHER BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement with Republic Services, the lowest responsible bidder for the services described.

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
Council President Rusnak		x	x				
		<b>VOTE:</b>	<b>3</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-132**  
**RESOLUTION AUTHORIZING SETTLEMENT OF 2011 TAX APPEAL FILED BY MBC 600 L.P., FOR**  
**THE PROPERTY KNOWN AS 600 CORPORATE COURT AND IDENTIFIED AS BLOCK 528, LOT**  
**46.28, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, MBC 600, L.P. (hereinafter referred to as “Taxpayer”) is the owner of the property known as 600 Corporate Court and identified as Block 528, Lot 46.28, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$849,300 for 2010; and

**WHEREAS**, the assessed value of the Property was set at \$849,300 for 2011; and

**WHEREAS**, Taxpayer filed appeals of the 2010 and 2011 tax assessments in the Tax Court of the State of New Jersey under docket numbers 016364-2010 and 012112-2011; 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 assessment for the 2011 tax year 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 Tax Year 2011; and

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

- The 2010 tax appeal shall be withdrawn by taxpayer;
- The 2011 original assessment in the amount of \$849,300 shall be reduced to \$750,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund/credit for 2011;
- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax years 2012 and 2013;
- Taxpayer has agreed to waive statutory interest provided that the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment. The tax refund shall be made payable to “MBC 600 L.P. and Marcus, Brody, Ford & Kessler, L.L.C.” and forwarded to counsel for Taxpayer within 60 days of the date of Judgment.
- 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 reduction 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 \$750,000 total tax assessment reduction for the 2011 tax year for Block 528, Lot 46.28 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. 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 MBC 600 L.P. under Docket Nos.: 016364-2010 and 012112-2011 for the property known as 600 Corporate Court and identified as Block 528, Lot 46.28 on the Borough of South Plainfield Tax Assessment Maps which withdraws the tax appeal for Tax Year 2010; which reduces the 2011 total tax assessment on the Property from \$849,300 to \$750,000; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax years 2012 and 2013; which provides that the Taxpayer has agreed that all tax savings shall be credited toward future taxes in the discretion of the Borough Tax Collector; and which further provides that the Taxpayer has agreed to waive statutory interest provided that the tax refund is paid within 60 days from the date of Judgment.
3. 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				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-133**

**AUTHORIZING A \$136.00 REFUND TO DIANE AND GENE CHMIELEWSKI OF 35 KING STREET IN EDISON, NJ FOR A CANCELLED TRIP TO LIGRECI**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that a refund be made to the following:

Diane & Gene Chmielewski  
35 King Street  
Edison, NJ 08820

\$136.00 Refund for Senior Center Trip to LiGreci

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of South Plainfield that the Finance Office hereby has approval to release the aforementioned refunds.

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-134**

**AUTHORIZING THE MUNICIPAL CLERK TO RELEASE A 2013 LIMOUSINE LICENSE TO ROSEWAY LIMOUSINE WHO HAS MET ALL THE CONDITIONS OF THE APPLICATION PROCESS**

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

**WHEREAS**, the owner of Roseway Limousine in the Borough of South Plainfield has made an application in accordance with the Borough Code, for renewal of the license to operate a limousine for the sole purpose of funerals for the year 2013, and

**WHEREAS**, after proper investigation it was deemed that all requirements of the Code have been met.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body that a limousine license be issued to Roseway Limousine for 2013 to expire on March 31, 2014.

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-135**

**AUTHORIZING THE APPOINTMENTS KAREN HURST AND CHRISSY BUTEAS TO THE PUBLIC CELEBRATIONS COMMITTEE FOR A TERM TO EXPIRE 12/31/2015**

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

***KAREN HURST  
AND  
CHRISSY BUTEAS***

is hereby appointed to the South Plainfield Public Celebrations Committee for a term to expire 12/31/2015.

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

**RESOLUTION 13-136**  
**AUTHORIZING THE NJ STATE CONTRACT PURCHASE OF XPLORE DUAL MODE ALLVUE**  
**TABLETS FOR THE POLICE DEPARTMENT FROM TRIANGLE COMMUNIUCATIONS**  
**IN AN AMOUNT NOT TO EXCEED \$8,778.10**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of Xplore Dual Mode Allvue Tablets from Triangle Communications for the Police Department in an amount not to exceed \$8,778.10 pursuant to NJ State Contract Number's 53763, 53771, 81331, 81343, 81327.

**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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		x	x				
Councilman Bengivenga			x				
Councilman Diana				x			
Councilman McConville			x				
Councilman White			x				
Council President Rusnak	x		x				
		<b>VOTE:</b>	<b>5</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-137**  
**AUTHORIZING SOLE SOURCE VENDOR CONTRACT EXECUTION WITH NORTHEASTERN**  
**INTEGRATED TECHNOLOGIES LLC TO PROVIDE INFORMATION SERVICES**  
**TO THE POLICE DEPARTMENT**  
**IN AN AMOUNT NOT TO EXCEED \$9,240.00**

**WHEREAS** the sole source vendor Northeastern Integrated Technologies LLC has submitted an RFP to the Police Department to provide information services to be provided within the Police Department from June 1, 2013 to May 31, 2014; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the awarding of a contract for professional services without public advertising for bids and bidding therefore, provided that the resolution authorizing the contract and the contract itself be available for public inspection in the office of the Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality,

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, by the Governing Body of the Borough of South Plainfield:

1. that the Mayor and Borough Council do hereby award the contract between the Borough of South Plainfield and Northeastern Integrated Technologies LLC to provide information services to the Borough Police Department from June 1, 2013 to May 31, 2014 in an amount not to exceed \$9,240.00

2. that this contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40a:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

3. that the Chief Financial Officer has filed a Certificate of Availability of Funds, if applicable.

4. that notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Borough

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

1. Municipal Clerk
2. Chief Financial Officer
3. Police Chief

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-138**

**AUTHORIZING REPAIR SERVICES WITH JEN ELECTRIC, INC. FOR THE REPAIR OF A TRAFFIC LIGHT AT THE INTERSECTION OF DURHAM AND HELEN AVENUES CAUSED BY AN AUTOMOBILE ACCIDENT IN AN AMOUNT NOT TO EXCEED \$6,272.25**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby approves of the emergency contract with Jen Electric Inc. for the repair and replacement of traffic lights at the intersection of Durham and Helen Avenues caused by an automobile accident in an amount not to exceed \$6,272.25 of which funds are available and shall be charged to account #3201-23-210-000-655 as certified by the Chief Financial Officer

**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
- Jen Electric Inc.

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION #13-139 \*\*\*this resolution removed from agenda\*\*\*\*\***

**RESOLUTION No. 13-140**

**AUTHORIZING THE PROFESSIONAL SERVICE APPOINTMENT OF EMIL H. PHILIBOSIAN, ESQ.  
AND THE LAW FIRM OF HOAGLAND, LONGO, MORAN, DUNST & DUKAS FOR TAX APPEALS**

**WHEREAS**, the Borough Attorney and the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C., have a potential conflict, and cannot represent the Borough of South Plainfield in connection with certain pending tax appeal cases; and

**WHEREAS**, Emil H. Philibosian, Esq. and the law firm of Hoagland, Longo, Moran, Dunst & Dukas, have experience in representing municipalities in connection with tax appeals; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A.. 40A: 11-1, *et seq.*, more specifically N.J.S.A. 40A:11-5, allows for the awarding of a contract for "Professional Services" without public advertising for bids; and

**WHEREAS**, this contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44-20.4, *et seq.*; and

**WHEREAS**, this contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, compensation for the professional services shall be at a rate of \$135 per hour for all attorneys, plus reasonable expenses and costs;

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

The Mayor and Borough Clerk are hereby authorized and directed to execute the Contract for Professional Services with Emil H. Philibosian, Esq. and the law firm of Hoagland, Longo, Moran, Dunst & Dukas, to represent the Borough as special counsel for certain tax appeal cases.

The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.

Any modification to the Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.

The Borough of South Plainfield may, upon ten (10) days written notice, and without cause, terminate the Contract.

The Contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the Contract shall be governed and interpreted according to the Laws of the State of New Jersey.

The contractor shall report directly to the Borough Administrator, who will be the chief contact with the Borough of South Plainfield.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Borough Council of the Borough of South Plainfield that a copy of this Resolution shall be published in the official newspaper within 10 days of its passage, as required by law, and shall be on file and available for public inspection in the office of the South Plainfield Municipal Clerk, South Plainfield Borough Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey 07080.

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-141**

**AUTHORIZING TRAFFIC AND PARKING MODIFICATIONS FOR THE OLC FAIR FROM JUNE 4, 2013 THROUGH JUNE 8, 2013**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby approves of traffic and parking modifications for the OLC Fair from June 4, 2013 through June 8, 2013 pursuant to the attached recommendations of Lt. Kevin Murtagh, Traffic Safety Unit of the South Plainfield Police Department.

BE IT FURTHER RESOLVED that copies of this resolution be distributed to the following:

1. Amy Antonides, Municipal Clerk
2. Lt. Kevin Murtagh, Traffic Safety Unit

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-142**

**AUTHORIZING PROPERTY ROOM.COM AS AUCTIONEER FOR SOUTH PLAINFIELD SURPLUS EQUIPMENT**

**WHEREAS** the Borough of South Plainfield have one 1986 Fire Engine Pumper and one 2000 Ford Ambulance that are deemed to have outlived their useful life and are no longer of any benefit to the Borough for efficient operations; and

**WHEREAS** at the recommendation of the Fire Department and the EMS, the Governing Body hereby agrees that authorizing Property Room.com to conduct a public auction of the aforementioned equipment to be in the best interest of the Borough;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that it hereby authorized Property Room.Com to conduct a public auction of the aforementioned equipment on behalf of the Borough of South Plainfield.

**BE IT FURTHER RESOLVED** that a copy of this resolution be distributed as follows:

1. Glenn Cullen, Borough Administrator
2. Amy Antonides, Borough Clerk
3. Robert Capparelli, DPW Supervisor

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

**RESOLUTION 13-143**

**AUTHORIZING A SIXTY DAY EXTENSION OF THE EMPLOYMENT PROBATIONARY PERIOD OF THE ASSESSING CLERK, LINDA SANDRO**

**WHEREAS** the original 90 day employment probationary period of the Assessing Clerk, Linda Sandro was from January 15, 2013 through April 15, 2013; and

**WHEREAS** at the recommendation of the Tax Assessor, the Governing Body hereby agrees that authorizing an extension of the employment probationary period for Linda Sandro by another sixty days to be in the best interest of the Borough;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the Assessing Clerk, Linda Sandro's, employment probationary period be hereby extended from April 15, 2013 by another sixty days; through June 15, 2013.

**BE IT FURTHER RESOLVED** that a copy of this resolution be distributed as follows:

1. Glenn Cullen, Borough Administrator
2. Amy Antonides, Borough Clerk
3. Mary Frances Hildebrandt, Tax Assessor
4. Linda Sandro, Assessing Clerk
5. Marie Dudek, Payroll (for Personnel File)

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

**RESOLUTION: 2013-144**  
**AUTHORIZING A CREDIT OF A SEWER OVERPAYMENT IN THE AMOUNT OF \$642.52 FOR**  
**CANOVA PROPERTIES LTD. OF 2300 SOUTH CLINTON AVENUE**

**WHEREAS**, the Tax Collector advises that the following taxpayers and/or their agents have been overbilled for sewer due to erroneous readings from the water company; and therefore, their bill shall be adjusted accordingly:

**OWNER/ADDRESS**

Block 302, Lot 1, Qualifier C0001  
 Account # 5415-0  
 Canova Properties Limited Liability  
 2300 South Clinton Avenue  
 South Plainfield, NJ 07080  
 - \$642.52

**\* No refund check to be issued. Adjustment will be applied to outstanding period.**

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

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-145**



<b>Borough of South Plainfield</b>			
<b>Temporary Budget Amendment</b>			
<b>CALENDAR YEAR 2013</b>			
<b>CURRENT FUND</b>			
			<b>AMOUNT</b>
3-01-20-100-000-101	Administration	S&W	<b>20,000.00</b>
3-01-20-110-000-102	Executive	S&W	<b>10,000.00</b>
3-01-20-120-000-101	Clerk	S&W	<b>15,000.00</b>
3-01-20-165-001-235	Engineering	O&E	<b>50,000.00</b>
3-01-23-210-000-651	Other Insurance	O&E	<b>200,000.00</b>
3-01-23-220-000-601	Health Insurance	O&E	<b>225,000.00</b>
3-01-25-240-001-101	Police	S&W	<b>700,000.00</b>
3-01-25-240-001-475	Police	O&E	<b>10,000.00</b>
3-01-25-240-003-241	Crossing Guards	O&E	<b>5,000.00</b>
3-01-25-250-000-101	911	S&W	<b>10,000.00</b>
3-01-25-265-002-101	Fire Official	S&W	<b>10,000.00</b>
3-01-25-265-003-581	Fire Service Charges	O&E	<b>50,000.00</b>
3-01-26-305-003-101	Recycling	S&W	<b>5,000.00</b>
3-01-26-310-000-101	Public Buildings & Grounds	S&W	<b>25,000.00</b>
3-01-26-310-000-235	Public Buildings & Grounds	O&E	<b>10,000.00</b>
3-01-26-315-000-101	Vehicle Maintenance	S&W	<b>10,000.00</b>
3-01-26-315-000-215	Vehicle Maintenance	O&E	<b>20,000.00</b>
3-01-27-330-001-101	Board of Health	S&W	<b>5,000.00</b>
3-01-27-330-002-101	Youth Aid	S&W	<b>3,000.00</b>
3-01-28-370-001-101	Recreation	S&W	<b>10,000.00</b>
3-01-28-370-001-209	Recreation	O&E	<b>5,000.00</b>
3-01-28-370-002-101	Office on Aging	S&W	<b>10,000.00</b>
3-01-28-370-003-235	Cultural Arts	O&E	<b>5,000.00</b>
3-01-31-465-001-565	Gasoline	O&E	<b>20,000.00</b>
3-01-36-472-000-675	SSI	Statutory	<b>50,000.00</b>
3-01-43-490-000-101	Court	S&W	<b>17,000.00</b>
<b>TOTAL CURRENT FUND</b>			<b>1,500,000.00</b>
<b>SEWER</b>			
3-07-55-515-001-585	Sewer O&E	O&E	<b>500,000.00</b>
<b>TOTAL SEWER</b>			<b>500,000.00</b>

**RESOLUTION 2013-146  
AUTHORIZING APPOINTMENT OF 2013 SUMMER HELP  
EMPLOYEES FOR THE DPW**

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

**WHEREAS**, a need exists to supplement the workforce of the Department of Public Works and Borough Hall during the summer months; and

**WHEREAS**, the list below has been recommended by the Administrator and Superintendent of Public Works with the proposed salaries (as per the salary Ordinance), and

**WHEREAS**, the below summer employees for DPW will be divided into three working periods beginning on May 6, 2013 through September 2, 2013.

**NOW THEREFORE BE IT RESOLVED** by the South Plainfield Borough Council that the persons listed below be employed as seasonal employees for the Department of Public Works and Borough Hall as indicated: (Dates may change if vacations, etc. dictate.)

**May 6, 2013 through June 28, 2013 (College)**

Connor Gillis  
 Ryan Hughes  
 Ryan Hutchison  
 Shane O'Connor  
 Ed Sullivan

**July 1, 2013 through August 2, 2013**

Sal Esposito  
 Nick Graves  
 Troy Heilman  
 Nick Muglia  
 Jeff Pellegrino

**July 15, 2013 through September 2, 2013**

Sean Cullen  
 AJ Celentano  
 Nick Graves  
 John Grennier  
 Nick Muglia  
 Mike Polizzano  
 Rick Zekas

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

1. Municipal Clerk
2. Robert Capparelli, DPW Supervisor
3. Marie Dudek, Payroll

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION #13-147**

**AUTHORIZING THE PURCHASE OF AN FTR DIGITAL RECORDING SYSTEM FOR THE MUNICIPAL COURT FROM OFFICE OF BUSINESS SYSTEMS IN AN AMOUNT NOT TO EXCEED \$3,500.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a purchase of FTR Digital Recording System for the Municipal Court from Office of Business Systems located at 600M Ryerson Road, Lincoln Park, NJ 07035-2094 in an amount not to exceed \$3,500.00

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Karen Costantino, Court Administrator

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-148**

**AUTHORIZING CONTRACT AWARD TO REPUBLIC SERVICES FOR PUBLIC LITTER CAN REMOVAL SERVICES FOR A ONE YEAR TERM IN AN AMOUNT NOT TO EXCEED \$4,500.00**

**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 advertisement for proposals for delivery of said goods or services; and

**WHEREAS**, a need has been determined to provide public litter can removal services; and

**WHEREAS**, since it was anticipated the contractual amount for said services to be under \$17,500 FRP’s were solicited instead of formal bids to four local trash haulers. The following two RFP’s were submitted by the April 8, 2013 deadline:

- Republic Services                                 \$4,500.00 (\$375/month)
- Pinto Brothers                                     \$5,340.00 (\$445/month)

**WHEREAS**, the RFP’s have been reviewed by the Borough Recycling Coordinator, it is their recommendation that the RFP of Republic Services for public litter can removal service for a one year term in an amount not to exceed \$4,500.00 be accepted and a contract be awarded; and

**WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available in the 2013 budget

**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 public litter can removal services for a period of a one year term at a cost not to exceed \$4,500.00 be awarded to Republic Services.

**FURTHER BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement with Republic Services, the lowest responsible bidder for the services described.

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							
Council President Rusnak	x		x				
		<b>VOTE:</b>	<b>3</b>	<b>0</b>			
Mayor Anesh – TIE ONLY							

**RESOLUTION NO. 13-149  
RECOMMENDING THAT THE PLANNING BOARD EXAMINE AND EVALUATE SECTION 409-9 OF  
THE BOROUGH CODE**

**WHEREAS**, the Code of the Borough of South Plainfield sets forth at Section 409-9 that property that forms a corner lot may not have constructed or maintained thereon any fences or any structures within a distance of twenty-five (25') feet of the point of the intersection or nearer curb lines of each of the two intersecting streets, which is more than two and a half (2 ½') feet above the adjacent sidewalk elevation; and

**WHEREAS**, such section of the Code was enacted to insure that there would be proper sight lines for traffic adjacent to corner lots; and

**WHEREAS**, it has been reported by the Attorney for the Zoning Board of Adjustment and Construction Official that this provision has necessitated a large number of variance requests, and in the opinion of the Construction Official, there is a problem with the language of the Ordinance and it needs to be re-evaluated and possibly revised;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that this Resolution shall be forwarded to the Planning Board of the Borough with the recommendation that the Planning Board examine and evaluate Section 409-9 of the Borough Code as to installation of fences on corner lots, that they communicate with the Construction Official and any other individual they deem necessary, and provide the Borough Council with a report as to whether Section 409-9 should be revised, eliminated, or remain unchanged.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-150  
AUTHORIZING THE ANNUAL SOLE SOURCE VENDOR CONTRACT WITH NORTHEASTERN  
INTEGRATED TECHNOLOGIES LLC TO PROVIDE INFORMATION SERVICES FOR EMAIL  
HOSTING AND ARCHIVING SERVICES TO THE BOROUGH OFFICES IN AN AMOUNT NOT TO  
EXCEED \$9,975.00**

**WHEREAS** the sole source vendor Northeastern Integrated Technologies LLC has submitted an RFP to the Borough to provide information services for email hosting and archiving services to the Borough Offices; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the awarding of a contract for professional services without public advertising for bids and bidding therefore, provided that the resolution authorizing the contract and the contract itself be available for public inspection in the office of the Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality,

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, by the Governing Body of the Borough of South Plainfield:

1. that the Mayor and Borough Council do hereby award the contract between the Borough of South Plainfield and Northeastern Integrated Technologies LLC to provide email hosting and archiving services to Borough Offices in an amount not to exceed \$9,975.00
2. that this contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40a:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
3. that the Chief Financial Officer has filed a Certificate of Availability of Funds, if applicable.
4. that notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Borough

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

- Municipal Clerk
- Glenn Cullen, Chief Financial Officer
- Borough IT Department

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-151  
AUTHORIZING THE ANNUAL SOLE SOURCE VENDOR CONTRACT WITH NORTHEASTERN  
INTEGRATED TECHNOLOGIES LLC TO PROVIDE BOROUGH WIDE NETWORK  
ADMINISTRATOR AND BUSINESS CONTINUITY SERVICES TO THE BOROUGH OFFICES IN AN  
AMOUNT NOT TO EXCEED \$52,806.50**

**WHEREAS** the sole source vendor Northeastern Integrated Technologies LLC has submitted an RFP to the Borough to provide borough wide network administrator and business continuity services for the Borough Offices; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the awarding of a contract for professional services without public advertising for bids and bidding therefore, provided that the resolution authorizing the contract and the contract itself be available for public inspection in the office of the Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality,

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, by the Governing Body of the Borough of South Plainfield:

1. that the Mayor and Borough Council do hereby award the contract between the Borough of South Plainfield and Northeastern Integrated Technologies LLC to provide borough wide network administrator and business continuity services in an amount not to exceed \$52,806.50

2. that this contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40a:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

3. that the Chief Financial Officer has filed a Certificate of Availability of Funds, if applicable.

4. that notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Borough

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

- Municipal Clerk
- Glenn Cullen, Chief Financial Officer
- Borough IT Department

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-152**

**AUTHORIZING A 36 MONTH SOLE SOURCE VENDOR CONTRACT WITH STRATEGIC PRODUCTS AND SERVICES FOR SERVICE AND MAINTENANCE FOR THE AVAYA PHONE SYSTEM FOR THE BOROUGH IN AN AMOUNT NOT TO EXCEED \$675.65 PER MONTH**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a purchase of a 36 month sole source vendor contract with Strategic Products and Services for service and maintenance for the AVAYA phone system for the Borough in an amount not to exceed \$675.65 per month.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Borough IT Department

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-153**  
**AUTHORIZING A STATE CONTRACT PURCHASE WITH DELL INC. FOR SERVER AND NETWORK SWITCH IN AN AMOUNT NOT TO EXCEED \$4,794.62**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase with Dell Inc. of Pittsburg, PA for server and network switch in an amount not to exceed \$4,794.62 pursuant to NJ State Contract Number WN88ABZ .

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Borough IT Department

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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-154**  
**AUTHORIZING THE APPOINTMENTS LUANNE SCVERINI TO THE CULTURAL ARTS COUNCIL FOR A TERM TO EXPIRE 12/31/2015**

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

**LUANNE SCVERINI**

is hereby appointed to the South Plainfield Cultural Arts Council for a term to expire 12/31/2015.

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

**RESOLUTION 13-155**  
**AUTHORIZING AWARD OF BID TO REPUBLIC SERVICES FOR THE BOROUGH RECYCLING CENTER ON KENNETH AVENUE PURSUANT TO OPTION FIVE FOR A THREE YEAR TERM IN AN AMOUNT NOT TO EXCEED \$27,233.00**

**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 advertisement for proposals for delivery of said goods or services; and

**WHEREAS**, a need has been determined to provide recycling services at the recycling center on Kenneth Avenue; and

**WHEREAS**, bids were solicited and opened on Tuesday, April 9, 2013 and the following companies picked up bid packages and submitted bids on Option #1 for a 3 year term:

- Republic Services \$27,233.00
- Waste Management \$31,575.00
- Pinto Brothers No Bid
- Galluzzo Brothers No Bid

**WHEREAS**, the bids have been reviewed by the Borough’s Engineer T & M Associates, and the Borough Attorney, and it is their recommendation that the bid of Republic Services for the recycling center on Kenneth Avenue pursuant to Option 5 for a 3 year term in the amount of \$27,233.00 be accepted and a contract be awarded; and

**WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available in the 2013 budget

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given to award the aforementioned contract for a three (3) year period, at a cost not to exceed \$27,233.00.

**FURTHER BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement with Republic Services, the lowest responsible bidder for the services described.

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
Council President Rusnak	x		x				
		<b>VOTE:</b>	<b>3</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:

- Business Advisory Group Minutes – February 6<sup>th</sup> & March 6<sup>th</sup>, 2013
- Code Enforcement Monthly Report – March, 2013
- Traffic Safety Advisory Commission Minutes – February 27, 2013
- Board of Adjustment Minutes – February 28<sup>th</sup> & March 5<sup>th</sup>, 2013
- Planning Board Minutes – March 12, 2013
- Plainfield Area Regional Sewerage Authority Minutes – March 7, 2013
- Resignation of Anthony Cataldo from the Planning Board
- Recycling Monthly Report – March, 2013
- Environmental Commission Monthly Report – March, 2013



COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman McConville		x	X				
Councilman White	x		X				
Council President Rusnak			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<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 **\$260,460.34**

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

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

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

**COUNCIL REPORTS:**

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

Administrator Cullen – explained a unique situation brought to his attention by the Tax Collector in that a resident just moved in at 1600 Woodland Avenue who's yard includes a non-conforming lot. The town does not own this piece of property. The former owner stopped paying taxes on it and it went into tax sale. It is essentially a sliver of property between two homes. No one bought the lien. Now a new resident moved in and is seeking to purchase the lien on the property, but for the assessed value of it (\$4,800.00) and not the amount with interest of \$11,012.00. Mr. Cullen asked the Council if they wish to transfer the lien to the resident at the assessed value of \$4,800.00. After brief discussion the Council agreed to have Mr. Rizzo draft a resolution in this regard for a future meeting. Mr. Cullen went on to point out Mario's report in that to date he has issued 36 violations, 56 inspections and 52 re-inspections. This Wednesday there will be a court hearing on the house that burnt down on Clarke Lane. To conclude Mr. Cullen said he attended the Little League Opening Day Ceremony.

Engineer Miller – had no report for this evening.

Clerk Antonides – advised the Council that the Local Finance Board has designed a new robust online filing system that now requires all annual Financial Disclosure Statements to be submitted electronically to the State. Paper copies of the Financial Disclosure Statement will no longer be accepted in her office or by the State. Instead it will be the responsibility of all applicable officials to file their disclosure statement *on their own* (emphasis) directly with the State. At time of filing, they will then be required to print out the receipt acknowledging the disclosure was electronically filed and that receipt is to be delivered to her office in order to fully meet the States new filing requirements. The deadline for just this year has been extended to May 31st. The State will be providing step by step instructions in the coming days which she will pass out to all applicable officials.

Councilman Diana – reminded everyone that April 20<sup>th</sup> is Volunteer Clean Up Day and it will be great to see a lot of residents out participating and is aware that some of the members of Council plan to be out there helping out. Councilman Diana said that he has received a request from the Environmental Commission asking for the Council to support dedicating the South Plainfield Recycling Center to the memory of Mary Mazepa. Councilman Diana suggested we pass a resolution authorizing this request. Councilman Diana commented that Junior Baseball and Ponytail softball had a great opening day in which Councilman White gave some kind words to the teams which was very nice. Councilman Diana concluded by saying that not to belabor the comments on the budget he could not find it in himself to vote yes on something that he didn't have a chance yet to look at which is why he said he voted no.

Councilman Barletta – reported that he also had the opportunity to addend the opening day of baseball and for ponytail softball. It was a beautiful day and he wished all the coaches and the players a successful season. Councilman Barletta thanked the organizers for inviting the Council to attend. Councilman Barletta also advised that he attended the South Plainfield Education Foundation's Wine Tasting Event this past weekend which is another event that is for a very good cause. Everyone involved in putting it together did a great job. Regarding the budget, Councilman Barletta stressed that it is still very much a work in progress and we will continue to do all we can to get it down.

Councilman Bengivenga – thanked the Education Foundation and all their members for putting on the excellent wine tasting event this past Friday night. Councilman Bengivenga pointed out in the New Jersey League of Municipalities Magazine there is an article in there entitled "Making a Case for EMS Volunteers". The article points out how many hours the EMS volunteers put in. Councilman Bengivenga said that South Plainfield has a fantastic set of EMS volunteers. Last year they answered 700-800 calls which is greater than some towns larger than us in size.

Councilman McConville – said that the wine tasting event at the Senior Center last Friday night was a good time to be had and opening day baseball and softball was an all-round beautiful day. Councilman McConville further advised that he attended the spelling bee yesterday in which the Mayor was a participant of as a guest speller.

Councilman White – reminded everyone that the early pool registration for the Summer is taking place at the PAL building through April 30<sup>th</sup>. Councilman White said he also had the pleasure of attending the opening day ceremonies which was very well attended and just a class act all the way. It really shows the commitment that parents have with their children. Councilman White reported that he too attended the spelling bee and noted that Mayor Anesh did very well. Councilman White concluded by thanking Mr. Cullen and the Council for putting in television at the Senior Center which helps further expand their services.

Council President Rusnak – advised that if Councilman Diana has any questions or suggestions moving forward pertaining to the budget that he reach out to either Mr. Cullen or himself in which we would be more than happy to help answer any questions. Council President Rusnak said he would also look forward to any suggestions Councilman Diana may have with the budget in order to help us cut it even further. Council President Rusnak pointed out that the white board in the council meeting room will be up and running shortly.

Mayor Anesh – said that this past weekend always marks a special time in the Borough with the opening day baseball events. Mayor Anesh said he had every intention of making it over to the ponytail softball ceremonies but just was not able to due to the honors orchestra concert that was held. Mayor Anesh said he did make his high school acting debut Sunday by participating in their spelling bee. The word in which he was eliminated for was “ragsploger” (everyone in the audience chuckled). To conclude, Mayor Anesh congratulated Eric Rodrigues who will have a ceremony tomorrow for his making rank to Eagle Scout. Also Mayor Anesh announced the new Freeholder Director as Ronald Rio.

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

Mayor Anesh opened the floor for public comment.

Ms. Suzanne Lepore of the Cultural Arts Commission reminded everyone of the book signing on April 21<sup>st</sup> and the line dancing event at the Senior Center on the 27<sup>th</sup>.

Debbie Boyle of Van Fleet said God Bless all those who were injured or lost their lives today at the bombing in Boston. Ms. Boyle reminded everyone of the basketball tournament on April 20<sup>th</sup>. Also as the Channel 32 Fios station is a shared service, it will continue to play the council meetings.

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

At this time, 8:08 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 and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilman Bengivenga made a motion to adjourn at 8:25 p.m., seconded by Council President Rusnak and unanimously carried. The meeting was adjourned.

Submitted By:

*Amy Antonides*

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Amy Antonides, RMC/CMC - Municipal Clerk