

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
JUNE 24, 2013, 7:00 P.M.
AGENDA MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:00 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		

Review of Agenda Items: Clerk Antonides reviewed all the items on the agenda for this evening. Mayor Anesh asked if the Council has any comments on the agenda this evening.

Councilman Diana asked to have resolution 13-211 separated out for him. Councilman Diana then asked Mr. Cullen to advise him which of the resolutions on this evening's agenda are covered under a bonding ordinance. Mr. Cullen advised 13-212, 13-216, 13-217, 13-219, 13-224, and 13-226. Councilman Diana said he would like to separate all these resolutions to vote on individually.

Councilman Barletta asked Mr. Miller if he reviewed 13-227 and if it is ok for the applicant to put the requested fence in this right of way? Mr. Miller said yes he has reviewed it and does not see any problems with the installation of this fence.

Councilman McConville said that regarding resolution 13-212 he recalls former council members and Mayors discussing that we do have money put aside for this site remediation. Councilman McConville said that seeing this on the agenda he guesses that we do not have money put aside for this. Mayor Anesh said that is correct and apparently what he had heard is wrong. Councilman Bengivenga said that the first part of the remediation was done through a state grant, but now, the state grant is no longer available. We have no choice now but to bond for it to finish out the clean-up. Councilman McConville expressed his shock that we have to pay for this now as we were told several years back that we would not have to pay a dime for it. Mayor Anesh said the problem is when the property was sold there was a hold harmless agreement that was not brought before Council and was executed by the Mayor at the time, and were told that all clean-up for the site would be paid for handled by state grants. But since the state will not grant any more money in this regard, we are now stuck with \$290,000.00 to finish this clean-up.

There were no further comments from the Council on the agenda.

**RESOLUTION #13-209A
AUTHORIZING A CLOSED SESSION MEETING**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council of the Borough of South Plainfield wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Borough Council to discuss certain matter(s) in private, and in this case for the purpose of the Borough Council to discuss the below matters all of which requires attorney-client privilege:

- Litigation – Cooper Truck Service
- Contract Negotiation – Motorola Building
- Potential Litigation – Woodbrook Road Superfund Site

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Plainfield that it will go into an Executive Session for the purpose of Borough Council to discuss the aforementioned matters all of which requires attorney-client privilege in this regard;

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Borough Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

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				
			6	0			
Mayor Anesh – TIE ONLY							

PUBLIC COMMENT: Mayor Anesh opened the floor for public comments.
With no public comments made, Mayor Anesh closed the floor from public comments.

ADJOURN AGENDA MEETING: With no further comments, Mayor Anesh asked for a motion to adjourn from the Agenda Meeting. Councilman McConville made a motion to adjourn from the Agenda Meeting at 7:05 p.m., seconded by Councilman White and unanimously carried by an all in favor.

Respectfully Submitted By:

Amy Antonides

Amy Antonides, RMC/CMC