

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
JUNE 24, 2013, 7:05 P.M.  
PUBLIC MEETING**

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**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:05 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 McConville led the invocation.

**Proclamation:** South Plainfield High School Softball Team - Mayor Anesh read the proclamation in full and presented it to the South Plainfield High School Softball Team members present. The Council congratulated the Softball Team on their accomplishments this season. Everyone extended a round of applause and photographs were taken by the media.

**Approve Council Minutes:**

- June 10, 2013 - Agenda
- June 10, 2013 – Public
- June 10, 2013 – Executive Session

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

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

**ORDINANCE – SECOND READING BY TITLE** – was read by Clerk Antonides by title for the following two ordinances:

**ORDINANCE No. 1989**  
**AN ORDINANCE AMENDING SALARY ORDINANCE # 1936**  
**ENTITLED AN ORDINANCE PROVIDING FOR THE COMPENSATION**  
**OF VARIOUS BOROUGH EMPLOYEES AND THE METHOD OF**  
**PAYMENT OF SAID COMPENSATION. – for Senior Center Leader**

**WHEREAS**, the Salary Ordinance of the Borough of South Plainfield confirms the titles of officers and employees of the Borough and establishes their respective compensation, and the Ordinance remains in effect until amended or superseded; and

**WHEREAS**, Borough Council wishes to amend Salary Ordinance #1936 to include a full time position of Recreation Leader – Senior Center;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of South Plainfield as follows:

SECTION 1. The aforesaid Salary Ordinance is hereby amended and supplemented as follows:

- A. The ordinance is amended to include the Full Time position of “Recreation Leader, Senior Center” with an annual salary range of \$28,000 to \$34,000

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 INCONSISTENCY** – All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency.

**SECTION 3. EFFECTIVE DATE:** This Ordinance shall become effective and operative ten days after publication thereof after final passage.

Mayor Anesh opened the floor for the public hearing on Ordinance #1989. With no comments made, Mayor Anesh closed the floor. Mayor Anesh asked the Council if they had any comments. There were no comments from Council.

**Adoption of Ordinance #1989: June 10, 2013**

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

**ORDINANCE 1990**

**AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE ZONING ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD SPECIFICALLY TO UPDATE THE CONDITIONAL USE ZONING PROVISIONS FOR AUTOMOTIVE GASOLINE STATIONS, AUTOMOTIVE REPAIR SHOPS AND AUTOMOTIVE GASOLINE STATION MINI-MARTS**

**WHEREAS**, the Borough of South Plainfield Zoning Board of Adjustment 2012 Annual Report made a finding that the provisions in Article X of the South Plainfield Zoning Ordinance for “filling stations and public garages is outdated and need to be updated.”

**WHEREAS**, most automotive gasoline stations are now typically constructed with a mini-mart or convenience store or are modernized to add retail sales of snacks, beverages, food and other sundry items.

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

### **Section One**

Article II (Definitions) is hereby amended and supplemented to add the following definitions:

**“AUTOMOTIVE GASOLINE STATION** shall mean any establishment servicing motor vehicles with fuel, but not including repairs, changing of tires, or any other replacement of essential or accessory parts. Automotive gasoline stations may service automobiles by adding oil, windshield washer fluid, or similar fluids, but shall not provide any services which require bays or lifts, such as oil changes or lubrication of chassis.

**AUTOMOTIVE GASOLINE STATION MINI-MART** shall mean an automotive gasoline station which has, on the same site a retail store selling convenience household items such as prepackaged food items, ice cream, baked goods, beverages, paper products, and similar items geared for the use and convenience of the motorists utilizing the gasoline pumps. It is the intent that a convenience store provides convenience items to the motoring public which will generally be utilized or consumed at a separate destination, and not on site, though tables and chairs may be provided for incidental use by customers upon approval by the Board with proper jurisdiction over the site plan application.

**AUTOMOTIVE SERVICE STATION** shall mean any establishment, whether or not serving gasoline, serving motor vehicles with vehicle maintenance not requiring extensive or prolonged mechanical work (for the purposes of this ordinance, extensive or prolonged mechanical work shall mean work which requires a vehicle to be on the site for a period of more than 30 days) before completion. Service work offered shall be limited to: oil changes; lubrication; tune-ups; minor engine or drive train repairs; installation of tires, batteries, and accessories; wheel balancing and alignment; and the replacement of mechanical parts such as hoses, spark plugs, ignition wiring, brakes, alternators, water pumps and similar parts not requiring extensive repairs. Repair facilities which provide repairs and service to any large trucks or equipment such as semi-tractors, or heavy grading equipment shall not be considered automotive service stations. Repair facilities which provide automotive body or collision repairs shall not be considered automotive service stations.”

### **Section Two**

Article II (Definitions) is hereby amended to delete Definition # 27 “Garage, Public”.

### **Section Three**

Section 1001 (Service Stations and Public Garages) is hereby amended and supplemented to delete Section 1001 in its entirety and the following inserted in its place:

#### **Section 1001**

##### **Automotive Gasoline Station; Automotive Service Station; Automotive Gasoline Station Minimart**

A. Automotive Gasoline Stations, Automotive Service Stations, and Automotive Gasoline Station Mini-Mart shall only be permitted when authorized as a conditional use by the Planning Board in accordance with the following standards:

1. Automotive Gasoline Stations and Automotive Gasoline Service Stations shall be a permitted conditional use only in the OBC-1, 2, and 3 zones.

2. Automotive Gasoline Station Mini-Marts shall be permitted as a conditional use in compliance with the following standards:

a. An Automotive Gasoline Station Mini-Mart shall have frontage on Durham Road or on Stelton Road;

b. The property boundary of the parcel to be developed or redeveloped for an automotive gasoline station mini-mart shall be within one thousand (1,000) linear feet of the intersection of an entrance or exit ramp of the interchange of Route 287 with a county or Borough roadway.

c. An Automotive Gasoline Station Mini-Mart may not be located in a zone district which allows residential uses.

3. Lot Area, Frontage and Coverage Requirements

Minimum lot area, lot frontage and lot coverage shall be as follows:

	Minimum Lot Size	Minimum Lot Frontage	Maximum Building Coverage
Automotive Gasoline Station	30,000 sq ft	150 feet	10% Buildings; 30% Building & Canopy
Automotive Service Station	40,000 sq ft	200 feet	10% Buildings; 30% Building & Canopy
Automotive Gasoline Station Mini-Mart	65,000 sq ft	300 feet	10% Buildings; 25% Building & Canopy

4. Permitted Accessory Uses for Automotive Gasoline Stations and Automotive Service Stations: The retail sale of pre-packaged food, beverages and other non-automotive related items, including vending machines, is limited to a maximum floor area of two hundred (200) square feet of display area.

B. Zoning standards for an Automotive Gasoline Station Mini-Mart.

The following zoning standards shall apply to an Automotive Gasoline Station, Automotive Service Station and Automotive Gasoline Station Mini-Mart. A variation or deviation from the zoning standards in this subsection shall be addressed by the Board of proper jurisdiction as a bulk variance.

1. Off-street Parking.

a. Off-street parking for automotive gasoline station mini-mart: Parking shall be provided onsite for the retail use at one (1) space per two hundred (200) square feet of retail space and one space for each employee on maximum shift; pump locations are not counted as parking spaces.

b. Off-street Parking for Automotive Service Stations: There shall be four (4) parking spaces for each repair bay plus one (1) space for each employee on maximum shift. In addition, on-site parking shall be provided for any accessory retail use as permitted in §1001.A.4 at one (1) space per two hundred (200) square feet of retail space

c. Off-street parking of Automotive Gasoline Stations: There shall be one (1) parking space plus one space for each employee on maximum shift. In addition, on-site parking shall be provided for any accessory retail use as permitted in §1001.A.4 at one (1) space per two hundred (200) square feet of retail space

2. Landscaping. For an Automotive Gasoline Station, Automotive Service Station and Automotive Gasoline Station Mini-Mart site there shall be provided a minimum five-foot wide curbed and landscaped area in the front yard of all site pavement areas. The width of the landscaped area shall be measured from the street property line to the interior curb. All areas of the site that are not paved or on which a building is located shall be landscaped.

3. Outdoor display. Outdoor display of products for sale or rental, including convenience household, beverages and food items at a mini-mart shall not be permitted.

4. Canopies. A cantilevered cover or canopy may be permitted to within 25 feet of the front property line. The canopy shall comply with the maximum height requirement and the required minimum side and rear yard

setbacks of the applicable zone district. Any kiosk located beneath a canopy shall be located no closer than fifty (50) feet from any front property line.

5. Curb Cuts and Driveways.

- a. On a corner lot, a driveway shall be at least twenty-five (25) feet from the street intersection as measured along the property line.
- b. Driveways shall be no less than twenty-five (25) feet and no more than thirty-five (35) feet wide. The driveway shall be flared or slanted at the curb line to facilitate auto ingress and egress.
- c. Curb cuts shall be no less than twenty-five (25) feet from any property line. Where County or State standards apply, the stricter standard shall prevail.
- d. Any two driveways giving access to a single street shall be separated by a curbed island of at least twenty (20) feet.
- e. There shall not be more than two curb cuts providing access to any one street.

6. Signs.

- a. Automotive Gasoline Stations and Automotive Service Stations. The requirements of Section 801 (Signs) of the Zoning Ordinance shall apply to an automotive gasoline station and an automotive service station. Canopy Signs shall be permitted on up to two (2) sides of a canopy, for the purpose of advertising the name of the business only, provided that the sign does not occupy more than one-quarter (1 /4) of the length of the face of the canopy on which it is located and does not extend above or below the face of the canopy.
- b. Automotive Gasoline Station Mini-Marts.
  - (1) One (1) free-standing site identification sign. The maximum sign area shall not exceed eighty (80) square feet;
  - (2) The maximum height of the free-standing site identification sign shall not exceed 15 feet;
  - (3) The minimum setback of the free-standing sign from the property line shall comply with Section 801 (Signs) of the Zoning Ordinance;
  - (4) Façade and building-mounted signs shall comply with Section 801 (Signs) of the Zoning Ordinance.
  - (5) Canopy Signs. Signs shall be permitted on up to two (2) sides of a canopy, for the purpose of advertising the name of the business only, provided that the sign does not occupy more than one-quarter (1 /4) of the length of the face of the canopy on which it is located and does not extend above or below the face of the canopy.

7. Lighting. All lighting shall be so designed, arranged and installed as to reflect all light down and away from adjoining properties and streets and highways. No string of multiple lights shall be permitted. Lighting under a canopy shall be recessed and directed downward. The proposed development shall comply with all Borough lighting standards.

8. Pavement. All parking, access and driveway areas shall be paved with a permanent surface such as concrete or macadam in accordance with zoning standards and requirements.

9. Location of Pumps. All pump islands shall be a minimum of twenty-five (25) feet from any property line.
10. All lifts, lubrication equipment, service pits and automotive related goods for sale shall be enclosed within the principal site station building.
11. The rental or exchange of twenty-pound or less propane gas cylinders, such as those used for outdoor cooking appliances, is a permitted accessory use for Automotive Gasoline Stations, Automotive Service Stations and Automotive Gasoline Station Mini-marts subject to the following standards:
- a. The storage area for propane gas cylinders shall be fenced and shall meet the requirements of NFPA Section 58 as interpreted by the Fire Subcode Official and the Fire Official of the appropriate district. Bollards shall be installed to protect the storage cabinets, tanks and equipment from vehicular impact.
  - b. The storage area for propane gas cylinders shall comply with all minimum setback requirements of the applicable zone district.
  - c. The storage area for propane gas cylinders shall be located within the front yard of any lot and shall be a minimum distance of 50 feet from any street right-of-way line.
  - d. Storage cabinets shall be appropriately screened with fencing, walls, or vegetation. With the exception of brick or masonry walls, screening plantings and fences shall not be located closer than 5 feet from propane cylinder storage cabinets.
  - e. Filling of propane gas cylinders from an on-site propane tank shall not be permitted.

12. Trash and Garbage. A solid waste enclosure area shall be provided for the temporary storage of trash, garbage, tires, and unusable automotive parts. Except for tires, all trash shall be stored in tight containers. The enclosed area shall be so designed that the trash shall not be seen from a public street or from adjoining properties. Adequate trash receptacles shall be provided adjacent to parking areas for Automotive Gasoline Station Mini-marts.

13. Screening. The site shall be screened by a minimum six (6) feet high solid evergreen planting or combination of solid evergreen planting and fence on all sides except within the required front yard setback. Such screening shall not extend into the required sight triangle for any access drive.

#### C. Prohibited Activities and Uses.

1. The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of an automotive gasoline or automotive site station shall be prohibited.
2. The storage of cars, trucks, trailers, boats or any other vehicle not being serviced or repaired on the premises of an automotive gasoline station or automotive site station shall be prohibited.
3. Storage of any vehicle requiring body work, or which is inoperable because of major repairs required, shall not be permitted.
4. The storage of inoperable vehicles, classified as junk cars or those not currently registered with the State of New Jersey shall not be permitted.

5. Drive-thru windows shall not be permitted in an Automotive Gasoline Station Mini-Mart.”

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

Mayor Anesh opened the floor for the public hearing on Ordinance #1990. With no comments made, Mayor Anesh closed the floor. Mayor Anesh asked the Council if they had any comments. There were no comments from Council.

**Adoption of Ordinance #1990: June 10, 2013**

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

**RESOLUTIONS:**

**RESOLUTION No. 13-209**

**AUTHORIZING THE TEMPORARY APPOINTMENT OF ANGELO STRILLACCI TO FILL IN AS PLUMBING SUBCODE OFFICIAL IN THE ABSENCE OF VINNY FRANCHINO DURING THE WEEK OF JULY 1<sup>ST</sup> THROUGH JULY 5<sup>TH</sup> AND AGAIN FROM AUGUST 8<sup>TH</sup> THROUGH AUGUST 14<sup>TH</sup> AT A RATE OF \$40.00 PER HOUR FOR NO MORE THAN 19.5 HOURS.**

Angelo Strillacci is hereby hired as a temporary part-time, Plumbing Subcode Official for the week of July 21<sup>st</sup>, 2013 through July 5, 2013, and from August 8, 2013 through August 14, 213 at a rate of \$40.00 per hour (19.5 hour max), to provide coverage for the regular Plumbing Subcode Official, Vinny Franchino, who will be on vacation.

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>			
Mayor Anesh – TIE ONLY							

**RESOLUTION #2013-210**

**AUTHORIZING THE APPROVAL AND RENEWAL OF LIQUOR LICENSES FOR 2013 - 2014 AND AUTHORIZING THE MUNICIPAL CLERK TO ISSUE 2013-2014 LIQUOR LICENSES TO ALL LICENSEES THAT HAVE MET ALL STATE AND BOROUGH REQUIREMENTS AND HAVE PAID ALL APPROPRIATE FEES.**

**WHEREAS**, applications for renewal of Liquor Licenses for the year 2013-2014 have been submitted; and

**WHEREAS**, no objections to said renewals have been filed; and

**WHEREAS**, the proper Borough and State fees have been paid by all applicants.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of the Borough of South Plainfield that the following licensees be granted renewals of their liquor licenses for the year commencing July 1, 2013 and expiring June 30, 2014:

	<b>Licence #</b>	<b>Type</b>	<b>License Name</b>	<b>Trade Name</b>
1	1222-44-006-004	Plenary Retail Distribution	Vito & Sons Inc	Oak Tree Discount Wines and Spirits
2	1222-33-014-002	Plenary Retail Consumption	SGS Associates Inc	Sals Spirit Shoppe
3	1222-33-013-008	Plenary Retail Consumption	Red Robin Inter'l	Red Robin
4	1222-33-012-011	Plenary Retail Consumption	Ruby Tuesday Inc.	Ruby Tuesday Inc.
5	1222-44-011-005	Plenary Retail Distribution	WC South Plainfield LLC	Wine Country Sth Plainfield
6	1222-32-009-005	Plenary Retail Consumption w/Broad Package Privilege	SRI Liquors Inc.	SRI Liquors Inc.
7	1222-33-008-010	Plenary Retail Consumption	Sonador Inc.	Adelines Italian Resaurant
8	1222-33-007-003	Plenary Retail Consumption	GMRI Inc.	Red Lobster #379
9	1222-33-003-007	Plenary Retail Consumption	Ignite Restaurants NJ Inc.	Joes Crab Shack Brick Tavern & Tap
10	N/A	N/A	N/A	N/A
11	1222-36-030-002	Plenary Retail Consumption - Hotel/Motel Exception	Friendwell Management LLC	None on File
12	1222-31-028-001	Club	Sth Plainfield Columbian Club	None on File
13	1222-31-026-001	Club	Memorial Post VFW	Memorial Post 6763
14	1222-31-024-001	Club	Plainfield Curling Club Inc	Plainfield Curling Club
15	1222-31-023-001	Club	Italian American Progressive League	Italian American Progressive League
16	1222-31-022-002	Club	Sth. Plainfield BPOE of American	Sth Plainfield Elks #2298
17	1222-31-021-001	Club	Chaumont Post 243 American Legion	Chaumont Post 243 American Legion
18	1222-33-020-001	Plenary Retail Consumption	Polish National Home Inc.	Polish National Home
19	1222-33-019-006	Plenary Retail Consumption	Brinel LLC	Paulos Bar & Restaurant
20	1222-33-017-003	Plenary Retail Consumption	ZZZ Inc.	Flanagans Restaurant & Pub
21	1222-33-018-004	Plenary Retail Consumption	Normans Bar & Grill	KCS Korner
22	1222-44-004-007	Plenary Retail Distribution	Wittys Liquors At Sth Plainfield	Wittys Discount Wines & Liquors
23	1222-33-005-007	Plenary Retail Consumption	Konbrothers, Inc.	Park Avenue Diner

**BE IT FURTHER RESOLVED** Plenary Retail Consumption License 1222-33-016-011 for Madhusudan LTD with the Trade Name of Palace of Jaipur has not yet submitted their application for renewal for the 2013-2014 year, and as such, is not included in the aforementioned approval list and if not renewed by July 1, 2013 will soon fall into a pocket license status pursuant to state regulations; and

**BE IT FURTHER RESOLVED** pursuant to the NJ Department of Treasury, Plenary Retail Consumption License 1222-33-015-007 for 4701 Stelton Road LLC does not have a clearance for their Tax Clearance Certificate in which said license shall not be renewed at this time until or unless the authorization is approved by the State of New Jersey Department of Treasury and the Director of ABC.

**BE IT FURTHER RESOLVED** that the Municipal Clerk is authorized to issue 2013-2014 liquor licenses to the above named licensees.



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>							

**RESOLUTION NO. 13-211  
RESOLUTION DENYING APPLICATION OF JRPC, INC.  
FOR RENEWAL OF LIQUOR LICENSE NO. 1222-33-001-006**

**WHEREAS**, JRPC, Inc., owned by John Colasanti, is the owner of Liquor License No. 1222-33-001-006, and has applied for renewal of said license; and

**WHEREAS**, the licensee was previously found by the Governing Body to have violated regulations of the New Jersey Administrative Code; and

**WHEREAS**, as a result of the violations of the Administrative Code, the Borough imposed a 45-day suspension; and

**WHEREAS**, the licensee appealed the suspension, which appeal is currently pending, and the licensee has continued to operate; and

**WHEREAS**, in June 2012, the licensee applied for renewal of its license; and

**WHEREAS**, the Governing Body denied the renewal of the liquor license, setting forth the reasons for same in Resolution No. 12-177; and

**WHEREAS**, the licensee appealed the denial of its liquor license, which appeal is currently pending, and the licensee is continuing to operate;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that based upon the reasons as expressed in Resolution No. 12-177 in June 2012, the application of JRPC, Inc. for renewal of Liquor License No. 1222-33-001-006 is denied.

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>							

**RESOLUTION # 2013-212  
AUTHORIZING MASER CONSULTING PA, OUR 2013 APPOINTED ENVIRONMENTAL ENGINEER,  
TO PERFORM ENVIRONMENTAL ENGINEERING SERVICES FOR THE SUBURBAN BUS  
COMPANY IN AN AMOUNT NOT TO EXCEED \$290,000.00**

**WHEREAS**, the Borough of South Plainfield was need of retaining an engineering firm for matters dealing with site assessments, site remediation and brownfields development and for all matters regulated by the New Jersey Department of Environmental Protection, including the Suburban Transit Bus Co. property, for the year 2013; and

**WHEREAS**, Maser Consulting, PA, 331 Newman Springs Road, Red Bank, NJ 07701 was formally appointed as the environmental engineer for the Borough for 2013 pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and at this time a need arises to ask for their assistance and guidance with environmental engineering matters that pertain to the Suburban Bus Company;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that they hereby authorize Maser Consulting, PA to perform environmental engineering services pertaining to the Suburban Bus Company in an amount not to exceed \$290,000.00

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

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

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
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>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-213**

**AUTHORIZING THE WAIVER OF PERMIT FEES FOR THE EMERGENCY REPAIR OF THE SOUTH PLAINFIELD HIGH SCHOOL GYMNASIUM FLOOR DUE TO WATER DAMAGE.**

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

Authorization is hereby given to waive the permit fees for the emergency repair to the South Plainfield High School's gymnasium floor due to water damage.

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>							

**RESOLUTION NO. 2013-214**

**RESOLUTION AUTHORIZING THE RENEWAL OF A PROFESSIONAL SERVICES AGREEMENT WITH AHA AFFORDABLE HOUSING ADMINISTRATORS FOR A SPECIALTY HOUSING REHABILITATION ADMINISTRATIVE SERVICES TO ASSIST THE BOROUGH WITH ITS COAH ADMINISTRATION FOR AN AMOUNT NOT TO EXCEED THE VARIABLE FEE STRUCTURE CONTAINED WITHIN THE ATTACHED AGREEMENT**

**WHEREAS** the Borough of South Plainfield received proposals for a professional services agreement for a specialty Housing Rehabilitation Administrative Services from AHA Affordable Housing Administrators to Assist the Borough with its COAH Administration for an amount not to exceed the variable fee structure contained within the attached proposal; and

**WHEREAS** the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et. seq.; and

**WHEREAS**, prior to the awarding the Professional Service Agreement herein, the Borough considered six (6) criteria that included: the applicant’s qualifications, the applicant’s general experience, the applicant’s specific experience with the Borough of South Plainfield, if any, quantified achievement within the scope and nature of the services required, compensation, and references; and

**WHEREAS** after receiving said proposal, the Governing Body of the Borough of South Plainfield desires to award a professional service agreement in an amount not to exceed the variable fee structure contained within the attached proposal to:

**AHA AFFORDABLE HOUSING ADMINISTRATORS  
P.O. BOX 945  
PT. PLEASANT, NJ 08742**

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that a professional service contract is being awarded through the Fair and Open Process to the above-named business entity and the Mayor and Municipal Clerk are hereby authorized and directed to execute a professional service contract to be prepared by the Borough Attorney; and

**BE IT FURTHER RESOLVED** that the above professional service contact award shall be subject to fee schedules approved by the Governing Body of the Borough of South Plainfield; and

**BE IT FURTHER RESOLVED** that this award is contingent upon the above-named business entity providing proof of insurance for liability for damages of any kind imposed by law or assumed under the contract in a minimum amount of \$1,000,000.00; and

**BE IT FURTHER RESOLVED** that the required “Notice of Contract Awards” shall be published in the legal newspaper as required by law within ten (10) days of its passage.

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

1. Municipal Clerk
2. Chief Financial Officer
3. AHA Affordable Housing Administrators
4. Stanley Slachetka, T&M Associates

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>							

**RESOLUTION 2013-215  
AUTHORIZING THE APPOINTMENT OF AMY ANTONIDES  
AS A VOLUNTEER SUB-REGISTRAR WITH NO COMPENSATION**

**WHEREAS** a need has arisen for the position of a Sub-Registrar in the Borough of South Plainfield to assist the Registrar with certain aspects of the duties of vital statistics;

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that it hereby appoints Amy Antonides, as a volunteer Sub-Registrar with no compensation, with an effective date of June 24, 2013;

**BE IT ALSO RESOLVED** that Amy Antonides shall submit the Oath of Office for Sub-Registrar to the State of New Jersey Office of the Registrar upon authorization of said appointment pursuant to statute; and

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

1. Harriet Wagner, Registrar of Vital Statistics
2. Amy Antonides, Municipal Clerk
3. Vincent Arrisi, New Jersey State Registrar of Vital Statistics

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>							

**RESOLUTION 13-216  
AUTHORIZING THE STATE CONTRACT PURCHASE OF FIRE AND SAFETY EQUIPMENT FROM  
CONTINENTAL FIRE & SAFETY, INC.  
IN AN AMOUNT NOT TO EXCEED \$7,260.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of fire and safety equipment from Continental Fire & Safety, Inc. of 2740 Kuser Road, Hamilton, NJ 08691 in an amount not to exceed \$7,260.00 pursuant to NJ State Contract Numbers 80970.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Fire 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				
Councilman White	x		x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>5</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-217  
AUTHORIZING THE STATE CONTRACT PURCHASE OF FIRE AND SAFETY EQUIPMENT FROM  
NEW JERSEY FIRE EQUIPMENT CO.  
IN AN AMOUNT NOT TO EXCEED \$7,839.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of fire and safety equipment from New Jersey fire Equipment Co. of 119-131 Route 22 East, Green Brook, NJ 08812 in an amount not to exceed \$7,839.00 pursuant to NJ State Contract Numbers A80961.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Fire 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				
Councilman White	x		x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>5</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-218**

**AUTHORIZING A SOLE SOURCE PROVIDER CONTRACT WITH TACTICAL PUBLIC SAFETY FOR THE RELOCATION OF TACTICAL EQUIPMENT TO THE TUMI OFFICE BUILDING IN AN AMOUNT NOT TO EXCEED \$6,662.60**

**WHEREAS** a need has arisen to remove and relocate Tactical Public Safety Equipment from the Motorola Building in South Plainfield to the Tumi Office Building in South Plainfield; and

**WHEREAS**, Tactical Public Safety is the only company authorized to remove, maintain, and relocate their proprietary equipment on behalf of the Borough of South Plainfield;

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a soul source provider contract with Tactical Public Safety to remove and relocate said tactical equipment to the Tumi Office Building in an amount not to exceed \$6,662.60 which shall be applied to the municipal line item C-04-55-931-000-907.

**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
- Police Department

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>							

**RESOLUTION 13-219**

**AUTHORIZING A STATE CONTRACT PURCHASE WITH DELL INC. FOR SONICWALL SOFTWARE AND SERVICE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$8,690.28**

**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 SonicWall Software and a service agreement in an amount not to exceed \$8,690.28 pursuant to NJ State Contract Number ITS-A77003 to be applied to the municipal line item 3-01-25-250-000-204.

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

**RESOLUTION 2013-220**  
**AUTHORIZING THE APPOINTMENT OF PATRICIA (TREE) OLANO TO THE POSITION OF FULL-TIME RECREATION LEADER AT A SALARY OF \$31,000.00 WITH BENEFITS EFFECTIVE JULY 1, 2013**

**WHEREAS**, a need exists to increase the present Recreation Leaders hours to a full-time status, from a part-time status; and

**WHEREAS**, Ms. Patricia (Tree) Olano has been interviewed and is seeking to be promoted to a full-time status and it is the recommendation of the Borough Administrator to promote Ms. Patricia (Tree) Olano to a full-time status,

**NOW THEREFORE BE IT RESOLVED** by the South Plainfield Borough Council that Ms. Patricia (Tree) Olano shall be appointed as a full-time Recreation Leader with full benefits (including health benefits), at an annual salary of \$31,000.00. Any and all benefits, inclusive of health benefits, are to commence on the effective date of July 1, 2013. Ms. Olano shall also become a member of the AFSCME union.

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

1. Municipal Clerk
2. Tree Olano, Recreation Leader
3. Marie Dudek, Payroll

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>							

**RESOLUTION 2013-221**  
**AUTHORIZING REFUND OF TAX APPEAL JUDGMENT IN THE AMOUNT OF \$40,892.71 FOR DURHAM PLAZA LLC OF 110-136 DURHAM AVENUE IN SOUTH PLAINFIELD**

**WHEREAS**, the following list of taxpayers have filed appeals with the State Tax Court and have received judgments reducing their assessments:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Durham Plaza LLC 110-136 Durham Avenue South Plainfield, NJ 07080	541	10.02	2012	\$40,892.71

**Make check payable to:**

Michael I. Schneck,  
Trustee for Durham Plaza LLC  
301 South Livingston Avenue  
Suite 105  
Livingston, NJ 07039

**Total** **\$40,892.71 \***

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

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. Kim Clifford, Tax Collector
4. Mary Frances Hildebrandt, Tax Assessor

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>							

**RESOLUTION 2013-222**  
**AUTHORIZING REFUND OF TAX APPEAL JUDGMENT IN THE AMOUNT OF \$47,866.67**  
**FOR LIU, CHUAN-WEI & FUNG JUNG OF**  
**901 HADLEY ROAD IN SOUTH PLAINFIELD**

**WHEREAS**, the following list of taxpayers have filed appeals with the State Tax Court and have received judgments reducing their assessments:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Liu, Chuan-Wei & Fang Jung 901 Hadley Road South Plainfield, NJ 07080	528	46.081	2012	\$26,081.03
			2011	\$21,785.64

**Make check payable to:**

Davidson Legal Group LLC  
Attorney Trust Account

Liu, Chuan-Wei & Fang Jung % Royal  
 154 South Livingston Avenue, Suite 207  
 Livingston, NJ 07039

**Total**

**\$47,866.67 \***

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

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Kim Clifford, Tax Collector
- Mary Frances Hildebrandt, Tax Assessor

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>							

**RESOLUTION 2013-223**  
**AUTHORIZING REFUND OF TAX APPEAL JUDGMENT IN THE AMOUNT OF \$894.95 FOR**  
**SHAH, DILIP & DIPIKA OF**  
**315 EAST FAIRVIEW AVENUE IN SOUTH PLAINFIELD**

**WHEREAS**, the following list of taxpayers have filed appeals with the State Tax Court and have received judgments reducing their assessments:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Shah, Dilip & Dipika 315 East Fairview Avenue South Plainfield, NJ 07080	87	9	2011	\$894.95

**Total**

**\$894.95 \***

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

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Kim Clifford, Tax Collector
- Mary Frances Hildebrandt, Tax Assessor



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>							

**RESOLUTION 2013-224**  
**AUTHORIZING AWARD OF BID TO STILO EXCAVATING FOR THE 2013 ROAD IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$597,442.08 AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE CONTACT FOR SAME**

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

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40A:11, any expenditure of public funds in excess of \$17,500 requires municipalities without a QPA to advertise for proposals for delivery of said goods or services; and

**WHEREAS**, a need has been determined that roads are in need of resurfacing; and

**WHEREAS** bids were solicited and opened on Thursday, June 20, 2013 at 10:00 a.m. and the following picked-up bid packages from the Borough Engineer and submitted bids as follows:

Stilo Excavating	\$597,442.08
Lucas Construction	\$668,845.60
Black Rock	\$752,086.43
JA Alexander	\$774,616.58
Top Line Construction	\$795,021.92

**WHEREAS**, the bids have been reviewed by the Borough Engineer and the Borough Attorney who has verified that the lowest qualified bidder is Stilo Excavating in the amount of \$597,442.08 and that the bid be accepted and a contract be awarded; and

**WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available through capital funding;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract for the 2013 Road Improvement Program to Stilo Excavating at a cost not to exceed \$597,442.08.

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>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-225**  
**AUTHORIZING A BLOCK PARTY LOCATED ON OXFORD AVENUE BETWEEN EAST GOLF AVENUE AND SPRAGE ROAD REQUESTED BY HOLLY LAFERRERA FOR JUNE 29, 2013**

**WHEREAS**, a request was made by Holly Laferrera to hold a block party on June 29, 2013 on Oxford Avenue; and

**WHEREAS**, Police, Fire and Rescue Squad have been notified and given their approval.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that permission to hold said block party is hereby granted; and

**FURTHER BE IT RESOLVED** that copies of this resolution be given to the Police Department, Fire Department, Rescue Squad, Department of Public Works, Emergency Management and the applicant.

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>							

**RESOLUTION 13-226**  
**AUTHORIZING THE STATE CONTRACT PURCHASE OF A NEW PHONE SWITCH FOR THE EMERGENCY MANAGEMENT BUILDING FROM STRATEGIC PRODUCTS AND SERVICES IN AN AMOUNT NOT TO EXCEED \$7,332.55**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase with Strategic Products and Services of 300 Littleton Road, Parsippany, NJ 07054 for a new phone switch for the OEM Building in an amount not to exceed \$7,332.55 pursuant to NJ State Contract Number A80802.

**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
- OEM

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>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION NO. 2013-227**  
**RESOLUTION AUTHORIZING AGREEMENT TO PERMIT A FENCE OVER A 5' DRAINAGE EASEMENT WITHIN A RIGHT-OF-WAY LOCATED AT 164 GUBERNAT DRIVE, OWNER OF THE PROPERTY KNOWN AS RYAN & DEANNA FLANZBAUM**

**WHEREAS**, Ryan and Deanna Flanzbaum is the owner of property known as 164 Gubernat Drive, South Plainfield, New Jersey, also known as Block 228, Lot 27 on the Tax Map of the Borough; and

**WHEREAS**, the Borough has determined that the placement of the fence within its right-of-way will not detrimentally affect the property or the purpose for the right-of-way, and has no objection to the placement of same with the understanding that the fence will be removed at the expense of Ryan and Deanna Flanzbaum or any other owner of record if deemed necessary by the Borough;

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that permission is granted to Ryan and Deanna Flanzbaum to place a fence in the right-of-way of the Borough on property known as 164 Gubernat Drive (Block 228. Lot 27) pursuant to the survey submitted and reviewed by the Borough Engineer conditioned upon Ryan and Deanna Flanzbaum or any owner of record agreeing to remove said fence at his/her expense in the event the Borough should deem it necessary in the future.

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>			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-228**

**AUTHORIZING A REFUND IN THE AMOUNT OF \$100.00 FOR A BULK VARIANCE FEE FOR A PROPOSED DECK PROJECT IN WHICH THE OWNER; JENNIFER FASANO OF 170 MORTON AVENUE HAS CHANGED HER MIND ON SAID PROJECT**

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

Authorization is hereby given to refund \$100.00 to Jennifer Fasano of 170 Morton Avenue, South Plainfield, NJ 07080 for a deck variance in which she has sense changed her mind on said project.

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>			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-229**

**AUTHORIZING EDISON HEATING & COOLING TO PERFORM AN EMERGENCY REPAIR OF A CONDENSOR AT THE SENIOR CENTER IN AN AMOUNT NOT TO EXCEED \$7,000.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes Edison Heating & Cooking to perform an emergency repair of a condenser at the Senior Center in an amount not to exceed \$7,000.00.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk

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>							

**ACCEPTANCE OF CORRESPONDENCE**

- Environmental Monthly Report – May, 2013
- Middlesex County Planning Board Minutes – May 14, 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>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

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

Current Fund	2-01	64,030.00
Current Fund	3-01	304,094.04
Pool Utility	2-26	0.00
Pool Utility	3-26	3,006.13
Sewer Utility	2-07	0.00
Sewer Utility	3-07	515,961.96
Sewer Utility Capital	C-08	0.00
General Capital	C-04	260,071.96
Election Account	E-18	200.00
Grant Fund	G-02	129.00
Dog Trust	T-12	3,963.33
Treasurers Trust	T-13	129,042.02
Recreation Trust	T-14	6,110.57
Addition to 3-01 For AHA (COAH Administrator)	3-01	10,800.00
<b>TOTAL ALL FUNDS</b>		<b>\$1,297,409.01</b>

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				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**COUNCIL REPORTS:**

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

Administrator Cullen – advised that Amy handing him a letter from COAH a little while ago in which they are looking for a response from us by August 2<sup>nd</sup>. At first glance it does not look like they received the letter from us that Paul submitted to them. We will be looking into this further. Mr. Cullen advised that he attended the high school ceremony of which was excellent and the Mayor gave a very nice speech.

Engineer Miller – advised that we received the bids for the 2013 road improvements last week. We awarded a contract tonight to Stilo in this regard. Our estimates were about \$670,000.00 so we are pleased that the bid came in under \$600,000.00. We saw good numbers on that project. A Pre-construction meeting will be next week. We received a letter from the state pertaining to the alternate truck route application in which they show three outstanding items. We will review them and submit a revision by next week. To conclude, the 3<sup>rd</sup> party electrical services bid opening is scheduled for 1:00 p.m. on June 27<sup>th</sup>. Council President Rusnak said that since we are saving so much on this road project perhaps we can get another road or two done. Mr. Miller said yes, it is possible.

Clerk Antonides – had no report for this evening.

Councilman Diana – advised that he wanted to clarify that resolution #13-211 was a recusal due to family members involved in the matter. Also regarding the “no” votes on the other resolutions it is because they are items that are bonded for. He advised that he also voted no on the bond ordinances. The high school graduation was a wonderful night and that Mayor Anesh was the shortest speaker of the night. Councilman Diana attended the YoFresh Grande Opening saying it is nice to have something like this closer to home. The deer fencing that we received a grant for went up this past week. To conclude, Councilman Diana thanked the Fire Department on behalf of his family for all that they did in regards to his Uncle’s recent passing.

Councilman Barletta – welcomed our two newest businesses in town; YoFresh and Farmers Insurance. The owners are very gracious. It was a good day and we wish them a lot of luck. Jill Ryan and Nancy Grennier are planning the Christmas in July event to take place on July 27<sup>th</sup> from 10 a.m. to 5 p.m. and encourages everyone to attend. To conclude, Councilman Barletta wished everyone a happy 4<sup>th</sup> of July.

Councilman Bengivenga – congratulated the graduating class saying what a beautiful day it was. Councilman Bengivenga said to Councilman Diana that as he stated earlier he voted no for bonding and no on certain resolutions tonight and then asked if he does not feel that the clean-up of the Suburban Bus Company site, the paving of roads, and the purchase of police vehicles, as they have been done in the past long before he was on Council, are items that should not be purchased? Councilman Diana said in response to that; as he stated before he is not passing judgment on the merits of them but on the borrowing for them. Councilman Diana said he agrees with the clean-up of the Suburban Bus Company is something we can all agree on is very much needed as we do not want any environmental issues. Councilman Diana said his position is to not borrow for these items, but to spend less and not borrow. There is a long history here of public safety in South Plainfield and that is something that he supports but would like to see us incorporate that into the budget and stop what he perceives to be runaway bonding. We have already gone over this issue at nausium and don’t think we will solve that difference of opinion tonight. Councilman Diana said he of course thinks that these are worthy expenditures and wishes we were doing things here the way he thinks would be best for the residents now and in the future. Councilman Bengivenga said that Councilman Diana states that clean-up of the Bus Company site and the purchase of police vehicles are a necessity and says he don’t like bowing but in 2009 the borrowing was \$2 million, yet today it is \$1.2 million. We are reducing borrowing every single year by

substantial amounts. There are certain things, like Suburban Bus Company that was left in our laps that we have to clean-up. Councilman Bengivenga said Councilman Diana still didn't answer the question, does he think we need to clean this site up? If he does think so, how does he propose we pay for it? Councilman Diana said it comes down to priorities. Had we not been borrowing for things that were not priorities, for example , the garbage trucks for pick-up on demand he may have a different position on borrowing for these other items, but does not have an answer right now other than to say this is the principal of the matter not the merit of the matter. Councilman Bengivenga said that in December there was an Ordinance on for the purchase of these garbage trucks. Than in January Councilman Diana voted to purchase these garbage trucks by resolution. But since then, Councilman Diana votes against every single resolution that has to do with emergency, environmental clean-up, the paving of roads that last ten to fifteen or more years and he says it's a priority but then he votes against it. But then when it comes time for the payment of bills Councilman Diana votes to pay for it. Councilman Bengivenga asked Councilman Diana if he was not for it, and not for the borrowing of it, how can he be authorizing the payment for it? Councilman Diana said regarding the January resolution for the garbage truck he did not have the opportunity to take a position on it at that time. Regarding the payment of bills, Councilman Diana said that frankly they are going to go through regardless of him voting yes or no on them and that he votes no on the resolutions because he feels it's important to let the residents know what is going on here. Councilman Diana said he wants the public to know that someone has their backs here. The payment of bills is a semantic argument and we can continue to argue this but he thinks he has made his position clear and had his lecture already at the last meeting. Councilman Bengivenga said that he has no desire to have a lecture but is just seeking some clarification of his position, because if he is not for the clean-up of the Suburban Bus Company, and not for the purchases for emergency services, despite the fact it is being done the in the same way it has been done for years, yet at a much lesser bond rate, you are either for it or against it. Councilman Bengivenga expressed confusion as to why Councilman Diana is not voting for certain things then paying for certain things and feels he is not getting a clear answer as to why this is happening. Councilman Diana said he is not passing judgment on the merit of these items, but what he passes judgment on is the continued borrowing for items that are not absolutely vital to the Borough at this time. Councilman Bengivenga informed Councilman Diana that the Suburban Bus Company situation has been on our plate since 2007. We have had numerous occasions where we had to supply funds for remediation investigation. The Recreation and Environmental Commission has been hounding us asking when will this be taken care of. Councilman Bengivenga said he feels this clean-up cannot wait any longer. The line in the sand that Councilman Diana said he has drawn, and his principal stand, is with the bonding.

Mayor Anesh said he does not see this a "principal stand" for Councilman Diana. His principal stand for borrowing anything and trying to determine what is useful borrowing and what is reckless borrowing, if that is his position, he is probably more suited for the U.S. Congress or even the State Legislature. There are these great legislatures who take these "principal stands" on borrowing anything and raising taxes and yet we have an unfathomable budget deficit. The other thing Mayor Anesh said he takes exception with is that Councilman Diana said he is against "runaway bonding". Mayor Anesh said that for something to be considered "runaway" means for it to be going up. That is not the case here in light of the fact that borrowing has continued to go down. That is not runaway. Our borrowing continues to go downward and if that is what Councilman Diana calls "runaway bonding" than he is all for it because we are going down and not up here. That seems to be the right direction to be going....and in fact the direction that Councilman Diana says he wants. In regards to "reckless borrowing" when you look at a \$26 million budget and you take into consideration borrowing for this year, approximately \$1 million, you are looking at 1/26<sup>th</sup> of the budget that is borrowed, nowhere near what S&P or what anyone else says we have the capability of borrowing. Again, we are nowhere near that. Mayor Anesh said to please address it properly; this is not runaway borrowing or reckless borrowing, especially when both borrowing and spending are going down for a least 4 or 5 years in a row. We are also not speaking in terms of luxuries but assets that have a useful life of at leave five to ten if not more years. Mayor Anesh said he certainly does not consider anything that is going down reckless.

Councilman McConville – said that as far as resolution #13-212 he agrees we should not have had to bond for this Suburban Bus Company Clean-Up but this is something that back in 2007 that should not have been signed for by former governing bodies. It is now thrown in our laps this is something we are now forced to do now and it is thanks to a member Councilman Diana's own political party that authorized this two days before his term was to expire. Councilman McConville said he agrees with Councilman Diana, we should not have to bond for this. But unfortunately it was thrown into our laps and we are forced to clean it up and pay for it all because of the agreement signed by a former Mayor. Councilman McConville said that he is surprised Councilman Diana would disagree with the funding of this and instead show support for his own political party and take responsibility for what they did to the tax payers of this town with the burden of this cost.

Councilman Diana said in response 2007 was a long time ago and he won't sit here and be held responsible for the members of any political party just like he would not expect any of the present Council members to be held responsible for the actions of political parties of the past. Councilman McConville said but we are indeed held responsible for the prior political parties as evidenced here tonight of being forced to continue with this clean-up at the expense of our tax payers. We have to somehow find the money to pay for this environmental clean-up. So we are held responsible for something that happened from a prior Council. Councilman Diana said in 2007 he was a Junior in college and will not take responsibility for someone else's actions especially if they share the same political affiliation.

Councilman White – thanked the Suburban Women's Club for their donation of a toaster to the Senior Center. Also Councilman White thanked Glenn and the DPW for their help in getting the air conditioning unit back up and running at the Senior Center. To conclude, Councilman White congratulated all of this year's graduates.

Council President Rusnak –. Reported that the Borough will be changing their health care provider for the Borough employees by August 1<sup>st</sup>. It appears this change will be a win-win for both the Borough and the employees. This change will make for a \$250,000.00 saving to the tax payers.

Mayor Anesh –. Advised that he gave a speech at the recent graduations and wishes all the graduates well. It was a nice day. The Elks did a great job.

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

Mayor Anesh opened the floor for public comment.

Mrs. Nancy Grennier advised that the Christmas in July event is also organized by the Cultural Arts Commission. Ms. Grennier asked for a recap of what Council President Rusnak had said regarding the tax appeal reduction by the Board of Education. Council President Rusnak gave a brief explanation.

Ms. Chrissy Buteas of 434 Lucy Court said the debate back and forth is interesting to watch and feels it is a breath of fresh air to see a difference of opinion.

Debbie Boyle of Van Fleet thanked the Mayor and Council for coming to all the graduations and also to project graduation. On another note, Ms. Boyle advised that window painting of local businesses will be a part of the Christmas in July event. Cultural Arts will be supplying the paint for this. It will be a contest, open to all ages.

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

At 7:50 p.m. Mayor Anesh called for an adjournment from the public portion of the meeting to go into Executive 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 8:35 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