

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
AUGUST 12, 2013, 7:20 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 Council President Rusnak led the invocation.

**Proclamation:** Women's Equality Day  
Eagle Scout Project Recognition

Mayor Anesh read both proclamations in full and presented a proclamation to William Walsh acknowledging his achievement with his Eagle Scout project. Everyone extended a round of applause.

**Approve Council Minutes:**  
July 15, 2013 - Agenda  
July 15, 2013 – Public  
July 15, 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						x	
Councilman White		x	x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>5</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.

The following Ordinance was as second reading by title by the Clerk. Mayor Anesh opened the floor for public comment. With no comments made Mayor Anesh closed the floor.

**BOND ORDINANCE 1991**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$577,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$273,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF .**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$577,000, and further including the aggregate sum of \$23,750 as the several down payments for the improvements or purposes required by the Local Bond Law and further including a grant in the amount of \$280,000 from the State of New Jersey Department of Transportation for improvements to Montrose Avenue. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) for the cost of the improvements to Montrose Avenue since this purpose is being partially funded by the State Grant. The amount of the down payment appropriated is at least 5% of the costs of the improvements or purposes which are not funded by the State Grant (\$297,000). The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$273,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds,

negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) Improvements to Montrose Avenue, Oak Tree Avenue, Oakmoor Avenue, Lowden Avenue, Amboy Avenue and other various roads, including all work and materials necessary therefor and incidental thereto.	\$410,000 (includes a grant in the amount of \$280,000 from the State of New Jersey Department of Transportation for Montrose Avenue)	\$115,000	10 years
b) The acquisition of police and fire equipment, including all related costs and expenditures incidental thereto.	\$50,000	\$47,500	5 years
c) The acquisition of equipment for the Department of Public Works, including all related costs and expenditures incidental thereto.	\$22,000	\$20,500	15 years
d) Acquisition of easements on Stelton Road, including all related costs and expenditures incidental thereto.	\$95,000	\$90,250	40 years
<b>TOTAL:</b>	<b><u>\$577,000</u></b>	<b><u>\$273,250</u></b>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be

determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 19.41 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the

authorization of the bonds and notes provided in this bond ordinance by \$273,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$74,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than the State Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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				
Council President Rusnak	x		x				
		<b>VOTE:</b>	<b>4</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**ORDINANCE – FIRST READING BY TITLE** – was read by Clerk Antonides by title. The public hearing was set for September 3, 2013 at approximately 7:00 p.m.:

**ORDINANCE NO. 13-1992**  
**AN ORDINANCE REVISING PARKING ORDINANCES**

**WHEREAS**, the Borough Police Department has recommended that parking ordinances affecting the South Plainfield High School and Middle School be reviewed and revised as many are outdated; and

**WHEREAS**, the Traffic Safety Advisory Commission has recommended to the Mayor and Council that the parking ordinances be revised;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Code of the Borough of South Plainfield shall be amended as follows:

- Section 2b of Ordinance No. 602 prohibiting parking on a portion of Geary Drive shall be and is rescinded and void;
- Ordinance No. 667, which restricts parking on Geary Drive, Garden Drive, Florence Place, and Robert Place on school days between 7:30 a.m. and 8: 30 a.m., and 2:30 p.m. and 3:30 p.m., shall be and is hereby rescinded and void;
- Ordinance No. 695, which prohibits on parking on Merchants Avenue and Plainfield Avenue between the hours of 7:00 a.m. and 9:00 a.m., and 2:00 p.m. and 4:00 p.m., is hereby rescinded and void;
- Ordinance No. 741, which is a duplicate of Ordinance No. 667, is hereby rescinded and void;
- Ordinance No. 751, which prohibits or restricts parking on Triangle Place and Spring Street, is hereby rescinded and void;
- Ordinance No. 842, which prohibits or restricts parking on Lane Avenue, is hereby rescinded and void;
- Ordinance No. 848, which amended Ordinance No. 842 and prohibited or restricted parking on Lane Avenue, is hereby rescinded and void; and
- That portion of Ordinance No. 1032, which prohibits parking on Triangle Place, is hereby rescinded and void.

**BE IT FURTHER ORDAINED** that the parking ordinances of the Borough of South Plainfield shall be amended to restrict parking to one side of the designated street on days when school is in session between the hours of 8:00 a.m. to 4:00 p.m. During such time, parking shall not be permitted as follows:

1. Ritter Avenue – West side from Triangle Place to VanFleet Avenue;
2. Ritter Avenue – East side from High School parking lot to a point 148 feet south of the High School parking lot;

3. Triangle Place – Both sides between Lane Avenue and Ritter Avenue
4. Spring Street – Both sides between Lane Avenue and Ritter Avenue
5. Merchants Avenue – North side between Lane Avenue and Ritter Avenue;
6. Merchants Avenue – Both sides from Lane Avenue to a point 375 feet north of Lane Avenue;
7. Freed Place – West side from Middle School parking lot to Merchants Avenue;
8. VanFleet Avenue – South side between Lane Avenue and Ritter Avenue;
9. Lane Avenue – West side from High School parking lot to Merchants Avenue;
10. Lane Avenue – East side from High School parking lot to Merchants Avenue;
11. Lane Avenue – East side from Pearl Place to a point 150 feet north of Plainfield Avenue;
12. Geary Drive – North side between Plainfield Avenue and Garden Drive; and
13. Geary Drive – South side between Garden Drive and a point 145 feet east of Garden Drive.
14. Norwood Ave – East side between South Plainfield Avenue and West Fairview Avenue;
15. Adams St – North side between Norwood Avenue and Park Avenue;
16. Sterling Avenue - North side between Norwood Avenue and Park Avenue;
17. West Fairview Ave - North side between Norwood Avenue and Park Avenue;
18. Garibaldi Ave – Both sides between Jackson Avenue and Harvard Avenue;
19. Garibaldi Ave – West side between Harvard Avenue and Tremont Avenue;
20. Gray Drive – West side between Franklin Avenue and a point 390 ft south of Franklin Ave;
21. Lake St – North side between Plainfield Avenue and a point 165 feet east of South Central Avenue;
22. South Central Ave – west side between Lake St and South Madison Dr;

**BE IT FURTHER ORDAINED** that the parking ordinances of the Borough of South Plainfield shall be amended to provide that there will be no parking, stopping or standing at any time at the following locations:

1. Geary Drive – From Plainfield to a point 145 feet east of Garden Drive;
2. Lane Avenue – West side between Pearl Place and Plainfield Avenue;
3. Lane Avenue – East side between Plainfield Avenue and a point 120 feet north of Plainfield Avenue; and
4. Ritter Avenue – West side from High School parking lot to Triangle Place.

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

**Introduction of Ordinance #1992: August 12, 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				
Council President Rusnak		x	x				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTIONS:**

**RESOLUTION 2013-255**

**ACCEPTING THE RETIREMENT OF MARY ANN SCHNYDERITE FROM THE SOUTH PLAINFIELD RECREATION DEPARTMENT EFFECTIVE DECEMBER 1, 2013 AFTER 25 YEARS OF EMPLOYMENT WITH THE BOROUGH OF SOUTH PLAINFIELD**

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

It hereby accepts the retirement of Mary Ann Schnyderite from the South Plainfield Recreation Department effective December 1, 2013 after 25 years of employment with the Borough of South Plainfield;

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

1. Kevin Hughes, Recreation Director
2. Mary Ann Schnyderite, Recreation Department
3. Marie Dudek, Payroll
4. Amy Antonides, Municipal Clerk

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 13-256**

**AUTHORIZING A BLOCK PARTY LOCATED ON DEY STREET WHICH IS OFF OF TRINITY STREET ON AUGUST 17, 2013 WITH A RAIN DATE OF AUGUST 18, 2013 REQUESTED BY CELADAWN REID, FROM 12 NOON TO 10:00 P.M.**

**WHEREAS**, a request was made by Celadawn Reid to hold a block party on August 17, 2013 (with a rain date of August 18, 2013) on Dey Street, which is off of Trinity Street from 12 noon to 10:00 p.m.; 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				
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 2013-257**

**AUTHORIZING T&M ASSOCIATES TO PREPARE THE NECESSARY DOCUMENTATION TO OBTAIN A NJDEP FRESHWATER WETLANDS GENERAL PERMIT NO. 26 TO CLEAN THE STREAM FROM WOOLWORTH AVENUE TO FREDERICK AVENUE IN AN AMOUNT NOT TO EXCEED \$4,500.00 PLUS AN ADDITIONAL \$600.00 FOR THE NJDEP APPLICATION FEE**

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



Authorization is hereby given to T&M Associates to prepare the necessary documentation to obtain a NJDEP Freshwater Wetlands General Permit No. 26 to clean the stream from Woolworth Avenue to Frederick Avenue in the Borough of South Plainfield; and

BE IT FURTHER RESOLVED that the amount is not to exceed \$4,500.00 for T&M Associates to prepare said documentation and an additional \$600.00 for the NJDEP application fee;

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

1. Len Miller, T&M Associates
2. Robert Capparelli, DPW Supervisor
3. Alice Temple, Environmental Specialist
4. Amy Antonides, Municipal Clerk

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 2013-258**

**AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A RIGHT-OF-WAY AGREEMENT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND UNITED FIBER AND DATA, LLC WHICH ALLOWS THE PLACEMENT OF TELECOMMUNICATION EQUIPMENT AERIALY ON EXISTING POLES OR IN UNDERGROUND CONDUITS IN THE PUBLIC RIGHTS-OF WAY**

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

Authorization is hereby given to the Mayor and Municipal Clerk to execute the attached Right-of Way Agreement between the Borough of South Plainfield and United Fiber and Data, LLC which allows the placement of telecommunication equipment aerially on existing poles or in underground conduits in the public Rights-of Way; and

BE IT FURTHER RESOLVED that the Agreement requires United Fiber and Data, LLC to maintain a comprehensive liability insurance policy and to file Certificates of Insurance with the Borough of South Plainfield prior to the commencement of any work;

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

1. Len Miller, T&M Associates
2. Amy Antonides, Municipal Clerk

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 13-259**  
**AUTHORIZING A REFUND OF A \$100.00 SECURITY DEPOSIT FEE FOR THE SENIOR CENTER TO SHARON HARDIE OF 1511 PISANIELLO CT. IN SOUTH PLAINFIELD**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that, as a party was held at the Senior Center on June 22, 2013 and a \$100.00 room rental security deposit is now being requested for refund to:

Sharon Hardie  
 1511 Pisaniello Ct.  
 South Plainfield NJ 07080  
 \$100.00 Refund for Senior Center Room Rental Security Deposit

**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	
Councilman White		x	x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
Mayor Anesh – TIE ONLY							

**RESOLUTION # 2013-260**  
**AMENDING RESOLUTION #13-212 THAT AUTHORIZES MASER CONSULTING PA, TO PERFORM ENVIRONMENTAL ENGINEERING SERVICES FOR THE SUBURBAN BUS COMPANY PROPERTY TO REDUCE THE SERVICE COST FROM AN AMOUNT NOT TO EXCEED \$290,000.00, AND INSTEAD TO AN AMOUNT NOT TO EXCEED \$150,000.00**

**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;

**WHEREAS**, on June 24, 2013 resolution #13-212 was approved authorizing said services to be performed by Maser Consulting, PA in an amount not to exceed \$290,000.00;

**WHEREAS**, upon Maser Consulting, PA’s further examination of the work that needs to be performed it is deemed that the cost shall not exceed \$150,000.00 opposed to the original \$290,000.00 that was originally estimated;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that they hereby authorizes the amendment of Resolution #13-212 for Maser Consulting, PA to perform environmental engineering services pertaining to the Suburban Bus Company property in an amount not to exceed \$150,000.00 opposed to the original \$290,000.00 that was originally estimated and thus reflects an REDUCTION in the projected cost estimates for said project.

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

**RESOLUTION No. 13-261**  
**AUTHORIZING A BID AWARD TO DMS SYSTEMS FOR THE 2013-2014 CROSSING GUARD SERVICES IN AN AMOUNT NOT TO EXCEED \$293,251.92 WITH AN HOURLY RATE OF \$15.44**

**WHEREAS**, a need has been determined for School Crossing Guard services for the 2013 – 2014 school year; and

**WHEREAS**, sealed bids for School Crossing Guard Services were received and publicly opened on July 23, 2013 at 10:00 a.m.; and

**WHEREAS**, DMS Systems, Inc., 50 Lewis Avenue, Jersey City, New Jersey 07306. was not only the only bidder, but also determined to be the lowest qualified bidder, in an amount of \$293,251.92 or \$15.44 per guard per hour for a one year term to expire June 30, 2014; and

**WHEREAS**, in accordance with the Local Public Contracts Law, N.J.S.A. 40A: 11-15, said agreement may be extended for two (2) one-year terms; and

**WHEREAS**, the Borough reserves the right to adjust locations and/or personnel as needed; and

**WHEREAS**, funds for said purpose will be made available in the CY 2013 and CY 2014 budgets;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby granted to award the bid for 2014-2014 Crossing Guard Services for the Borough of South Plainfield to DMS Systems, Inc., 50 Lewis Avenue, Jersey City, New Jersey 07306. at an hourly rate of \$15.44 per guard per hour in amount not to exceed \$293,251.92 for the period August 15, 2013 through June 30, 2014.

**FURTHER BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement with DMS Systems, 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	
Councilman White		x	x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-262**  
**AUTHORIZING T&M ASSOCIATES TO PERFORM THE REMEDIAL INVESTIGATION OF THE UNDERGROUND STORAGE TANKS AT THE MUNICIPAL BUILDING IN AN AMOUNT NOT TO EXCEED \$20,800.00**

**BE IT RESOLVED** that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for T&M Associates to prepare as well as to administer and perform the remedial investigation of the underground storage tanks at the Municipal Building in an amount not to exceed \$20,800.00.

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

1. Municipal Clerk
2. Chief Financial Officer
3. T&M Associates

COUNCIL	MOTION	2 <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 13-263**

**AUTHORIZING A BLOCK PARTY LOCATED ON OAK MANOR PARKWAY WHICH IS OFF OF PARK AVENUE ON SEPTEMBER 14, 2013 WITH A RAIN DATE OF SEPTEMBER 15, 2013 REQUESTED BY ROBERT HACH, FROM 2:00 P.M. TO 10:00 P.M.**

**WHEREAS**, a request was made by Robert Hach to hold a block party on September 14, 2013 (with a rain date of September 15, 2013) on Oak Manor Parkway, which is off of Park Avenue from 2:00 p.m. to 10:00 p.m.; 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				
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 13-264**

**AUTHORIZING THE WAIVER OF A TYPE II FIRE PERMIT FEE IN THE AMOUNT OF \$166.00 FOR THE ST. STEPHENS ORTHODOX CHURCH FOR THEIR ANNUAL INTERNATIONAL FESTIVAL TO BE HELD SEPTEMBER 13TH THRU THE 15TH**

**BE IT RESOLVED**, that St. Stephens Orthodox Church located at 609 Lane Avenue will hold its annual International Festival on September 13<sup>th</sup> through September 15, 2013 and as such has requested a waiver of their \$166.00 Type II Fire Permit Fee;

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield hereby authorizes the waiver of the permit fees for the aforementioned event.

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

1. Municipal Clerk
2. Chief Financial Officer
3. Joseph A. Abbruzese, Fire Inspector
4. St. Stephens Orthodox Church

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 13-265**

**AUTHORIZING A BLOCK PARTY LOCATED ON EAST CRESCENT PARKWAY WHICH IS OFF OF WOODLAND AND OXFORD AVENUES ON AUGUST 31, 2013 REQUESTED BY MARY DELAIR FROM 2:00 P.M. TO 10:00 P.M.**

**WHEREAS**, a request was made by Mary DeLair to hold a block party on August 31, 2013 on East Crescent Parkway, which is off of Woodland and Oxford Avenues from 2:00 p.m. to 10:00 p.m.; 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				
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 13-266**

**AUTHORIZING THE EMERGENCY PURCHASE OF A NEW GENERATOR AT THE HADLEY PUMP STATION FROM SBP INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$14,174.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes an emergency purchase of a new generator at the Hadley Pump Station from SBP Industries located at 1301 New Market Avenue, South Plainfield, NJ 07080 in an amount not to exceed \$14,174.00.

**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. Robert Capparelli, DPW Supervisor

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-267**

**ACCEPTING THE RETIREMENT OF LT. KEVIN MURTAGH EFFECTIVE FEBRUARY 1, 2014 AFTER 25 YEARS OF DEDICATED SERVICE TO THE BOROUGH OF SOUTH PLAINFIELD'S POLICE DEPARTMENT**

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

It hereby accepts the retirement of Lt. Kevin Murtagh from the South Plainfield Police Department effective February 1, 2014 after 25 years of employment with the Borough of South Plainfield;

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

1. James Parker, Police Chief
2. Lt. Kevin Murtagh, Police Department
3. Marie Dudek, Payroll
4. Amy Antonides, Municipal Clerk

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-268**

**AUTHORIZING A BLOCK PARTY LOCATED ON ELSIE AVENUE WHICH IS OFF OF FRANK PLACE AND VALLEY STREET ON SEPTEMBER 28, 2013 WITH A RAIN DATE OF SEPTEMBER 29, 2013 REQUESTED BY KAHLIA MACMANUS FROM 3:00 P.M. TO 9:00 P.M.**

**WHEREAS**, a request was made by Kahlia MacManus to hold a block party on September 28, 2013 (with a rain date of September 29, 2013) on Elsie Avenue, which is off of Frank Place and Valley Street from 3:00 p.m. to 9:00 p.m.; 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				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville						x	
Councilman White		x	x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-269  
BOROUGH OF SOUTH PLAINFIELD  
COUNTY OF MIDDLESEX**

**AUTHORIZING INSERTION OF ITEM OF REVENUE FOR BUDGET YEAR 2013**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of South Plainfield in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an items of revenue in the budget of the year 2013 in the total sum of \$84,965.22 for the following:

Alcohol Education & Rehab Fund	\$ 4,749.72
Clean Communities Grant	\$43,438.50
Municipal Alliance	\$20,777.00
SHTP-2404 Transportation Assistance	\$10,000.00
Information Assistance	<u>\$ 6,000.00</u>
<b>TOTAL INSERTION OF REVENUE:</b>	<b><u>\$84,965.22</u></b>

BE IT FURTHER RESOLVED that the like sum of \$84,965.22 is hereby appropriated under the appropriate line items within the 2013 Municipal Budget;

BE IT FURTHER RESOLVED, that two copies of this Resolution shall be forwarded to the Director of the Division of Local Government Services, and one copy shall be forwarded to the Chief Financial Officer.

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-270  
AUTHORIZING A TAX APPEAL JUDGMENT “CREDIT” IN THE AMOUNT OF \$592.57 FOR  
K-LAND NO. 58 LLC OF 308 OAK TREE AVENUE IN SOUTH PLAINFIELD FOR THE YEAR 2013**

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

**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 credited.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
K-Land No. 58 LLC 308 Oak Tree Avenue South Plainfield, NJ 07080	254	29	2013	\$592.57
<b>Total</b>				<b>\$592.57 *</b>

\* No refund check to be issued. Credit will be applied to outstanding taxes.

**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.

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 2013-271**

**AUTHORIZING A TAX APPEAL JUDGMENT REFUND IN THE AMOUNT OF \$3,687.87 FOR K-LAND NO. 58 LLC OF 308 OAK TREE AVENUE FOR THE YEARS 2009, 2010, 2011, AND 2012**

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

**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>
K-Land No. 58 LLC 308 Oak Tree Avenue South Plainfield, NJ 07080	254	29	2012	\$954.41
			2011	\$930.75
			2010	\$889.43
			2009	\$913.28

**Make check payable to:**

Blau & Blau Attorney  
for K-Land 58  
223 Mountain Avenue  
PO Box 50  
Springfield, NJ 07081



Total

\$3,687.87 \*

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.

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**BOROUGH OF SOUTH PLAINFIELD**  
**County of Middlesex, State of New Jersey**  
**RESOLUTION 2013-272**

**RESOLUTION AUTHORIZING SETTLEMENT OF 2009, 2010, 2011 AND 2012 TAX APPEALS FILED BY JSM @ SOUTH CLINTON, FOR THE PROPERTY KNOWN AS 3301-3393 SOUTH CLINTON AVENUE AND IDENTIFIED AS BLOCK 448, LOT 4.06, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, JSM @ South Clinton (hereinafter referred to as “Taxpayer”) is the owner of the property known as 3301-3393 South Clinton Avenue and identified as Block 448, Lot 4.06, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$1,405,000 for 2009, 2010, 2011 and 2012; and

**WHEREAS**, Taxpayer filed appeals of the 2009, 2010, 2011 and 2012 tax assessments in the Tax Court of the State of New Jersey under docket numbers 005756-2009, 008839-2010, 003522-2011 and 001543-2012; and

**WHEREAS**, a proposed settlement of the aforesaid tax appeals was negotiated between Taxpayer and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessment for the 2012 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 2012; and

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

- The 2009, 2010 and 2011 tax appeals shall be withdrawn by Taxpayer;
- The 2012 original assessment in the amount of \$1,405,000 shall be reduced to \$1,153,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2012;
- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax year 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 “Michael I. Schneck, Esq. Attorney for JSM @ South Clinton” and forwarded to counsel for Taxpayer within 60 days of the date of Judgment.

**WHEREAS**, the Borough of South Plainfield Tax Assessor agrees that it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

**WHEREAS**, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

**WHEREAS**, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto; and

**WHEREAS**, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer’s request for tax assessment reduction; and

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment 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 \$1,153,000 total tax assessment reduction for the 2012 tax year for Block 448, Lot 4.06 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 JSM @ South Clinton under Docket Nos.: 005756-2009, 008839-2010, 003522-2011 and 001543-2012 for the property known as 3301-3393 South Clinton Avenue and identified as Block 448, Lot 4.06 on the Borough of South Plainfield Tax Assessment Maps which withdraws the tax appeal for Tax Years 2009, 2010 and 2011; which reduces the 2012 total tax assessment on the Property from \$1,400,000 to \$1,153,000; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax year 2013; which provides that the Taxpayer agrees to waive statutory interest on any refund or overpayment due provided that the tax refund is paid within 60 days from the date of Judgment; and which further provides that any refunds shall be made payable to “Michael I. Schneck, Esq., Attorney for JSM @ South Clinton” and forwarded to counsel for Taxpayer within 60 days from the date of entry 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	
Councilman White		x	x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION NO. 2013 – 273**

**AUTHORIZING A CHANGE ORDER TO STILO EXCAVATING TO INCREASE THE ORIGINAL ROAD IMPROVEMENT CONTRACT AMOUNT OF \$597,442.08 BY AN ADDITIONAL \$39,000.00 TO EXTEND THE SCOPE OF THE PROJECT TO INCLUDE THE MILLING AND REPAVING OF OAKMOOR AVENUE AND SIMS PLACE**

**WHEREAS**, the Governing Body of the Borough of South Plainfield has entered into a contract with Stilo Excavating for \$597,442.08 for a project entitled “2013 Road Improvement Program”; and

**WHEREAS**, the Governing Body of the Borough of South Plainfield would like to extend the limits of the project to include milling and repaving of Oakmoor Avenue (from Sampton Avenue to Willow Avenue) and Sims Place (from Strong Place to Lexington Avenue); and

**WHEREAS**, the extra work will be performed at the unit prices in the current contract; and

**WHEREAS**, the work will be paid for based on the actual as-built quantities at a price not-to-exceed \$39,000.00; 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 authorization is hereby given to increase the original contract amount of \$597,442.08 an additional \$39,000.00 to an adjusted contract amount of \$636,442.08 to extend the scope of the project to include milling and repaving on Oakmoor Avenue and Sims Place.

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>4</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-274**

**AUTHORIZING T&M ASSOCIATES TO PREPARE AS WELL AS TO ADMINISTER A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT APPLICATION FOR ROAD IMPROVEMENTS PERTAINING TO FRANKLIN AVENUE LOCATED IN THE BOROUGH OF SOUTH PLAINFIELD**

**BE IT RESOLVED** that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for T&M Associates to prepare as well as to administer a grant application for road improvements to Franklin Avenue located in the Borough of South Plainfield with the New Jersey Department of Transportation;

**BE IT FURTHER RESOLVED** that the Clerk, Administrator and/or the Mayor has authorization to execute said grant application if applicable and be it further resolved that copies of this Resolution shall be forwarded as follows:

1. Municipal Clerk
2. Chief Financial Officer
3. T&M Associates

COUNCIL	MOTION	2 <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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-275**

**AUTHORIZING A WAIVER OF FIRE PERMIT FEES FOR THE SOUTH PLAINFIELD SUMMER DRAMA WORKSHOP THAT TOOK PLACE ON AUGUST 1<sup>ST</sup>, 2<sup>ND</sup> AND 4<sup>TH</sup> AND ALSO FOR A BOOTH THAT WILL BE SET UP ON SEPTEMBER 2, 2013 AT THE MIDDLE SCHOOL FOR THE LABOR DAY FESTIVITIES**

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield hereby authorizes the waiver of the fire permit fees for the Summer Drama Workshop that took place on August 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> and also for a booth that will be set up on September 2, 2013 at the Middle School for the Labor Day Festivities.

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

1. Municipal Clerk
2. Chief Financial Officer
3. Joseph A. Abbruzese, Fire Inspector
4. South Plainfield Summer Drama Workshop

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-276**

**AUTHORIZING THE WAIVER OF ALL PERMIT FEES FOR THE REPLACEMENT OF AN EMERGENCY GENERATOR AT THE HADLEY PUMPING STATION**

**BE IT RESOLVED**, that the Hadley Pumping Station is in need of an emergency generator and as such, the DPW Supervisor has requested a waiver of all permit fees for said installation;

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield hereby authorizes the waiver of all permit fees for the aforementioned emergency generator for the Hadley Pumping Station.

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

1. Municipal Clerk
2. Chief Financial Officer
3. All Building Department Inspectors & Fire Official
4. Robert Capparelli, DPW Supervisor

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-277**

**AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND PYROTECNICO FOR A FIREWORKS DISPLAY TO BE HELD ON LABOR DAY; SEPTEMBER 2, 2013**

**BE IT RESOLVED** that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for Pyrotecnico to perform a fireworks display to be held on Labor Day; September 2, 2013; and

**BE IT FURTHER RESOLVED** that the Mayor has authorization to execute said contract for same and be it further resolved that copies of this Resolution shall be forwarded as follows:

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

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-278**

**AUTHORIZING A TAX APPEAL JUDGMENT REFUNDS AND CREDITS IN VARIOUS AMOUNTS FOR VARIOUS LOTS AND BLOCKS AS LISTED ON THIS RESOLUTION FOR PARCELS ALL LOCATED IN THE BOROUGH OF SOUTH PLAINFIELD FOR THE YEAR 2013 THAT COMBINED, TOTAL \$76,793.56**

**WHEREAS**, the following list of taxpayers have filed appeals with the Middlesex 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 credited.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Gupta, Manish 1802 Bellew Place South Plainfield, NJ 07080	21	2.02	2013	\$2154.80

Niemczyk, Thomas & Doris 509 East Hendricks Boulevard South Plainfield, NJ 07080	61	31	2013	\$533.31
Skula, John A. & Julie L. 2311 Oxford Avenue South Plainfield, NJ 07080	75	22	2013	\$1142.04
Rewaria, Ravinder K & Bhatia, A 2 Stacey Court South Plainfield, NJ 07080	78	4.01	2013	\$2531.89
Porter, Charles R. & Esther 2540 Woodland Avenue South Plainfield, NJ 07080	81	5.05	2013	\$1890.84
Kehrer, H Craig 14 Hidden Court South Plainfield, NJ 07080	90	8	2013	\$1239.01
Martin, Carol 123 Park Lane South Plainfield, NJ 07080	96	12	2013	\$937.34
Natzleeach Realty LLC 1810 Park Avenue South Plainfield, NJ 07080	98	1.01	2013	\$538.70
Ramrup, Rajkumar & Savitree 142 South Madison Drive South Plainfield, NJ 07080	127	13	2013	\$1885.45
Scala, Gennaro & Maria 1612 Ford Avenue South Plainfield, NJ 07080	144	24	2013	\$1885.45
Neesan, John Anthony & Lorilee 310 Ledden Terrace South Plainfield, NJ 07080	159	8	2013	\$1416.78
Zipp, Genevieve 27 Delaney Court South Plainfield, NJ 07080	164	29	2013	\$506.38
Cargill, Brian W & Mary K	164	31	2013	\$3086.75

23 Delaney Court  
South Plainfield, NJ 07080

Jones, Robert J & Judith A 152 Florence Place South Plainfield, NJ 07080	171	27	2013	\$1524.52
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106 South Ave LLC 191-195 Manning Avenue South Plainfield, NJ 07080	188	53.03	2013	\$1163.59
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Stellakis, Eileen 267 Pearl Place South Plainfield, NJ 07080	188	60	2013	\$808.05
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Valladares, Ricardo & Slon, IV 416 Edgar Avenue South Plainfield, NJ 07080	190	8	2013	\$894.24
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English, Michael P & Susan M 123 Lee Place South Plainfield, NJ 07080	196	13	2013	\$1093.56
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Pigna, Aldo E 126 Faulks Place South Plainfield, NJ 07080	197	6	2013	\$2192.51
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Singleterry, Bruce 249 Oakland Avenue South Plainfield, NJ 07080	201	30	2013	\$980.43
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104 DeFillipo Drive LLC 104 DeFillipo Drive South Plainfield, NJ 07080	202	7	2013	\$1292.88
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Blackford, Paul & Karen 275 South Plainfield Aveue South Plainfield, NJ 07080	207	8	2013	\$3119.07
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Jalali, Michael M & Martha M 3142 Woodland Avenue South Plainfield, NJ 07080	222	5.06	2013	\$2650.40
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Tuyp, Paul J & Carol A	222	42	2013	\$1907.00
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3292 Evergreen Lane  
South Plainfield, NJ 07080

Cioffi, Francis J 3322 Evergreen Lane South Plainfield, NJ 07080	222	48	2013	\$2591.15
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Pizza, Albert J & Mary A 3234 Banta Road South Plainfield, NJ 07080	234	6	2013	\$269.35
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442 Joan Street LLC 442 Joan Street South Plainfield, NJ 07080	243	6	2013	\$684.15
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Rinaldi, Daniel J & Carrie 100 Devon Lane South Plainfield, NJ 07080	247	1	2013	\$387.86
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Serago, Frank 12 Celentano Court South Plainfield, NJ 07080	249	87	2013	\$2698.89
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136-140 Teeple Place LLC 136-140 Teeple Place South Plainfield, NJ 07080	254	18.01	2013	\$2259.04
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Naser, Joseph I & Rasha Jamil 28 Diana Drive South Plainfield, NJ 07080	254.02	6	2013	\$673.38
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300 Maple Avenue LLC-Trustees 300 Maple Avenue South Plainfield, NJ 07080	266	6	2013	\$2812.01
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Granitas, Inc 133 South Plainfield Avenue South Plainfield, NJ 07080	267	18	2013	\$1077.40
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Rapatski, Dana 1050 New Market Avenue South Plainfield, NJ 07080	284	12	2013	\$339.38
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Naser, Ibrahim	315	73	2013	\$700.31
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160 Camden Avenue  
South Plainfield, NJ 07080

Baker, Eugene F 336 9 2013 \$1362.91  
228 Spicer Avenue  
South Plainfield, NJ 07080

Naser, Jack 340 6 2013 \$1174.37  
331 Arlington Avenue  
South Plainfield, NJ 07080

Stankan, William S & Christine 345 22 2013 \$1987.80  
220 Kosciusco Avenue  
South Plainfield, NJ 07080

Powell-Adams, Sophia 347 2.01 2013 \$2084.77  
403 Harvard Avenue  
South Plainfield, NJ 07080

Backus, Guian & Phelps, Michel 347 8.04 2013 \$447.12  
402 Tremont Avenue  
South Plainfield, NJ 07080

Kakar, Deepak & Kiran 362 11 2013 \$915.79  
411 Spicer Avenue  
South Plainfield, NJ 07080

Giles, Dewitt P 366 8.01 2013 \$2693.50  
581 Arlington Avenue  
South Plainfield, NJ 07080

Young, Matthew & Kariann 378 7 2013 \$2892.82  
845 Spicer Avenue  
South Plainfield, NJ 07080

Beg, Kadeer 379 6.02 2013 \$1777.71  
832 Spicer Avenue  
South Plainfield, NJ 07080

Aslam, Ijaz & Salma 406.01 3 2013 \$948.11  
410 Wooden Avenue  
South Plainfield, NJ 07080

Zeifallah, Malek & Naser, Merv 418 3 2013 \$484.83

108 Lexington Avenue  
 South Plainfield, NJ 07080

Mangal, Richard & Kuntieranie      425      3      2013      \$2537.28  
 28 Jackson Avenue  
 South Plainfield, NJ 0708 0

Li, Huai Jun & Luo, Yuying      437      2.03/C0002      2013      \$1039.69  
 216 Christopher Avenue  
 South Plainfield, NJ 07080

Bengivenga, Robert A      537      4      2013      \$538.70  
 212 Easton Boulevard  
 South Plainfield, NJ 07080

VNB Realty c/o Property Management      541      6.01      2013      \$4040.25  
 100 Durham Avenue  
 South Plainfield, NJ 07080

**Total** **\$76,793.56\***

**\* No refund check to be issued. Credit will be applied to outstanding taxes.**

**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 credit(s) in the amount(s) as mentioned above.

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>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013 – 279**

**AUTHORIZING A TAX APPEAL JUDGMENT “CREDIT” IN THE AMOUNT OF \$269.35 FOR SOUTH PLAINFIELD FIDELCO ASSOCIATES OF 3474 RAND ROAD IN SOUTH PLAINFIELD FOR THE YEAR 2013 OUTSTANDING TAXES**

**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 credited.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
South Plainfield Fidelco Associates	467.05	15.01	2013	\$269.35

3474 Rand Road, 6 Century  
 South Plainfield, NJ 07080

**Total**

**\$269.35 \***

**\* No refund check to be issued. Credit will be applied to outstanding taxes.**

**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.

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 13-280**

**AUTHORIZING AN AMENDMENT TO RESOLUTION #13-110 WHICH AUTHORIZES THE HIRING OF RICHARD ROTELLA AS A PART-TIME FINANCE CLERK AT AN HOURLY RATE OF \$12.25 TO CHANGE IT TO AN HOURLY RATE OF \$12.46 PURSUANT TO SALARY ORDINANCE #1977**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby amends Resolution #13-110 which authorizes the hiring of Richard Rotella as Finance Clerk on a part-time, no benefits, as needed basis for the 2013 calendar year at an hourly rate of \$12.25 to change it to an hourly rate of \$12.46 pursuant to salary ordinance #1977.

**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. 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	
Councilman White		x	x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION NO. 2013 – 281**

**AUTHORIZING CHANGE ORDER #1 IN “EXCESS OF 20%” TO ANPE CORPORATION TO INCREASE THE ORIGINAL CONTRACT FOR A COAH RELATED PROJECT IN THE AMOUNT OF \$12,300.00 BY AN ADDITIONAL \$6,005.00 TO A TOTAL OF \$18,305.00 TO EXTEND THE SCOPE OF THE PROJECT AS DEEMED A NECESSITY**

**WHEREAS**, the Governing Body of the Borough of South Plainfield has entered into a contract with ANPE Corporation pursuant to Resolution #13-92 on March 4, 2013 for \$12,300.00 for a rehabilitation COAH project for Cocrane located at 1415 Central Avenue in South Plainfield; and

**WHEREAS**, it has now been determined that the contract must be further amended to provide for an adjustment to reflect an additional \$6,005.00 of work deemed a necessity to in order to complete the project for a new total of \$18,305.00;

**WHEREAS**, this proposed Change Order #1 will result in the net sum of for the project to be in excess of the 20% limit for change orders which is allowed under the Local Public Contracts Law N.J.S.A. 40A:11-1; and

**WHEREAS** the regulations (N.J.A.C. 5:30-11.9) of the State of New Jersey Department of Community Affairs permits change orders in excess of 20% as long as the following is present:

1) a written certification by the contractor containing the following:

i) an explanation of the factual circumstances which necessitate issuance of the change order;

ii) a statement indicating why these circumstances could not have been foreseen;

iii) a statement indicating why issuance of the change order would be in the best interests of the Municipality and would not constitute an abuse of these rules;

iv) if the nature of the change order is technical, the certification shall include a certified statement from contractor's appropriate expert, explaining in detail the factual circumstances which necessitate the issuance of the change order;

2) a request from the chief executive officer, in this case the appointed Borough Affordable Housing Administrator, or his designee, to the governing body requesting the change order and explaining why this change order may be allowed pursuant to this provision; and

**WHEREAS**, the Borough of South Plainfield is in receipt of a certification from the Affordable Housing Administrator dated August 8, 2013, of which copy is attached hereto; and

**WHEREAS**, due to problems encountered during construction to an old home, much hidden water damage was discovered during the initial phase of rehabilitative construction. The bulk of the damage encountered being located in the bathroom whereas hidden water damage to the floors and walls were discovered and deemed a necessity to repair in order to make the bathroom facility habitable and functional; and

**WHEREAS**, in order for the Borough of South Plainfield to fulfill its COAH obligation in this construction rehabilitation project, it is deemed a necessity to authorize a change order in excess of 20% (known as Change Order #1) in order to complete said project thus making the home owners bathroom both habitable and functional. It would be detrimental to the homeowner if the ability to fully repair their bathroom was not fulfilled; and

**WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available through COAH grant funding and a certificate of availability of funds is attached hereto;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that it hereby approves of an amendment to the contract awarded to ANPE Corporation for the project known as "COAH Rehabilitation of Cocrane parcel located at of 1415 Central Avenue in South Plainfield" to include the additional amounts and services specified herein; and

**BE IT FURTHER RESOLVED** that the Mayor, Administrator and Municipal Clerk are hereby authorized to execute all necessary documentation on behalf of the Borough of South Plainfield; and

**BE IT FURTHER RESOLVED** the Municipal Clerk is hereby authorized to publish this resolution in the South Plainfield Observer of which indicate the additional amounts to be expended, the original contract price, the

nature of the original and additional work authorized by the resolution and why it is necessary to expend the additional funds; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be distributed to the Director of the Division of Local Government Services, the Municipal Auditor, and the Chief Financial Officer.

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>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-282  
AUTHORIZING T&M ASSOCIATES TO PERFORM A FIELD SURVEY, BID PHASE SERVICES AND CONSTRUCTION ADMINISTRATION AND INSPECTION FOR THE MONTROSE AVENUE ROAD IMPROVEMENT PROJECT  
IN AN AMOUNT NOT TO EXCEED \$49,500.00**

**BE IT RESOLVED** that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for T&M Associates to prepare as well as to administer and perform a field survey, bid phase services and construction administration and inspection for the Montrose Avenue Road Improvement Project in an amount not to exceed \$49,500.00.

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

1. Municipal Clerk
2. Chief Financial Officer
3. T&M Associates

COUNCIL	MOTION	2 <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>4</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION NO. 2013 – 283  
AUTHORIZING A CHANGE ORDER TO T&M ASSOCIATES TO INCREASE THEIR ENGINEERING FEES BY AN ADDITIONAL \$28,000.00 TO EXTEND THE SCOPE OF THE PROJECT TO INCLUDE ADA RAMP IMPROVEMENTS AND THE ADDITIONAL ENGINEERING SERVICES NECESSARY TO ADD THE ADDITION OF ROADWAYS TO THE 2013 ROAD IMPROVEMENT PROGRAM  
AS DISCUSSED AT THE COUNCIL MEETING OF JUNE 24, 2013**

**WHEREAS**, the Governing Body of the Borough of South Plainfield would like to extend the scope of the project to include ADA Ramp Improvements and the addition of roadways to the 2013 Road Improvement Program; and

**WHEREAS**, additional engineering fees in the about of \$28,000.00 are necessary to extend the scope of the project to include ADA ramp improvements and the addition of roadways to the 2013 Road Improvement Program; 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 authorization is hereby given to increase the Engineering fees an additional \$28,000.00 to extend the scope of the project to include ADA Ramp Improvements and the addition of roadways to the 2013 Road Improvement Program

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>4</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-284**

**A RESOLUTION SUPPORTING PSE&G’S ENERGY STRONG PROGRAM**

**WHEREAS**, the State of New Jersey has experienced a series of extreme weather events over the last two years, including but not limited to: Hurricane Irene, the October 2011 snowstorm, Superstorm Sandy and an accompanying Nor’easter; and

**WHEREAS**, the Borough of South Plainfield was impacted by said extreme weather events, including but not limited to: power outages due to flooding at substation; and

**WHEREAS**, Public Service Electric and Gas Company (“PSE&G”) provides the Borough of South Plainfield electric and/or gas service; and

**WHEREAS**, said extreme weather events severely damaged PSE&G infrastructure, including but not limited to: flooded electrical substations due to storm surges, downed power lines and poles due to high winds and fallen trees, and the destruction of gas meters due to contact with water; and

**WHEREAS**, said damages to PSE&G infrastructure contributed to the Borough of South Plainfield’s said impacts; and

**WHEREAS**, the New Jersey Board of Public Utilities (“BPU”) issued an order on January 23, 2013 directing the State’s electric and gas utilities, including PSE&G, to implement certain recommendations in the areas of: “Preparedness efforts”, “Communications”, “Restoration and response”, “Post event”, and “Underlying infrastructure issues”; and

**WHEREAS**, PSE&G submitted an infrastructure filing on February 20, 2013 entitled “Energy Strong”; and

**WHEREAS**, “Energy Strong” proposes an investment of \$3.9B worth of infrastructure projects over a 10-year period to enhance PSE&G’s electrical and gas system, including but not limited to: fortifying electrical stations, replacing and modernizing cast iron gas mains, deploying smart grid technologies, improving pole distribution systems, creating more redundancies, undergrounding of electricity lines, and protecting gas metering stations; and

**WHEREAS**, the Borough of South Plainfield, would benefit from proposed investments in the “Energy Strong” filing.

**NOW THEREFORE BE IT RESOLVED**, that the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey does formally declare its support for PSE&G’s “Energy Strong” program.

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-285**

**AUTHORIZING ST. STEPHEN THE PROTOMARTYR ANTIOCHIAN ORTHODOX CHURCH TO POST TWO ELECTRONIC MESSAGE BOARDS AND FOUR BANNERS WITH THE DIMENSIONS OF 3' X 5' IN THE BOROUGH FOR ITS ANNUAL FESTIVAL ON SEPTEMBER 13<sup>TH</sup>, 14<sup>TH</sup> AND 15<sup>TH</sup>.**

**BE IT RESOLVED** that authorization by the Governing Body of the Borough of South Plainfield is hereby granted St. Stephen the Protomartyr Antiochian Orthodox Church to post two electronic message boards and four banners in the Borough for its annual festival to be held September 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>.

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

1. Municipal Clerk
2. Chief Financial Officer
3. Traffic Safety Committee – Police 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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-286**

**AUTHORIZING CANCELLATION AND DISCHARGE OF AN ERRONEOUS TAX AMOUNT BILLED (\$770.34) FOR ROY & DOROTHY CARUBIA OF BLOCK 405.02, LOT 6 ON THE SOUTH PLAINFIELD TAX MAP**

**WHEREAS, THE COLLECTOR OF TAXES** advises that the following Taxpayer had an erroneous tax amount billed due to an incorrect posting of the assessed value on property, which has since been verified and now the existing amount billed needs to be cancelled:

<u>ASSESSED TO:</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
Roy V and Dorothy M Carubia	405.02	6	\$770.34

**NOW, THEREFORE BE IT RESOLVED** by the Municipal Council of the Borough of South Plainfield that the appropriate Municipal Officers be, and they are hereby authorized to execute a cancellation and discharge of the aforementioned tax amount billed.

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**ACCEPTANCE OF CORRESPONDENCE**

- Letter from NJ Division of Elections – Reimbursement for Special Elections
- Recycling Monthly Report – June, 2013
- Environmental Commission Monthly Report – June, 2013
- Letter from Sunoco Logistics – Mowing in Right-of-Ways
- Traffic Safety Advisory Commission Minutes – June 26, 2013
- Recreation Commission Minutes – April 9<sup>th</sup> & May 14<sup>th</sup>, 2013
- PARSA Meeting Minutes – June 6, 2013
- Environmental Commission Minutes – June 12, 2013
- Board of Adjustment Minutes – May 7<sup>th</sup> & 21<sup>st</sup>, 2013
- Code Enforcement Monthly Report – July, 2013
- Environmental Monthly Report – July, 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>							

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

Current Fund	2-01	0.00
Current Fund	3-01	896,005.30
Pool Utility	2-26	0.00
Pool Utility	3-26	10,644.77
Sewer Utility	2-07	0.00
Sewer Utility	3-07	167,899.97
Sewer Utility Capital	C-08	0.00
General Capital	C-04	43,132.38
Pool Capital	C-27	500.00
Election Account	E-18	0.00
Grant Fund	G-02	1,666.69
Dog Trust	T-12	2,944.00
Treasurers Trust	T-13	11,838.21
Recreation Trust	T-14	6,821.32
COAH Payment		22,055.00
<b>TOTAL ALL FUNDS</b>		<b>\$1,163,557.64</b>

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>5</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 – advised that the County has said they intend to finish the work on New Brunswick Avenue by the end of the week. Mr. Cullen further explained the parking ordinance that was on the agenda for introduction and resolution 13-284 regarding the support for the PSE&G Program.

Engineer Miller – said that the contractor has completed the top paving of three streets today. We are on track with our other road projects, weather permitting. The Franklin Avenue grant application is being worked on and will soon be submitted.

Clerk Antonides – reminded everyone that the special election for Senate President is being held tomorrow and poll are open from 6:00 a.m. to 8:00 p.m.

Councilman Diana – reported that the Christmas in July event was great with an excellent turn out and thanked the Business Association. Councilman Diana congratulated William Walsh and his family for his successful eagle scout project. September 8<sup>th</sup> at 1:30 p.m. will be the dedication at the recycling center for Mary.

Councilman Barletta – thanked Nancy Grennier and all those involved for all their hard work with the Christmas in July event. It was a huge success.

Councilman Bengivenga – congratulated Mary Ann Schnyderite on her retirement after 25 years of employment with this Borough. Also the same holds true with Lt. Kevin Murtagh. Councilman Bengivenga mentioned recently finding old photos of himself from an art fair during 1987,88,89.

Councilman McConville – was absent this evening.

Councilman White – Congratulated the Walsh family on the achievement of their Eagle Scout. The senior center meals program served 179 meals this past month which is number one in the county. Councilman White reminded everyone of the upcoming Labor Day Parade and that anyone interested may register online. Councilman White commended all those involved in putting together the successful Christmas in July event.

Council President Rusnak – briefly gave a background on this evening's parking ordinance that was introduced saying that it primarily addressed the parking in areas around schools. It is something that has been worked on for some time now. When you put great minds together, great things can happen. Council President Rusnak concluded by saying he wished to publicly thank Len Miller as he has just about completed the roads that we needed done (ones closest to schools) before the start of Labor Day. Sampton Avenue is next on the list and we also hope to have that completed by Labor Day also.

Mayor Anesh – Mayor Anesh suggested posting the parking ordinance on our website and/or utilizing our Facebook, Twitter and Nixel email notice systems to alert the public to these changes. Clerk Antonides advised that she did post the ordinance on the website already. Mayor Anesh went on to suggest that in the future we look to piggy back our events together on the same day in hopes of increasing the turnout.

## **COMMENTS FROM THE PUBLIC:**

Mayor Anesh opened the floor for public comment.

Ms. Yvonne Pasquale of 610 Spicer Avenue brought to the Council's attention a complaint pertaining to her neighbor who lives behind her that has carrier pigeons in his backyard. She believes that they are leaving fecal matter on her vegetation in her garden of which she has to throw away. Ms. Pasquale also expressed her concerns pertaining to the multiple sheds her neighbor has mentioning that she has been to Borough Hall about six times to complain about this but to no avail. The Council said they will look into this.

Mr. Paul McCullen of Walnut Street said he is glad that the work on New Brunswick Avenue is near completion and complained about how bad the detour signs were and wondered why traffic safety was not aware of the problem with their signs. Also Mr. McCullen noted that the EPA has been in the area not too long ago at the Cornell site and their air quality tests show pcb's are given off around there. Mayor Anesh addressed Mr. McCullens concerns. To conclude Mr. McCullen asked what the status of Liquid Assets is. Mr. Rizzo, Esq. said the matter is still in litigation at present.

Charles and Carrie George of 107 Risoli Terrace expressed their concerns pertaining to flood issues on their property that has been going on for some time. The Council had a brief discussion about this situation along with Mr. Miller in which the apparent problem seems to lie with Conrail. Our DPW did all they were able to do within their power to help ease the flooding situation, however, the cause of the problem and thus the responsible party is Conrail. Mr. and Mrs. George advised that this parcel is on the market for sale and they are hoping to close on it within a month and hoped the problem would be resolved. The Council advised the George's that they are not optimistic this matter can be resolved in the immediate future but would take a very long time in trying to obtain Conrail's assistance in fixing the problem. Mayor Anesh asked Mr. Rizzo to contact Conrail in this regard.

Mr. Leon Gwiazdowski of 2309 Selene Avenue asked if the code enforcement of snow on sidewalks and grass cutting will be readdressed. Mayor Anesh said yes, that Mario is working on putting together the changes of his methods.

Debbie Boyle of Van Fleet advised that the shared service team in the past met regarding line stripping of school and pointed out how costly the paint is. To conclude Ms. Boyle reminded everyone that the Taste of South Plainfield is forthcoming.

Mrs. Nancy Grennier thanked the Borough Council, the Police Department and Jill Ryan for all the help putting the Christmas in July event together. There will be an after the event meeting this week to discuss the pros and cons of this event.

Ms. Chrissy Buteas of 434 Lucy Court inquired about the status of a bridge that was being worked on that was mentioned earlier, but said she believes the intent was that it was always going to be done at a later date and not anytime soon.

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

At 8:47 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 White made a motion to adjourn at 9:05 p.m., seconded by Council President Rusnak and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC - Municipal Clerk