

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
DECEMBER 16, 2013, 7:02 P.M.  
PUBLIC MEETING**

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**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:02 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 Barletta led the invocation in Councilman Diana's absence.

**Presentation** – Promotion of Wendell Born to Police Lieutenant (*Per Below Resolution #13-387*) Mayor Anesh called Officer Wendell Born forward whereas Council President Rusnak swore in Officer Wendell Born to the position of Police Lieutenant while Lt. Born's son held the Bible and family were present. Everyone extended a round of applause and photographs were taken. Council President Rusnak read a brief bio on Lt. Born's career with the South Plainfield Police Department. The Mayor and Council all individually congratulated Lt. Born and extended their well wishes for much success to Lt. Born in his new position.

**RESOLUTION 13-387  
AUTHORIZING THE PROMOTION OF WENDELL BORN TO THE POSITION OF POLICE  
LIEUTENANT EFFECTIVE JANUARY 1, 2014 AT A SALARY PURSUANT TO THE SALARY  
ORDINANCE AND/OR CONTRACT**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the promotion of Wendell Born to the position of Police Lieutenant with an effective date of January 1, 2014; and

**BE IT FURTHER RESOLVED** that the salary for this position is as set by Ordinance and/or Contract.

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

1. Glenn Cullen, CFO
2. James Parker, Chief of Police
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:					
Mayor Anesh – TIE ONLY							

At this time, 7:15 p.m., Mayor Anesh called for a brief recess. At 7:20 p.m. Mayor Anesh called the meeting back to order.

**Approve Council Minutes:**

November 12, 2013 - Agenda  
November 12, 2013 – Public  
November 12, 2013 – Executive Session

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				
		VOTE:	4	0			
Mayor Anesh – TIE ONLY							

**Public Comment For Agenda Items Only:**

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

**ORDINANCE – SECOND READING BY TITLE** (Clerk Antonides read Ordinance 1995 by title.  
Mayor Anesh opened the floor for public hearing. With no comments from the public, or from the Council members, Mayor Anesh closed the floor.

**#1995 AN ORDINANCE AMENDING ORDINANCE 409-36 OF THE BOROUGH OF SOUTH PLAINFIELD TITLED “BONDS; CASH DEPOSIT”**

**WHEREAS**, the Borough Code provides a permit process for public utilities desiring to make excavations or openings in streets, but does not provide for the payment of costs associated with engineering inspections necessary when such excavations or openings occur; and

**WHEREAS**, the Mayor and Council deem it appropriate that any public utility desiring to make excavations or openings in streets should pay all associated costs of same;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Section 409-36 of the Code of the Borough of South Plainfield titled “Bonds; Cash Deposit” shall be amended to be titled “Bonds; Cash Deposit; Inspection Fee Escrow”, and a paragraph D. shall be added to such Section of the Code to read as follows:

Inspection Fee Escrow. The applicant shall post an escrow fee with the Borough Clerk to defray the cost of inspection of the excavation or opening in the street and paving restoration, such inspection to be conducted by the Borough Engineer. The Borough Engineer shall estimate the construction cost and the public utility shall post an escrow fee

to cover such cost in an amount that shall be equal to 12% of the estimated construction cost as determined by the Borough Engineer; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that wherever Ordinance 409-36 references “the South Plainfield Sewerage Authority”, such wording shall be replaced with the phrase “the South Plainfield Sewer Utility”.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey 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		x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTIONS:**

**RESOLUTION #2013-381**

**AUTHORIZING RENEWAL OF A SHARED SERVICE CONTRACT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND COUNTY OF MIDDLESEX FOR PUBLIC HEALTH SERVICES FOR 2014 IN THE AMOUNT OF \$111,372.72 REPRESENTATIVE OF A 2% INCREASE**

**WHEREAS**, the Borough of South Plainfield and the County of Middlesex previously entered into a Shared Services Agreement for the Middlesex County Health Dept. to provide Municipal Health Services of a technical and professional nature; and

**WHEREAS**, both the Borough and the County wish to extend this Shared Service Agreement for an additional one (1) year, January 1, 2014 through December 31, 2014; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given for the Mayor and Municipal Clerk to execute the Shared Services Agreement with Middlesex County to provide Municipal Health Services of a technical and professional nature for a one year (1) year period, January 1, 2014 through December 31, 2014.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga	X		X				
Councilman Diana						X	
Councilman McConville						X	
Councilman White		X	X				
Council President Rusnak			X				
		<b>VOTE:</b>	<b>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-382**  
**AUTHORIZING A WAIVER OF THE ANNUAL GAMES OF CHANCE PERMIT FEE OF \$750.00 FOR THE SOUTH PLAINFIELD AMERICAN LEGION FOR THEIR INSTANT RAFFLE GAMES FOR THE 2014 CALENDAR YEAR COMMENCING ON JANUARY 1, 2014**

**BE IT RESOLVED**, that the South Plainfield America Legion is seeking to conduct their annual instant raffle games for the 2014 calendar year commencing on January 1, 2014 and as such has requested a waiver of all permit fees;

**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 event;

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

1. Municipal Clerk
2. Chief Financial Officer
3. Joseph McConville, American Legion Finance 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				
		<b>VOTE:</b>	<b>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-383**  
**AUTHORIZING THE CANCELTION OF SERVICES WITH HEARTLAND PAYMENT SERVICES FOR THE ADMINISTRATION OF ELECTRONIC PAYMENTS FOR MUNICIPAL COURT AND BAIL PAYMENTS**

**BE IT RESOLVED**, that at the recommendation of the Chief Financial Officer, cancellation of services with Heartland Payment Services for the administration of electronic payments for the Municipal Court and Bail Payments be hereby authorized;

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield hereby authorizes the cancellation of the aforementioned services effective this date of this resolution;

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

1. Municipal Clerk
2. Chief Financial Officer
3. Municipal Court Administrator

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga	X		X				
Councilman Diana						X	
Councilman McConville						X	
Councilman White		X	X				
Council President Rusnak			X				
		<b>VOTE:</b>	<b>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-384**  
**AUTHORIZING A CONTRACT WITH TRANSFIRST LLC FOR THE ADMINISTRATION OF**  
**ELECTRONIC PAYMENTS FOR MUNICIPAL COURT AND BAIL PAYMENTS EFFECTIVE MARCH**  
**1, 2014**

**BE IT RESOLVED**, that at the recommendation of the Chief Financial Officer, a contract is recommend between the Borough of South Plainfield and TransFirst LLC for the administration of electronic payments for the Municipal Court and Bail Payments be hereby authorized with an effective date of March 1, 2014;

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield hereby authorizes the contract between the Borough of South Plainfield and TransFirst LLC for the aforementioned services effective March 1, 2014;

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

1. Municipal Clerk
2. Chief Financial Officer
3. Municipal Court Administrator

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga	X		X				
Councilman Diana						X	
Councilman McConville						X	
Councilman White		X	X				
Council President Rusnak			X				
		<b>VOTE:</b>	<b>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-385**  
**AUTHORIZING PAYMENT TO AFFORDABLE HOUSING ADMINISTRATORS FOR THE**  
**ADMINISTRATION OF A COAH REFURBISHMENT PROJECT LOCATED AT 210 DELMORE**  
**AVENUE**  
**IN AN AMOUNT NOT TO EXCEED \$3,600.00**

**BE IT RESOLVED**, that authorization is hereby granted by the Borough Council of the Borough of South Plainfield to pay Affordable Housing Administrators for the administration of a COAH refurbishment project located at 210 Delmore Avenue in an amount not to exceed \$3,600.00.

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

1. Municipal Clerk
2. Chief Financial Officer
3. Affordable Housing Administrators

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

**RESOLUTION 2013-386**  
**AUTHORIZING THE PAYMENT OF \$18,540 TO THE SOLID ROCK CONSTRUCTION**  
**REPRESENTING COAH FUNDS FOR THE REFURBISHMENT PROJECT LOCATED**  
**AT 210 DELMORE AVENUE**

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

Authorization is hereby given award a contract to Solid Rock Construction for a COAH housing rehabilitation project for Robyn Wallace-Stewart of 210 Delmore Avenue in the Borough of South Plainfield in an amount not to exceed \$18,540.00.

**BE IT FURTHER RESOLVED**, that payment may be made to Solid Rock Construction upon the completion of said refurbishment project.

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

**RESOLUTION 13-387**  
**AUTHORIZING THE PROMOTION OF WENDELL BORN TO THE POSITION OF POLICE**  
**LIEUTENANT EFFECTIVE JANUARY 1, 2014 AT A SALARY PURSUANT TO THE SALARY**  
**ORDINANCE AND/OR CONTRACT**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the promotion of Wendell Born to the position of Police Lieutenant with an effective date of January 1, 2014; and

**BE IT FURTHER RESOLVED** that the salary for this position is as set by Ordinance and/or Contract.

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

1. Glenn Cullen, CFO
2. James Parker, Chief of Police
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>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-388**  
**AUTHORIZING REFUNDS TO VARIOUS SENIORS FOR TRIP CANCELATIONS SPONSORED BY**  
**THE SENIOR CENTER IN AMOUNTS BETWEEN \$10.00 TO \$70.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the following refunds for cancelled trips sponsored by the Senior Center:

Angie Manno  
 270 Fairlamb Avenue  
 South Plainfield, NJ 07080  
**\$70.00** – New York Christmas Tour on 12/9/13

Silvia Gover  
 526 Gregory Avenue  
 South Plainfield, NJ 07080  
**\$70.00** – New York Christmas Tour on 12/9/13

Natalie Bergen  
 111 Waverly Place  
 South Plainfield, NJ 07080  
**\$10.00** – Halloween Party 10/30/13

Mr. and Mrs. J Carroccia  
 121 Risoli Terrace  
 South Plainfield, NJ 07080  
**\$58.00** – Sands Trip on 10/23/13

Gina Wilkinson  
 409 Jefferson Avenue  
 Dunnellen, NJ 08812  
**\$20.00** – Taj Mahol Trip on 11/20/13

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

**RESOLUTION 2013-389**  
**GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE**  
**FISCAL GRANT CYCLE JULY 2014-JUNE 2019**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the Borough of South Plainfield;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey herby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the South Plainfield Municipal Alliance Grant for fiscal year 2014 in the amount of:

DEDR	\$20,586
Cash Match	\$5,146.50
In-kind	\$15,439.50

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

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

**RESOLUTION #13-390**

**AUTHORIZING THE RELEASE OF A PERFORMANCE BOND POSTED BY ANDA BUILDERS LLC FOR PUBLIC IMPROVEMENTS TO BLOCK 370, LOT 2 AND ACCEPTANCE OF THE MAINTENANCE BOND IN THE AMOUNT OF \$ 1,587.00**

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from Anda Builders LLC for the improvements located at Block 370, Lot 2; and

**WHEREAS**, Anda Builders LLC has submitted a Maintenance Bond in the amount of \$1,587.00; and

**WHEREAS**, the Borough Attorney and the Borough Engineer have given approval of the form and content of the aforementioned Maintenance Bond.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at Block 370, Lot 2.

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>Mayor Anesh – TIE ONLY</b>							



**RESOLUTION #13-391**  
**AUTHORIZING THE RELEASE OF A PERFORMANCE BOND POSTED BY TANK MASTERS, INC.**  
**FOR PUBLIC IMPROVEMENTS TO BLOCK 282, LOT 35 AND ACCEPTANCE OF THE**  
**MAINTENANCE BOND IN THE AMOUNT OF \$ 2,015.00**

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from Tank Masters, Inc. for the improvements located at Block 282, Lot 35; and

**WHEREAS**, Tank Masters Inc. has submitted a Maintenance Bond in the amount of \$2,015.00; and

**WHEREAS**, the Borough Attorney and the Borough Engineer have given approval of the form and content of the aforementioned Maintenance Bond.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at Block 282, Lot 35.

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

**RESOLUTION No. 13-392**  
**AUTHORIZING THE TEMPORARY BUDGET FOR 2014 – TOTAL GENERAL APPROPRIATIONS IN**  
**THE AMOUNT OF \$5,928,735.40; TOTAL SEWER UTILITY IN THE AMOUNT OF 1,964,600.00**  
**AND TOTAL POOL UTILITY IN THE AMOUNT OF \$6,000.00**

**WHEREAS**, N.J.S.A. 40a:4-19 Local Budget Act provides that where any contracts, commitments or payments are to be made prior to the final adoption of the budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

**WHEREAS**, the date of this resolution is prior to the adoption of the CY2014 Budget, and

**WHEREAS**, the temporary budget set forth below does not exceed twenty six and one quarter percent of the total appropriations in the previous year’s budget (exclusive of any appropriations made for Debt Service, Capital Improvements Fund and Public Assistance).

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the temporary appropriations pursuant to the attached itemization from the Chief Financial Officer of Total General Appropriations is in the amount of \$5,928,735.40; Total Sewer Utility in the amount of \$1,964,600.00 and Total Pool Utility in the amount of \$6,000.00 are hereby authorized and that a certified copy of this resolution be transmitted to the Chief Financial Officer. A copy of the Budget document is attached.

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

**RESOLUTION 2013-393  
 RESCINDING RESOLUTION 2013-57 THAT AUTHORIZES THE CANCELLATION OF  
 IMPROVEMENT BALANCES IN THE AMOUNT OF \$ 223,933.45**

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT the below resolution 2013-57 be hereby rescinded:

The Chief Financial Officer is hereby authorized to cancel balances according to the following Schedule of Improvement Authorizations:

**Borough of South Plainfield  
 Schedule of Improvement Authorizations to be Cancelled  
 2/04/2013**

Ordinance Number	Description	AMOUNT
1729	Various capital Improvements	30,624.53
1756	Belmont Avenue	10,437.31
1864	Decorative Lights	76,690.61
1815	Tompkins Ave	37,855.24
1816	South Plainfield Ave	45,194.43
1938	New Market Ave Phase #2	23,194.14
Total		223,996.26

**Capital Surplus** **223,996.26**

**Total** **223,996.26**

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

**RESOLUTION 2013-394  
 AUTHORIZING THE CANCELLATION OF IMPROVEMENT BALANCES  
 IN THE AMOUNT OF \$ 324,071.52**

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

The Chief Financial Officer is hereby authorized to cancel balances according to the following Schedule of Improvement Authorizations:

**Borough of South Plainfield**  
**Schedule of Improvement Authorizations to be**  
**Cancelled**  
**12/16/2013**

Ordinance  
 Number

Description

AMOUNT

1696	Helen Street Scoping			2,379.08
1677	Various Improvements			54,030.25
1729	Various capital Improvements			30,624.53
1756	Belmont Avenue			10,437.31
1780&1791	Various capital Improvements		Capital	41,832.35
1864	Decorative Lights			76,690.61
1815	Tompkins Ave		Unfunded	37,855.00
1816	South Plainfield Ave			45,194.00
1824	Various capital Improvements			315.03
1833	Various capital Improvements			1,519.22
1938	New Market Ave Phase #2		Unfunded	23,194.14
Total				324,071.52

**Deferred Charges  
 Unfunded**

**60,987.00**

**Capital Surplus**

**263,084.52**

**Total**

**324,071.52**

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

**RESOLUTION 13-395**  
**AUTHORIZING THE PURCHASE OF CRUSHED STONE FOR THE DPW FROM FANWOOD**  
**CRUSHED STONE OF WESTFIELD, NJ IN AN AMOUNT NOT TO EXCEED \$3,207.12**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby authorizes the purchase of crushed stone for the DPW from Fanwood Crushed Stone of Westfield, NJ in an amount not to exceed \$3,207.12.

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

1. Glenn Cullen, CFO
2. DPW
3. 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>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-396**  
**AUTHORIZING THE CONTRACT WITH EDISON HEATING & COOLING FOR THE BOILER**  
**AND GAS PUMP REPAIR AT BOROUGH HALL IN AN AMOUNT NOT TO EXCEED \$5,000.00**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby authorizes a contract with Edison Heating & Cooling for the boiler and gas pump repair at the Borough Hall in an amount not to exceed \$5,000.00.

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

1. Glenn Cullen, CFO
2. DPW
3. 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>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION No. 13-397**  
**AUTHORIZING 2013 APPROPRIATION TRANSFERS IN THE AMOUNT OF \$116,000.00 FOR THE**  
**CURRENT FUND PURSUANT TO N.J.S.A. 40A:4-58**

**WHEREAS**, in accordance with N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the fiscal year and the first three months of the fiscal year, for the purposes specified and in excess of sums appropriated in the Budget; and

**WHEREAS**, such transfers must be approved by a vote of not less than two-thirds of the full membership of the governing body.

<b>Borough of South Plainfield</b>			
<b>Transfers</b>			
<b>2013</b>			
<b>CURRENT FUND</b>			
<b>FROM:</b>			<b>AMOUNT</b>
3-01-20-120-000-235	Borough Clerk	O&E	<b>6,000.00</b>
3-01-20-130-000-101	Finance	S&W	<b>10,000.00</b>
3-01-20-130-000-235	Finance	O&E	<b>3,000.00</b>
3-01-20-140-000-101	Computer	S&W	<b>1,000.00</b>
3-01-20-150-000-101	Assessing	S&W	<b>3,000.00</b>
3-01-21-185-000-221	Zoning Board	O&E	<b>3,000.00</b>
3-01-23-220-000-611	Benefits	O&E	<b>5,000.00</b>
3-01-25-265-003-581	Fire Service Charges	O&E	<b>3,000.00</b>
3-01-26-290-001-101	Public Works Admin	S&W	<b>2,000.00</b>
3-01-27-330-001-101	Board of Health	S&W	<b>3,000.00</b>
3-01-27-330-001-235	Board of Health	O&E	<b>12,000.00</b>
3-01-28-370-001-101	Recreation	S&W	<b>4,500.00</b>
3-01-28-370-002-101	Senior Center	S&W	<b>5,000.00</b>
3-01-30-415-001-101	Accumulated Leave	O&E	<b>18,000.00</b>
3-01-31-420-001-555	Electric	O&E	<b>10,000.00</b>
3-01-31-435-002-555	Street Lights	O&E	<b>10,000.00</b>
3-01-31-445-001-581	Water	O & E	<b>5,000.00</b>
3-01-31-465-001-565	Gasoline	O & E	<b>5,000.00</b>
3-01-36-472-000-675	SSI	Statutory	<b>7,500.00</b>
<b>Total FROM:</b>			<b>116,000.00</b>
<b>TO:</b>			<b>AMOUNT</b>
3-01-20-100-000-101	Administration	S&W	<b>6,000.00</b>
3-01-20-110-000-505	Executive	O&E	<b>1,000.00</b>
3-01-20-165-000-204	Engineering	O&E	<b>13,000.00</b>
3-01-22-195-001-101	Code Enforcement	S&W	<b>6,000.00</b>
3-01-25-240-001-101	Police	S&W	<b>34,000.00</b>
3-01-25-265-002-101	Fire Official	S&W	<b>4,000.00</b>
3-01-26-290-002-101	Road Repairs & Maintenance	S&W	<b>3,500.00</b>
3-01-26-290-003-102	Snow	S&W	<b>6,500.00</b>
3-01-26-290-003-321	Snow	S&W	<b>20,000.00</b>
3-01-26-310-000-101	Public Buiding Grounds	S&W	<b>14,500.00</b>
3-01-26-315-000-101	Vehicle Maintenance	S&W	<b>3,000.00</b>
3-01-28-370-002-236	Senior Center	O & E	<b>1,000.00</b>
3-01-31-440-001-541	Telephone	O & E	<b>1,000.00</b>
3-01-43-490-000-101	Court	S&W	<b>2,500.00</b>
<b>Total TO:</b>			<b>116,000.00</b>

NOW, THEREFORE, BE IT RESOLVED that the following transfers be approved in

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

**RESOLUTION 2013-398**

**ACCEPTING THE RETIREMENT OF POLICE LIEUTENANT RAYMOND JAZIKOFF FROM THE SOUTH PLAINFIELD POLICE DEPARTMENT EFFECTIVE JANUARY 1, 2014**

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

It hereby accepts the retirement of Police Lieutenant Raymond Jazikoff from the South Plainfield Police Department effective January 1, 2014; and

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

1. James Parker, Police Chief
2. Lt. Raymond Jazikoff, 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				
		<b>VOTE:</b>	<b>4</b>	<b>0</b>			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-399**

**RESOLUTION AUTHORIZING SETTLEMENT OF 2011, 2012 and 2013 TAX APPEALS FILED BY 3300 SOUTH CLINTON, LLC, FOR THE PROPERTY KNOWN AS 3300 SOUTH CLINTON AVENUE AND IDENTIFIED AS BLOCK 467.04, LOT 2, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, 3300 South Clinton, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 3300 South Clinton Avenue and identified as Block 467.04, Lot 2, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$1,134,000 for 2011, 2012 and 2013; and

**WHEREAS**, Taxpayer filed appeals of the 2011, 2012 and 2013 tax assessments in the Tax Court of the State of New Jersey under docket numbers 002796-2011, 010638-2012 and 003842-2013; and

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

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2011, 2012 and 2013 tax years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for all three years under appeal; and

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

- The 2011 tax appeal shall be withdrawn by Taxpayer;
- The 2012 tax appeal shall be withdrawn by Taxpayer;
- The 2013 original assessment in the amount of \$1,134,000 shall be reduced to \$1,009,300 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2013;
- Taxpayer has agreed to waive statutory interest provided the subject refunds are paid within sixty (60) days from the date of the entry of Judgment;
- Refunds regarding over payments shall be made payable to “3300 South Clinton Avenue, LLC, as Plaintiff and Saiber, LLC, as Attorney for Plaintiff” and forwarded to Jason A. Rubin, Esq., c/o Saiber, LLC, 18 Columbia Turnpike, Florham Park, NJ within 60 days from the date of the entry of Judgment; and
- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case.

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

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

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

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

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment reductions to the Borough Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Borough.

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

1. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$1,009,300 total tax assessment for the 2013 tax year for Block 467.04, Lot 2 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 3300 South Clinton, LLC under Docket Nos.: 002796-2011, 010638-2012 and 003842-2013 , for the property known as 3300 South Clinton Avenue and identified as Block 467.04, Lot 2, on the Borough of South Plainfield Tax Assessment Maps which withdraws the tax appeals for Tax Years 2011 and 2012; which reduces the 2013 total tax assessment on the Property from \$1,134,000 to \$1,009,300; which further provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is paid within sixty (60) days from the issuance of Judgment; which further provides that any refunds shall be made payable to “3300 South Clinton Avenue, LLC, as Plaintiff and Saiber, LLC, as Attorney” and forwarded to Jason A. Rubin, Esq. c/o Saiber, LLC, 18 Columbia Turnpike, Florham Park, NJ within 60 days from the date of the entry of Judgment; and which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case.
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>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-400**  
**RESOLUTION AUTHORIZING SETTLEMENT OF 2011, 2012 and 2013 TAX APPEALS FILED BY**  
**ESSEX SORCE REALTY, LLC, FOR THE PROPERTY KNOWN AS 3390 RAND ROAD AND**  
**IDENTIFIED AS BLOCK 467.05, LOT 15.03, ON THE BOROUGH OF SOUTH PLAINFIELD TAX**  
**ASSESSMENT MAPS**

**WHEREAS**, Essex Sorce Realty, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 3390 Rand Road and identified as Block 467.05, Lot 15.03, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$1,422,500 for 2011, 2012 and 2013; and

**WHEREAS**, Taxpayer filed appeals of the 2011, 2012 and 2013 tax assessments in the Tax Court of the State of New Jersey under docket numbers 002798-2011, 010645-2012 and 003836-2013; and

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

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2011, 2012 and 2013 tax years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for all three years under appeal; and

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



- The 2011 tax appeal shall be withdrawn by Taxpayer;
- The 2012 tax appeal shall be withdrawn by Taxpayer;
- The 2013 original assessment in the amount of \$1,422,500 shall be reduced to \$1,280,300 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2013;
- Taxpayer has agreed to waive statutory interest provided the subject refunds are paid within sixty (60) days from the date of the entry of Judgment;
- Refunds regarding over payments shall be made payable to “Essex Sorce Realty, LLC, as Plaintiff and Saiber, LLC, as Attorney for Plaintiff” and forwarded to Jason A. Rubin, Esq., c/o Saiber, LLC, 18 Columbia Turnpike, Florham, NJ within 60 days from the date of the entry of Judgment; and
- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case.

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

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

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

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

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment reductions to the Borough Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Borough.

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

4. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$1,280,300 total tax assessment for the 2013 tax year for Block 467.05, Lot 15.03 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
5. 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 Essex Sorce Realty, LLC under Docket Nos.: 002798-2011, 010645-2012 and 003836-2013 , for the property known as 3390 Rand Road and identified as Block 467.05, Lot 15.03, on the Borough of South Plainfield Tax Assessment Maps which withdraws the tax appeals for Tax Years 2011 and 2012; which reduces the 2013 total tax assessment on the Property from \$1,422,500 to \$1,280,300; which further provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is paid within sixty (60) days from the issuance of Judgment; which further provides that any refunds shall be made payable to

“Essex Sorce Realty, LLC, as Plaintiff and Saiber, LLC, as Attorney” and forwarded to Jason A. Rubin, Esq. c/o Saiber, LLC, 18 Columbia Turnpike, Florham Park, NJ within 60 days from the date of the entry of Judgment; and which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case.

6. 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>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-401**

**RESOLUTION AUTHORIZING SETTLEMENT OF 2011, 2012 and 2013 TAX APPEALS FILED BY 107 WADE, LLC, FOR THE PROPERTY KNOWN AS 2 INGERSOLL ROAD AND IDENTIFIED AS BLOCK 467.04, LOT 1, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, 107 Wade, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 2 Ingersoll Road and identified as Block 467.04, Lot 1, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$1,442,100 for 2011, 2012 and 2013; and

**WHEREAS**, Taxpayer filed appeals of the 2011, 2012 and 2013 tax assessments in the Tax Court of the State of New Jersey under docket numbers 002786-2011, 010643-2012 and 003838-2013; and

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

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2011, 2012 and 2013 tax years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for all three years under appeal; and

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

- The 2011 tax appeal shall be withdrawn by Taxpayer;
- The 2012 tax appeal shall be withdrawn by Taxpayer;
- The 2013 original assessment in the amount of \$1,442,100 shall be reduced to \$1,040,800 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2013;
- Taxpayer has agreed to waive statutory interest provided the subject refunds are paid within sixty (60) days from the date of the entry of Judgment;
- Refunds regarding over payments shall be made payable to “107 Wade, LLC, as Plaintiff and Saiber, LLC, as Attorney for Plaintiff” and forwarded to Jason A. Rubin, Esq., c/o Saiber, LLC,

18 Columbia Turnpike, Florham, NJ within 60 days from the date of the entry of Judgment; and

- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case.

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

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

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

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

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment reductions to the Borough Tax Assessor's discretion with the direction that same be set so as to be most beneficial to the Borough.

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

7. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$1,040,800 total tax assessment for the 2013 tax year for Block 467.04, Lot 1 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
8. 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 107 Wade, LLC under Docket Nos.: 002786-2011, 010643-2012 and 003838-2013 , for the property known as 2 Ingersoll Road and identified as Block 467.04, Lot 1, on the Borough of South Plainfield Tax Assessment Maps which withdraws the tax appeals for Tax Years 2011 and 2012; which reduces the 2013 total tax assessment on the Property from \$1,442,100 to \$1,040,800; which further provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is paid within sixty (60) days from the issuance of Judgment; which further provides that any refunds shall be made payable to "107 Wade, LLC, as Plaintiff and Saiber, LLC, as Attorney" and forwarded to Jason A. Rubin, Esq. c/o Saiber, LLC, 18 Columbia Turnpike, Florham Park, NJ within 60 days from the date of the entry of Judgment; and which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case.
9. 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>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-402  
RESOLUTION AUTHORIZING SETTLEMENT OF 2011, 2012 and 2013 TAX APPEALS FILED BY  
SANTO V. SORCE COMPANY, LLC, FOR THE PROPERTY KNOWN AS 104 NEW ERA DRIVE AND  
IDENTIFIED AS BLOCK 308, LOT 42, ON THE BOROUGH OF SOUTH PLAINFIELD TAX  
ASSESSMENT MAPS**

**WHEREAS**, Santo V. Sorce Company, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 104 New Era Drive and identified as Block 308, Lot 42, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$779,000 for 2011, 2012 and 2013; and

**WHEREAS**, Taxpayer filed appeals of the 2011, 2012 and 2013 tax assessments in the Tax Court of the State of New Jersey under docket numbers 011801-2011, 011106-2012 and 011334-2013; and

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

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2011, 2012 and 2013 tax years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for all three years under appeal; and

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

- The 2011 tax appeal shall be withdrawn by Taxpayer;
- The 2012 original assessment in the amount of \$779,000 shall be reduced to \$655,500 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2012;
- The 2013 original assessment in the amount of \$779,000 shall be reduced to \$702,100 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2013;
- Taxpayer has agreed to waive statutory interest provided the subject refunds are paid within sixty (60) days from the date of the entry of Judgment;
- Refunds regarding over payments shall be made payable to “Santo V. Sorce Company, LLC, as Plaintiff and Saiber, LLC, as Attorney for Plaintiff” and forwarded to Jason A. Rubin, Esq., c/o Saiber, LLC, 18 Columbia Turnpike, Florham, NJ within 60 days from the date of the entry of Judgment; and
- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case.

**WHEREAS**, the Borough of South Plainfield Tax Assessor agrees that it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above

and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

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

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

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

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment reductions to the Borough Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Borough.

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

10. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$655,500 total tax assessment for the 2012 tax year for Block 308, Lot 42 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
11. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$702,100 total tax assessment for the 2013 tax year for Block 308, Lot 42 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
12. 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 Santo V. Sorce Company, LLC under Docket Nos.: 011801-2011, 011106-2012 and 011334-2013 , for the property known as 104 New Era Drive and identified as Block 308, Lot 42, on the Borough of South Plainfield Tax Assessment Maps which results in a withdrawal of Taxpayer’s 2011 appeal; which reduces the 2012 total tax assessment on the Property from \$779,000 to \$655,500; which reduces the 2013 total tax assessment on the Property from \$779,000 to \$702,100; which further provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is paid within sixty (60) days from the issuance of Judgment; which further provides that any refunds shall be made payable to “Santo V. Sorce Company, LLC, as Plaintiff and Saiber, LLC, as Attorney” and forwarded to Jason A. Rubin, Esq. c/o Saiber, LLC, 18 Columbia Turnpike, Florham Park, NJ within 60 days from the date of the entry of Judgment; and which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case.
13. 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>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-403**  
**AUTHORIZING THE USE OF VENDORS FOR SNOW REMOVAL.**

**WHEREAS**, the Superintendent of Public Works of the Borough of South Plainfield has previously determined that during snowstorms, the current workforce at the Department of Public Works cannot adequately provide the required coverage for snow removal and, therefore, needs to supplement the staff with outside contractors; and

**WHEREAS**, the Borough of South Plainfield has utilized the following private vendors for snow removal since December 2011:

- Stilo Excavating, So. Plainfield, NJ
- Fimiani Construction, Edison, NJ
- NuScape Landscaping, So. Plainfield, NJ
- Disch Tree Service, So. Plainfield, NJ
- Mike Iarrapino-Edison Heating & Cooling
- V. Conselina, LLC

**WHEREAS**, the foregoing vendors have previously responded to a request for bids and qualified for snow removal services;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Municipal Clerk Borough of South Plainfield, County of Middlesex, State of New Jersey are hereby authorized to execute service contracts between the Borough of South Plainfield and the foregoing vendors to provide snow removal services for the 2013/2014 Winter season at the rate of \$135.00 per hour for vehicles with a gross weight of 8,000 to 21,000 pounds, and a rate of \$165.00 per hour for vehicles with a gross weight in excess of 21,000 pounds, conditioned upon each such vendor providing proof of liability insurance in an amount of not less than \$1,000,000.00 per occurrence.

**CORRESPONDANCE**

- Code Enforcement Monthly Report – November, 2013
- Environmental Commission Minutes – October 9, 2013
- Environmental Commission Monthly Report – November, 2013
- Recycling Monthly Report – October, 2013
- Board of Adjustment Minutes – September 10, 2013
- PARSA Minutes – November 7, 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>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

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

Current Fund	2-01	23,378.56
Current Fund	3-01	439,501.43
Pool Utility	2-26	0.00
Pool Utility	3-26	14,785.98
Sewer Utility	2-07	60,000.00
Sewer Utility	3-07	4,231.49
Sewer Utility Capital	C-08	2,764.25
General Capital	C-04	68,453.90
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	21,191.77
Dog Trust	T-12	42.60
Treasurers Trust	T-13	11,955.21
Recreation Trust	T-14	12,411.98
<b>TOTAL ALL FUNDS</b>		<b>\$658,717.17</b>

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
<b>Councilman Barletta</b>	x		x				
<b>Councilman Bengivenga</b>			x				
<b>Councilman Diana</b>						X	
<b>Councilman McConville</b>						X	
<b>Councilman White</b>			x				
<b>Council President Rusnak</b>		x	x				
		<b>VOTE:</b>	<b>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**COUNCIL REPORTS:**

Borough Attorney Paul Rizzo, Esq. – advised he has a conference call scheduled tomorrow with the Administrative Law Judge pertaining to the pending matter with Liquid Assets at which point it is anticipated that we will be receiving a trial date for hopefully next month. Mr. Rizzo concluded by wishing everyone a Merry Christmas and Happy New Year.

Administrator Cullen – said that work is underway with the 2014 budget however 2013 is not yet over and tomorrow we are scheduled to have our 3<sup>rd</sup> snow storm. The transfers tonight pertaining to placement of money into the snow line item. Snow budget is almost depleted by the time we adopt our budget. Hopefully we will not have too many more storms before the end of 2013. We have had a good revenue year in 2013 and hopefully we will not see a bad snow storm before the end of the year.

Engineer Miller – reported on the status of the pending Montrose Road bid. It is being worked on and hopefully we can go out to bid soon and be ready to begin the work when the weather breaks. Price quotes are being worked on for the automatic door at the Senior Center.

Clerk Antonides – advised that she has been busy working on the reorganization meeting materials and concluded by wishing everyone Happy Holidays.

Councilman Elect Richkus – a lot of holiday concerts are going on at the schools. Feel free to check their websites for more information. To conclude, Mr. Richkus wished everyone a Happy New Year and a Merry Christmas.

Councilman Diana – was absent this evening.

Councilman Barletta – attended another grand opening in town for Great Clips on Oak Tree Road. The owners are so friendly and nice. Also Councilman Barletta said he met with the owners on the corner of St. Nicolas and Kenney Road who desire to put in a mechanics garage at this location. Councilman Barletta concluded by wishing everyone a Merry Christmas and Happy Hanukah.

Councilman Bengivenga – advised that we received the results for our Drunk Driving Grant Application and we have been awarded \$29,800.00. Congratulations go out to the Police Chief and his department for this grant award. We are looking forward to 2014. To conclude, Councilman Bengivenga wished everyone a Merry Christmas and Happy Holidays.

Councilman McConville – was absent this evening.

Councilman White – announced there is a new pastor at the Covenant Church. We wish him all the best. Councilman White wished everyone a Merry Christmas and a Happy New Year.

Council President Rusnak – said that it almost seems impossible that whole year has gone by already. The holidays are now upon us and wished everyone happy holidays. The annual reorganization meeting of the Mayor and Council is scheduled for Saturday, January 4<sup>th</sup> at 12 noon at the Senior Center.

Mayor Anesh – said that he felt Cappi and his department did a great job plowing the roads during the recent snow storms that we have had and reported progress.

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

Mayor Anesh opened the floor for public comment.

Darlene Cullen, Library Board President, wished everyone happy holidays from the Library. The Library was slated to return about \$32,000.00 from the access fund back to the Borough, but we are able to return \$53,000.00 this year instead. On another note, Nina Rohrer who has been a Library Board member for seven years has decided to step down. Mrs. Cullen thanked Mayor Anesh for attending the Library meeting to present Nina with a Proclamation along with some accolades.

Debbie Boyle from Van Fleet wished everyone Happy Holidays and Happy New Year and also asked that everyone keep Bill Moska in their prayers (a retired shop teacher/baseball coach) as he suffered a heart attack and is presently in a medically induced coma.

Nancy Grennier, from The Observer, reminded everyone that the South Plainfield Business Association breakfast is this Thursday morning. Also kudos to Cappi and his department for their work clearing the roads during our recent snow storm.

Harold Lepore of Bullard Place thanked the Mayor and Council for their work on the Hollywood Avenue Project.

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

There was no Executive Session matters to attend to this evening.

#### **ADJOURNMENT**

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Council President Rusnak made a motion to adjourn at 7:35 p.m., seconded by Councilman Barletta and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC - Municipal Clerk