

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
APRIL 21, 2014, 7:00 P.M.
AGENDA MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:00 p.m. Mayor Anesh read the sunshine statement and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met with adequate notice of this meeting having been provided to the Borough's two official newspapers and also published on the Borough's website.

The roll call was administered by Amy Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman Bengivenga	x		
Councilman Diana	x		
Councilman Richkus	x		
Councilman Rusnak	x		
Councilman White	x		
Council President Barletta	x		
Mayor Anesh	x		
ALSO PRESENT			
Administrator Cullen	x		
Clerk Antonides	x		
Attorney Paul Rizzo	x		
Engineer Miller	x		

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

Councilman White asked to separate out resolution #14-144 and Councilman Diana asked to separate resolution #14-140.

Council President Barletta explained by the litigation matter pertaining to Jazzyexpress was added to the agenda this evening advising that the Council will break early to go into Executive Session and upon their return may take action on this resolution this evening.

Councilman Richkus asked what resolution #14-149 pertains to. Mr. Cullen explained why a temporary budget is a necessity prior to the current year municipal budget being adopted. It essentially puts money in place to allow us to legally operate.

Public Hearing: Release of Performance Bond Posted by Panzarella Contracting for Public Improvement to Block 200, Lot 9 – Mayor Anesh opened the floor for public hearing. With no comments made, Mayor Anesh closed the floor.

Resolution – Executive Session

Exec #14-133 Authorize the entering into Executive Session in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231 for the following item(s):

- Litigation – Jazzyexpress

Mr. Rizzo requested to add a litigation matter to the Executive Session pertaining to a ANDE Contractors for a COAH project. The council agreed to make this addition.

**RESOLUTION #14-133
AUTHORIZING A CLOSED SESSION MEETING**

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

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

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

- Litigation – Jazzyexpress

- Litigation – ANPE Contracting representing a COAH project

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

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

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		x	X				
Councilman Diana			X				
Councilman Richkus			X				
Councilman Rusnak			X				
Councilman White			X				
Council President Barletta	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

PUBLIC COMMENT: Mayor Anesh opened the floor for public comments.

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

ADJOURN AGENDA MEETING: With no further comments, Mayor Anesh asked for a motion to adjourn from the Agenda Meeting. Councilman White made a motion to adjourn from the Agenda Meeting at 7:06 p.m., seconded by Councilman Rusnak and unanimously carried by an all in favor.

Respectfully Submitted By:

Amy Antonides

Amy Antonides, RMC/CMC