

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
MAY 5, 2014 7:12 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:12 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 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		

Flag Salute: was led by Mayor Anesh and Councilman White led the invocation.

Proclamation(s):

- Older American's Month – May, 2014
- Municipal Clerk's Week – May 4th – 10th, 2014
- Police Week – May 11th – 17th, 2014

Mayor Anesh presented the aforementioned proclamations to the Police Chief and one to the Municipal Clerk. Both thanked the Mayor, Council and the residents for all their support. A round of applause was extended by the audience and photographs were taken by the media present.

Approve Council Minutes:

- April 21, 2014 – Agenda
- April 21, 2014 – Public
- April 21, 2014 – Executive

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

Public Comment For Agenda Items Only:

Mayor Anesh opened the floor for public comment.

Ms. Chrissy Buteas of 434 Lucy Court questioned the expenditure of the resolution to repair a traffic light. Mr. Cullen explained that the nature of the traffic light repair is an emergency and needs immediate repair. Our municipal joint insurance is in the process of negotiating reimbursement for said repair. Ms. Buteaus then asked if the expenditures of resolutions #14-160, 161 and 166 are coming out of a bond. Mr. Cullen said no, they are operational expenses. Ms. Buteaus then questioned the IT services that are on this evening. Mr. Cullen advised that they are not new, they are for maintenance. Mayor Anesh further explained that they are considered sole source provider expenses. With no further comments from the public, Mayor Anesh closed the floor.

ORDINANCE – SECOND READING BY TITLE : Clerk Antonides read the below two Ordinances by title:

ORDINANCE # 2000

CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.0 PERCENT (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. A. 40A:4-45.1 *et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.0% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

WHEREAS, the COLA for 2014 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as .5% and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.0%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of South Plainfield in the County of Middlesex finds it advisable and necessary to increase its 2014 budget by more than .5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$627,849.18 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2014 budget year, the final appropriations of the Borough of South Plainfield shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$732,490.71 and that the 2014 municipal budget for the Borough of South Plainfield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Anesh opened the floor for public comment. With no comments from the public closed the floor. Mayor Anesh asked if the Council has any comments. Councilman Diana said that after having the opportunity to further look into this ordinance he doesn't feel it to be prudent to expand upon the cap. Mayor Anesh commented that this ordinance does not actually expand upon the cap but provides for the establishment of a cap bank.

COUNCIL	MOTION	2 ND	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:	5	1			
Mayor Anesh – TIE ONLY							

BOND ORDINANCE 2001

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$409,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$386,000 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 \$409,000, and further including the aggregate sum of \$23,000 as the several down payments for the improvements or purposes required by the Local Bond Law. 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, negotiable bonds are hereby authorized to be issued in the principal amount of \$386,000 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 & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Resurfacing of Montrose Avenue, Carmine Avenue, Amboy Avenue and Pitt Street, including all work and materials necessary therefor and incidental thereto.	\$235,000	\$222,000	10 years
b) Preliminary planning and engineering for Hollywood Avenue new road and bridge project, including all work and materials necessary therefor and incidental thereto.	\$74,000	\$70,000	20 years
c) Acquisition of computers and information technology, including all related costs and expenditures incidental thereto.	\$75,000	\$71,000	5 years
d) The acquisition of a generator for the High School, including all related costs and expenditures incidental thereto.	\$25,000	\$23,000	15 years
Total:	<u>\$409,000</u>	<u>\$386,000</u>	

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 11.19 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 \$386,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$61,350 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 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
 Mayor Anesh opened the floor for public comments. With no public comments made, Mayor Anesh closed the floor.
 Mayor Anesh then called for any comments from the Council. No Council comments were made.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Diana				X			
Councilman Richkus			X				
Councilman Rusnak	X		X				
Councilman White			X				
Council President Barletta		X					
		VOTE:	5	1			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2014-152
 AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A
 QUITCLAIM DEED TO REMOVE RESTRICTIONS ON
PROPERTY KNOWN AS 1001 DURHAM AVENUE.**

WHEREAS, Northeast Realty, LLC purchased property commonly known as 1001 Durham Avenue, also known as Block 550, Lot 4.01, in the Borough at a sheriff sale in January 2014; and

WHEREAS, the property was, at one time, deeded from the Borough to Meridian Development in 1967;
 and

WHEREAS, the Deed to Meridian Development contained a number of restrictions which were conditions of sale, and specifically required construction of an industrial building within two years of sale, and specified uses for the property after sale; and

WHEREAS, it appears that an industrial building was never constructed on said property, and in 1984, the Austin Company built a three-story office building on the site which is known as the TUMI Building, which constitutes an office building; and

WHEREAS, the TUMI Building continues to exist on such property to date; and

WHEREAS, Northeast Realty, LLC has requested a release of the property from the conditions that appear to have never been met, but which now appear to be moot;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute a Quitclaim Deed relating to property commonly known as 1001 Durham Avenue, also known as Block 550, lot 4.01, in the form attached hereto; and

BE IT FURTHER RESOLVED that upon execution, the deed shall be forwarded to Northeast Realty, LLC for recording.

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							

**RESOLUTION 2014-153
AUTHORIZING A 2014 TEMPORARY BUDGET AMENDMENT
OF \$1,400,000.00 IN THE CURRENT FUND AND \$10,000.00 IN THE POOL FUND**

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 FY 2014 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 are hereby amended to add the following amounts and that a certified copy of this resolution is transmitted to the Chief Financial Officer.

CURRENT FUND				AMOUNT
4-01-20-150-000-221	Assessing		O&E	10,000.00
4-01-20-155-000-221	Legal		O&E	25,000.00
4-01-23-210-000-651	Other Insurance		O&E	100,000.00
4-01-23-220-000-601	Health Benefits		O&E	250,000.00
4-01-25-240-001-101	Police		S&W	500,000.00
4-01-25-240-001-204	Police		O&E	15,000.00
4-01-25-240-003-241	Crossing Guards		O&E	25,000.00
4-01-25-250-000-101	911		S&W	50,000.00
4-01-25-265-001-325	Fire Department		O&E	20,000.00
4-01-25-265-002-101	Fire Official		S&W	10,000.00
4-01-25-265-003-581	Fire Service Charges		O&E	40,000.00
4-01-26-290-002-101	Road Repairs		S&W	25,000.00
4-01-26-305-003-101	Recycling		S&W	10,000.00
4-01-26-305-003-235	Recycling		O&E	50,000.00
4-01-26-310-000-101	Public Buildings & Grounds		S&W	20,000.00
4-01-26-310-000-415	Public Buildings & Grounds		O&E	10,000.00
4-01-26-315-000-101	Vehicle Maintenance		S&W	10,000.00
4-01-27-330-001-101	Board of Health		S&W	5,000.00
4-01-28-370-001-101	Recreation		S&W	20,000.00
4-01-28-370-002-101	Senior Center		S&W	25,000.00
4-01-29-390-000-235	Library		O&E	150,000.00
4-01-36-472-000-675	SSI		Statutory	10,000.00
4-01-43-490-000-101	Court		S&W	20,000.00
Total CURRENT FUND				1,400,000.00
POOL FUND				
				AMOUNT
4-26-55-520-000-215	Other Expenses		O&E	10,000.00
POOL FUND				10,000.00

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							

RESOLUTION 14-154
AUTHORIZING THE HIRING OF BRANDAN BERRY AS A PART-TIME SUMMER HELP
FOR THE RECYCLING CENTER WITH NO BENEFITS, AT AN HOURLY
RATE PURSUANT TO ORDINANCE

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that based upon the recommendation of Alice Temple, Environmental Specialist, it hereby confirms the part-time hiring of Brandan Berry as part time Summer help for the Recycling Center at an hourly rate pursuant to ordinance with no benefits.

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

1. Glenn Cullen, CFO
2. Marie Dudek, Payroll
3. Anne Daley, Benefits
4. Amy Antonides, Municipal Clerk
5. Alice Temple, Environmental Specialist

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							

**RESOLUTION 2014-155
AUTHORIZING APPOINTMENT OF 2014 SUMMER HELP
EMPLOYEE FOR THE DPW**

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

WHEREAS, a need exists to supplement the workforce of the Department of Public Works and Borough Hall during the summer months; and

WHEREAS, based upon the recommended by the Administrator and Superintendent of Public Works, John Wylam’s effective date that was scheduled as June 23, 2014 pursuant to Resolution 2014-147 can now be moved up to April 28, 2014;

NOW THEREFORE BE IT RESOLVED by the South Plainfield Borough Council that John Wylam’s effective date be moved up to April 28, 2014.

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded as follows: Municipal Clerk and Robert Capparelli, DPW Supervisor

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							

**RESOLUTION 2014-156
AUTHORIZING THE ACCEPTANCE OF JOHN PABST’S RETIREMENT EFFECTIVE JANUARY 1,
2015 FROM THE BOROUGH OF SOUTH PLAINFIELD CONSTRUCTION
DEPARTMENT**

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

It hereby accepts the retirement of John Pabst, as Construction and Zoning Official for the Borough of South Plainfield effective January 1, 2015;

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

1. John Pabst
2. Marie Dudek, Payroll
3. Anne Daley, Benefits
4. Amy Antonides, Municipal Clerk

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							

**RESOLUTION 14-157
AUTHORIZING PROPERTY ROOM.COM AS AUCTIONEER FOR SOUTH PLAINFIELD SURPLUS
EQUIPMENT**

WHEREAS the Borough of South Plainfield has the following surplus vehicles:

- 1990 Dump Truck
- 1999 Dodge Intrepid
- 2006 Chevy Blazer
- Fire Truck 55

that are deemed to have outlived their useful life and are no longer of any benefit to the Borough for efficient operations; and

WHEREAS at the recommendation of the Fire Department and the DPW, the Governing Body hereby agrees that authorizing Property Room.com to conduct a public auction of the aforementioned equipment to be in the best interest of the Borough;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that it hereby authorized Property Room.Com to conduct a public auction of the aforementioned equipment on behalf of the Borough of South Plainfield.

BE IT FURTHER RESOLVED that a copy of this resolution be distributed as follows:

1. Glenn Cullen, Borough Administrator
2. Amy Antonides, Borough Clerk
3. Robert Capparelli, DPW Supervisor

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							

**RESOLUTION 2014-158
AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE BOROUGH OF SOUTH
PLAINFIELD AND PYROTECNICO FOR A FIREWORK DISPLAY TO BE HELD ON LABOR DAY,
2014 IN AN AMOUNT NOT TO EXCEED \$14,500.00**

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for Pyrotecnico to perform a firework display to be held on Labor Day; September, 2014 in an amount not to exceed \$14,500.00; 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
4. Celebrations Committee

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							

**RESOLUTION 2014-159
AUTHORIZING A 2014 TEMPORARY BUDGET AMENDMENT
OF \$30,000.00 IN THE CURRENT FUND AND \$10,000.00 IN THE POOL FUND**

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 FY 2014 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 are hereby amended to add the following amounts and that a certified copy of this resolution is transmitted to the Chief Financial Officer.

CURRENT FUND				AMOUNT
4-01-25-252-000-321	Emergency Management	O&E		10,000.00
4-01-22-195-001-101	Code Enforcement	S&W		20,000.00
Total CURRENT FUND				30,000.00
POOL FUND				AMOUNT
4-26-55-520-000-101	Pool S&W	O&E		10,000.00
POOL FUND				10,000.00

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							

RESOLUTION 14-160

AUTHORIZING THE ANNUAL SOLE SOURCE VENDOR CONTRACT WITH NORTHEASTERN INTEGRATED TECHNOLOGIES LLC TO PROVIDE INFORMATION SERVICES FOR EMAIL HOSTING AND ARCHIVING SERVICES TO THE BOROUGH OFFICES IN AN AMOUNT NOT TO EXCEED \$9,975.00

WHEREAS the sole source vendor Northeastern Integrated Technologies LLC has submitted an RFP to the Borough to provide information services for email hosting and archiving services to the Borough Offices; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the awarding of a contract for professional services without public advertising for bids and bidding therefore, provided that the resolution authorizing the contract and the contract itself be available for public inspection in the office of the Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality,

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Governing Body of the Borough of South Plainfield:

1. that the Mayor and Borough Council do hereby award the contract between the Borough of South Plainfield and Northeastern Integrated Technologies LLC to provide email hosting and archiving services to Borough Offices in an amount not to exceed \$9,975.00
2. that this contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40a:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
3. that the Chief Financial Officer has filed a Certificate of Availability of Funds, if applicable.
4. that notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Borough

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

1. Municipal Clerk
2. Glenn Cullen, Chief Financial Officer
3. Borough IT Department

5.	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								

RESOLUTION 14-161

AUTHORIZING THE ANNUAL SOLE SOURCE VENDOR CONTRACT WITH NORTHEASTERN INTEGRATED TECHNOLOGIES LLC TO PROVIDE BOROUGH WIDE NETWORK ADMINISTRATOR AND BUSINESS CONTINUITY SERVICES TO THE BOROUGH OFFICES IN AN AMOUNT NOT TO EXCEED \$52,806.50

WHEREAS the sole source vendor Northeastern Integrated Technologies LLC has submitted an RFP to the Borough to provide borough wide network administrator and business continuity services for the Borough Offices; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the awarding of a contract for professional services without public advertising for bids and bidding therefore, provided that the resolution authorizing the contract and the contract itself be available for public inspection in the office of the Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality,

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Governing Body of the Borough of South Plainfield:

1. that the Mayor and Borough Council do hereby award the contract between the Borough of South Plainfield and Northeastern Integrated Technologies LLC to provide borough wide network administrator and business continuity services in an amount not to exceed \$52,806.50
2. that this contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40a:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
3. that the Chief Financial Officer has filed a Certificate of Availability of Funds, if applicable.
4. that notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Borough

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

- Municipal Clerk
- Glenn Cullen, Chief Financial Officer
- Borough IT Department

1.	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								

RESOLUTION 14-162

AUTHORIZING THE STATE CONTRACT PURCHASE OF BODY ARMOR FOR THE POLICE DEPARTMENT FROM LANIGAN ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$7,026.80

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of body armor from Lanigan Associates, Inc. for the Police Department in an amount not to exceed \$7,026.80 pursuant to NJ State Contract Numbers A81348.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk
- Police Chief

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								

RESOLUTION 14-163

AUTHORIZING THE EMERGENCY REPAIR OF A TRAFFIC SIGNAL AT MAPLE & LAKEVIEW AVENUES BY JEN ELECTRIC IN AN AMOUNT NOT TO EXCEED \$15,445.30

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the emergency repair of a traffic signal at Maple & Lakeview Avenues by Jen Electric in an amount not to exceed \$15,445.30.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 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							

**RESOLUTION NO. 14-164
RESOLUTION AUTHORIZING AGREEMENT TO PERMIT A POOL
WITHIN A RIGHT-OF-WAY LOCATED AT 207 OAKMANOR PARKWAY,
OWNER OF THE PROPERTY KNOWN AS RITA NAGY**

WHEREAS, Rita Nagy is the owner of property known as 207 Oakmanor Parkway, South Plainfield, New Jersey; and

WHEREAS, Ms. Nagy has applied to install a pool on her property, such installation to be in an area of easement or right-of-way held by the Borough for a storm sewer which lies beneath the proposed area for the pool; and

WHEREAS, the pool will be an above-ground pool, and the Borough has determined that the placement of the pool within the right-of-way will not detrimentally effect the property or the purpose for the right-of-way, and has no objection to the placement of same with the understanding that the pool will be removed at the expense of Rita Nagy or any other owner of record if deemed necessary by the Borough;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that permission is granted to Rita Nagy to place an above-ground pool in the right-of-way of the Borough on property known as 207 Oakmanor Parkway conditioned upon Rita Nagy or any owner of record agreeing to remove the pool at their expense in the event the Borough should deem it necessary in the future;

BE IT FURTHER RESOLVED that the granting of permission for installation of a pool in the right-of-way does not alleviate or eliminate any other requirements for such installation.

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							

**RESOLUTION 2014-165
AUTHORIZING CREDIT OF TAX APPEAL JUDGMENT IN THE AMOUNT OF \$8,242.11 TO BE
APPLIED TO OUTSTANDING TAXES FOR UNITED ARTISTS/REGAL ENTERTAINMENT FOR
BLOCK 528, LOT 47.09**

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.

2.	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								

CORRESPONDANCE

- Recycling Commission Monthly Report – March, 2014
- Mayor’s Wellness Committee Minutes – April 16th & 24th, 2014
- Public Celebrations Committee Minutes – April 22, 2014
- Traffic Safety Advisory Commission Minutes – April 23, 2014

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

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

Current Fund	3-01	0.00
Current Fund	4-01	405,124.75
Pool Utility	4-26	0.00
Pool Utility	3-26	0.00
Sewer Utility	4-07	6,774.80
Sewer Utility	3-07	0.00
Sewer Utility Capital	C-08	0.00
General Capital	C-04	8,064.85
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	1,212.72
Dog Trust	T-12	0.00
Treasurers Trust	T-13	59,303.20
Recreation Trust	T-14	3,835.00
TOTAL ALL FUNDS		\$484,315.32

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo, Esq. – reported progress.

Administrator Cullen – reported the results of the recent BAN sale then went on to update the Council on a letter he just received from the EPA pertaining to Memorial Park and the adjacent wooded areas. The EPA assessed the potential risks to users in the surrounding areas. They determined that the results of samples collected fall within acceptable risk ranges based and the soil samples indicated and the soils do not pose an unacceptable health risk.

Engineer Miller – gave a progress report pertaining to the forthcoming bid for the Montrose Avenue road improvements in which the bid opening is scheduled for May 14th. The ADA door and new lighting have been installed at the Senior Center.

Clerk Antonides – advised that instructions for filing the annual Financial Disclosure Statements are being distributed this week. The filing deadline has been extended to June 13, 2014.

Councilman Diana – advised that his committee is still looking into vacating the paper streets in the Highland Woods Preserve area. Councilman Diana had the map of these paper streets naming the ones of concern. We will continue to look these over and speak to our attorney as to the method of vacating these.

Councilman Rusnak – advised that the Finance Committee has met with all the Department Heads regarding the budget and as a result have managed to cut another \$100,000 from the budget. A lot of hard work went into this. We are going to conduct our public hearing on the budget on May 19th. Councilman Rusnak said he encourages all Councilmembers to feel free to contact him with any suggestions they may have pertaining to this budget.

Councilman Bengivenga – Thanked the Elks for their very generous donation of AED unites to the EMS. Councilman Bengivenga went on to confirm the closing of Liquid Assets on April 30th. Many have approached him and asked why it was not closed sooner. Councilman Bengivenga said he became curious why it wasn't closed sooner and went to look through the file. In 2005, Liquid Assets pleaded no contest to charges of lewd activity with audience participation of which a copy was sent to the former Clerk/Administrator Vincent Buttiglieri. Despite these charges, the owner requested a corporate structure change. About a month later ABC filed seven more charges. Four months after that, the County Prosecutor's Office sent a letter to Mr. Buttiglieri questioning the corporate structure change asking why the Borough would allow it as the owner was the subject of an ongoing investigation by South Plainfield, the Prosecutor's Office, and the State ABC. Mr. Buttiglieri's response to the Prosecutor's Office was that he was not aware of any reason the Council would not want to approve the change, and was not aware of the Borough wishing to permanently close this establishment, nor was the matter ever discussed with the Governing Body. Councilman Bengivenga went on to say that what bothers him most is that despite the fact of knowing that problems did exist, nothing was done by those in charge. Those in charge failed to take a single step to help the residents in that area. Also, Councilman Bengivenga questioned why this issue was never brought to the Council's attention advising that he and Mayor Anesh joined the Council in 2006 when these letters were going back and forth, and were never made aware of them. Councilman Bengivenga concluded by saying he hopes those who criticize will think about this next time.

Mayor Anesh interjected that he recently saw a letter to the editor written by the owner and was deeply concerned that the owner blamed his closure on a change of political tides, yet in 2005 he was facing some 400 days of closure. Mayor Anesh rhetorically asked how many days was he actually closed, then answered; zero. If steps were taken back then perhaps we would not be here today having this discussion. Mayor Anesh advised that pursuant to the Star Ledger, in Newark some of the candidates running for their election are talking about the various issues they are having with some of the neighborhood bars/dance clubs that are interfering with residential areas.

Councilman Diana said he would challenge anyone as to whether or not he was a strong advocate regarding the closure of Liquid Assets saying he was vocal about the necessity of having this place closed. Councilman Diana said he is a strong supporter of this closure and have made those statements publically. Councilman Diana said he doesn't want to politicize this issue and represents C.J. Diana when he sits up at the dais. 2005 was not anything he had to do with and sits here today as an advocate of closing Liquid Assets because that is what is best and prudent for the residents of South Plainfield.

Councilman Rusnak commended Councilman Bengivenga for going the extra step and researching this.

Councilman Richkus – advised that the Celebrations Committee meetings are very productive and are now contemplating offering prizes for floats. More discussion will need to be had about it. Councilman Richkus advised that he is excited to that we approved the firework vendor this evening for Labor Day. That is a major element to the day and the vendor did a great job last year. The committee is now seeking Marshalls for the Parade. To conclude, Councilman Richkus praised the Senior Center for all the actives that they offer.

Councilman White – reported progress.

Council President Barletta – reported progress.

Mayor Anesh – reported that the first Spring Health Fair this past Saturday was a great success thanking all those involved. Also a member of Eagle Scout Troop 125 was recently recognized for their achievements.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Ms. Debbie Boyle from Van Fleet reported on all the various upcoming events

Ms. Chrissy Buteas of 434 Lucy Court acknowledged all the work the Mayor and Council did on closing Liquid Assets. Ms. Buteas said she disagrees with some of the politics and feels this to be one area that we all can agree on. Ms. Buteas went on to ask for the status of the Truck Route project. Engineer, Len Miller, advised that step one is to have geo tech work performed. There are a degree of permits from the state that will also be needed. Mayor Anesh advised that this is a very complex project and a definitive time line is not something that can be done with a project like this. Mr. Miller added that the bridge was never designed and that alone is a huge time consuming task.

Councilman Richkus asked Engineer Miller if these permits from the state take a lot of time to obtain. Mr. Miller yes, without a doubt.

Councilman Bengivenga said that he didn't just look into the Liquid Assets file but has looked at many files over the years when situations arise. We had issues with Liquid Assets in 2005, as well as with others over the years. The end results are great in this case, but he wonders why some of these additional incents happened since 2005. They would not have taken place had they been closed in 2005. Councilman Bengivenga said his biggest concern is if some of these things could have been prevented if things were handled differently. Mayor Anesh said he doesn't think anyone would disagree that we should not have looked into this.

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

At 7:35 p.m. Mayor Anesh called for a recess from the public portion of the meeting to go into Executive Session advising that everyone is welcome to stay if they choose.

ADJOURNMENT

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilman Richkus made a motion to adjourn at 8:16 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk