

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
MAY 19, 2014 7:04 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:04 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 Diana led the invocation.

Proclamation(s):

- Award to State Semi-Finalist for Civic Contribution Essay Contest
- 2014 "Project Law" Essay Contest Winner
- Nurses Week: May 18th – May 24th

Mayor Anesh presented the aforementioned proclamations to the state semi-finalist for their Civic Contribution Essay Contest and to the 2014 Project Law Essay Contest winner.

Approve Council Minutes:

- May 5, 2014 – Agenda
- May 5, 2014 – Public
- May 5, 2014 – Executive

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		X				
Council President Barletta			x				
		VOTE:	6	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.

BUDGET

Public Hearing for #14-168: Authorizing the Adoption of the 2014 Municipal Budget:

Mayor Anesh called upon the Chief Financial Officer/Administrator, Glenn Cullen, to brief the Council on the status of the 2014 Municipal Budget. Mr. Cullen explained that the budget totals \$27,785,949.00. It reflects reductions since our budget hearings with Department Heads held in April. The tax levy for 2014 is \$18,168,000.00 which is about \$152,120.00 less than we were a year ago. Mr. Cullen advised that the average homeowner will experience a modest decrease of \$7.50 for the average home. The actual budget itself is \$833,000.00 below the state levy cap. Our surplus revenues are approximately \$500,000.00. The budget itself is up \$840,000.00 due to Super Storm Sandy, healthcare costs and snow removal from the excessive winter we had. The budget would essentially be flat if it were not for those three items. There are no land sales in the budget. Our reserve for uncollected taxes is up by \$20,000.00. Mr. Cullen summarized by saying he doesn't believe there to be anything in this budget to be construed to be over reaching and feels it to be an excellent budget.

- Mayor Anesh opened the floor for public hearing:

Ms. Chrissy Buteas, 434 Lucy Court, commented that she disagrees with this budget to be one to be proud of. She advised that she finds this budget to be full of one time revenues, a lot of gimmicks, nonrecurring revenues, and that council raided surplus and used sewer tax to balance this budget. It will leave the Borough bank accounts broke. Our savings account is not there anymore. Our fiscal house is in dire straits. There is no rainy day fund or retirement fund essentially.

- With no further comments from the public, Mayor Anesh closed the floor.
- Mayor Anesh asked for any comments from the Council:

Councilman Diana said he feels Ms. Buteas hit upon a number of highlights. Councilman Diana asked Mr. Cullen how much surplus is in this budget. Mr. Cullen responded about \$1.38 million. Councilman Diana inquired how much is left. Mr. Cullen advised \$259,000.00. Councilman Diana said he believe that to be an alarmingly low amount of surplus.

Councilman Rusnak disagreed, asking Councilman Diana if he is aware of how the Borough is trending with surplus so far this year, what the projection is for the year end, and also asked if he touched based with Mr. Cullen in this regard. Councilman Diana said no, and that does not necessarily change the bottom line. Councilman Diana expressed his concerns for having more super storms and asked what position the Borough would be in if that were to occur with this budget. It seems irresponsible to him to use so much surplus. Councilman Diana questioned where we will be in 2015 and is not interested in what occurred in the past, but is focused on moving forward. This is an alarming way for us to move forward and shudders to think what we will be looking at next year. It's great the residents will see at \$7.00 decrease in their taxes this year, but what will they see next year. Councilman Diana said he doubts anyone has considered that.

Mayor Anesh said he would have to disagree with that, and called upon the Borough Auditor, Mr. Swisher, to advise his thoughts in this regard. Mr. Swisher advised that in terms of surplus there is no right or wrong way in what to do. There are different philosophies in that regard. Mr. Swisher advised that in his time as the Borough Auditor, future years are indeed considered. Mr. Swisher said that in

working with Mr. Cullen it is believed that we will regenerate all of the surplus, if not more. Mr. Cullen confirmed that by saying he does believe we will end 2014 with more surplus than we started with. Mayor Anesh said in 2004 \$2,550,000.00 was used in surplus. Mr. Swisher went on to say when you believe you will generate back the surplus that is fine to use it, as in this case. If you were to feel you would not generate it back, then maybe the philosophy would be to not use it. Ideally, you use what you believe you will be able to generate back. Mayor Anesh went on to say that just over \$3 million was generated back by the end of 2004. In 2005 \$2,696,000.00 was used in surplus. Council President Barletta interjected by asking if Councilman Diana ever asked Mr. Cullen about what he is projecting for next year in surplus prior to coming up to the Council table accusing fellow Council members of not putting the Borough on good financial footing, yet he never asked the question about the surplus. Mayor Anesh said these types of accusations are simply wild and crazy. Mayor Anesh went on to say that Councilman Diana has asked for a lot of historical documents, yet says he doesn't want to address the past. Mayor Anesh said that we are now in May, almost halfway through the year. We know what half the year looks like already which leads to the question of asking Councilman Diana if he knows where we are trending with revenues right now. Mayor Anesh advised what the trending forecast is through the end of May 2014. Councilman Diana asked if it is our projection to have more than a half million dollars in surplus in May 2015. Mr. Cullen said the answer to that question is yes. Mayor Anesh said that is because historically that is what the Borough has done. Surplus that we anticipate to be regenerated is used to help keep the taxes down. Mayor Anesh asked if Councilman Diana proposed that we remove the surplus from the budget and raise the taxes for the residents. Councilman Diana said no. Mayor Anesh asked if Councilman Diana is proposing to use surplus than to offset this budget. Councilman Diana said his concern is seeing an increase in expenditures. Mayor Anesh said it was previously stated that the expenditures were due to Super Storm Sandy, snow removal and healthcare costs of which were already accounted for in this budget and we are still trending half a million dollars up. Mayor Anesh asked Mr. Cullen how much we borrowed to pay for Super Storm Sandy costs. Mr. Cullen said we did not borrow anything.

Mayor Anesh went on to explain and clarify FEMA reimbursement for Super Storm Sandy expenditures advising that Mr. Zushman, the OEM Coordinator, worked closely with the federal government on the reporting of our FEMA Super Storm Sandy related expenditures. The costs from this storm were already paid for by the Borough and thus the FEMA money is a reimbursement in that regard and in no way was it ever planned to be given to the residents for some other use. Mayor Anesh confirmed that statement with Mr. Cullen who advised that is true. Mayor Anesh verified again that all the FEMA monies coming back into this budget that were approved by the federal government, the state, and Mr. Zushma, and are to pay back all the expenses that the Borough has already incurred for Super Storm Sandy and it is not intended for some other use. Mr. Cullen said that is correct, similar to what the Board of Education also did having filed for their own FEMA reimbursement for storm damages.

Councilman Bengivenga inquired about what the Borough is trending now pertaining to building revenues? Mr. Cullen said at present we are trending about a million dollars, maybe closer to \$1.2 million as of right now, and we are optimistic that we will see significantly more than that before the year end. Councilman Bengivenga said that it seems to him that we are being fiscally responsible with how we are trending to utilize the surplus to give back to our residents thus lowering their taxes; similar to what we have been doing for at least the past ten years. Councilman Bengivenga said that after looking at all the trending facts he feels comfortable saying this is a sound budget. Not just a good budget, but a great one in keeping the taxes flat which keeps us in good financial footing for next year.

Councilman Rusnak said that when he sits down with Mr. Cullen and Mr. Swisher he doesn't just say let's throw all the chips on the table and hope for the best, but instead, sits down and formulates a plan looking at how our actions will affect the Borough in the next year and years thereafter. When we put this

budget together for 2014 we asked how it will affect us in 2015, and 2016. It is never just looked at as a one year shot. Councilman Rusnak said he does not politicize the budget because it is not about your party, but about the residents.

Mayor Anesh asked Mr. Cullen who else approves our municipal budget besides the Council. Mr. Cullen advised that the New Jersey Division of Local Government Services undergoes a review by the State and our budget cannot be adopted unless the State (NJDLGS) gives their permission to do so. If something was in the budget that the state did not approve, they would not allow us to adopt our budget.

Councilman Rusnak said that at the last couple Council meetings he has asked for anyone who has any suggestions or recommendations to bring them forward and let him know. Everyone sitting to his left, presented him with something, however, Councilman Diana, did not come up with anything and is making this a political situation and it should not be. It is about the tax payers.

Councilman Diana said he hopes that he is not sitting here next year in an alarming fiscal position. He is not talking about ten years ago, but is worried about what is going on in this Borough right now and moving forward. We talk about not politicizing things but Councilman Rusnak said to him around the time he was newly elected to always put what's best for the people above anything else and said that is what he is hoping he is doing here tonight. Councilman Diana advised that he is deeply concerned about the future of this Borough and its residents. We are looking at an election year for the Mayor with a 3.1% increase of expenses; yet taxes are going down. To him, that does not pass the smell test. Councilman Diana said he is sitting there because he is concerned about the direction this Borough is headed.

Council President Barletta said that he finds it offensive that Councilman Diana is accusing the Council of gimmicks and is glad he brought up this year's Mayoral race which just shows that anyone will do or say anything to get elected in this town. It is a shame that we've done such a great job with having a flat budget and yet we have to put up with these comments accusing us, after all we have dealt with i.e. Super Storm Sandy etc., for Councilman Diana to sit there and say that we are not putting the Borough in good footing next year is offensive to him.

Mayor Anesh said that Councilman Diana bringing up the 3.1% expenditure increase he again is talking about Super Storm Sandy, healthcare costs, and snow removal from an excessive winter. Yet, still we had a flat budget. Even if you were to take these typical onetime expenses out, you are looking at a .4% increase. The reason prior years were brought up was to indicate the practice and the history of the Borough. The fact is, we are already trending to replace surplus and even exceed it. So it is not a gimmick, there are no games here. Instead, it is essentially the same thing that has been done year after year after year. It is a sound fiscal policy to use surplus when possible; using what we believe will be regenerated. Mr. Cullen invited Councilman Diana to sit with him and go over the surplus numbers.

Councilman Bengivenga reiterated that Councilman Rusnak has said numerous times to all of us to let him know if we have any suggestions pertaining to this budget and yet Councilman Diana sits here commenting about expenses being up but did not offer one single cut at any of the budget meetings. After the budget was introduced we managed to cut over \$100,000.00 more out of it.

Councilman White said that when he hears comments like "bankrupting the Borough" or "no retirement fund" it raises red flags for him. Those comments are a lot of rhetoric with no reality behind them lacking specificity. To come up with accusations without any specifics, data, or without any core sources is a major red flag. Councilman White said that he appreciates the opinions, but wants to see more specifics to back up the dialog with less rhetoric. Let's move into the reality which are the residents having to pay taxes every quarter and this is a budget that reduces that by \$7.00. It is not an exorbitant amount, but yet

they are not increasing. This is a solid budget that has used solid financial principals that takes into consideration the residents well-being.

Councilman Richkus acknowledged the due diligence met by all the employees and department heads involved in this budget. They worked hard to do what is right in working to keep costs down, seeking grants, and meeting tight deadlines. Councilman Richkus said he feels like they are all under attack and it is just wrong for the DPW, the Police force, and all the secretaries in the municipal building (to name a few examples). Councilman Richkus said he has heard Councilman Diana say not to go back in history, but you have to. Today is built on history, and if you don't learn from it you will make the same mistakes. We have learned from prior historic mistakes and we are more fiscally sound today than we were ten years ago.

Councilman Diana said he personally is not attacking anyone and appreciates every single hard working employee of the town. His only concern is with the Borough policy and direction it is headed.

Mr. Cullen advised procedurally that the budget amendment has to be authorized first, and then the budget adoption resolution can be considered.

#14-168A: Authorizing the Amendment of the 2014 Municipal Budget was read by title by Clerk Antonides:

- Mayor Anesh called for motion to approve Resolution #14-168A – Budget Amendment.

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:	5	1			
Mayor Anesh – TIE ONLY							

- Mayor Anesh next called for motion to approve Resolution #14-168 – Budget Adoption read by Clerk Antonides by title:

RESOLUTION 2014-168

AUTHORIZING THE ADOPTION OF THE 2014 MUNICIPAL BUDGET

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield that it hereby approves and confirms the adoption of the 2014 Municipal Budget in the amount of \$27,785,949.14.

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:	5	1			
Mayor Anesh – TIE ONLY							

RESOLUTIONS

RESOLUTION 2014-169

AUTHORIZING T&M ASSOCIATES TO PREPARE AS WELL AS TO ADMINISTER BIDS FOR STREET SWEEPING SERVICES FOR THE BOROUGH OF SOUTH PLAINFIELD

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for T&M Associates to prepare as well as to administer bids for Street Sweeping Services for the Borough of South Plainfield.

BE IT FURTHER RESOLVED that the Clerk has authorization to advertise for said bid and that copies of this Resolution shall be forwarded as follows:

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

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							

RESOLUTION 2014-170
AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF
\$74,899.71 TO CSC SOUTH PLAINFIELD, LLC
LOCATED ON HARMICH ROAD IN SOUTH PLAINFIELD, NJ

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

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

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
CSC South Plainfield, LLC 14 Harmich Road South Plainfield, NJ 07080	255	32	2013	\$43,785.54
			2012	\$31,114.17

Make check payable to:

CSC South Plainfield, LLC, as Plaintiff
and Lomurro Davison, as attorney for Plaintiff
100 Willow Brook Road
Suite 100
Freehold, NJ 07728

Total **\$74,899.71 ***

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

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		X				
Council President Barletta			X				
		VOTE:	5	1			
Mayor Anesh – TIE ONLY							

RESOLUTION 2014-171
AUTHORIZING THE HIRING OF 2014 COMMUNITY POOL PERSONNEL

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, New Jersey that at the recommendation of the Director of Recreation, authorization is hereby given for employing the following people for seasonal work at the South Plainfield Community Pool Utility. Dates of hire are May 20, 2014 to September 1, 2014:

Concession I 8.65/hr.

Justin Spry
Kaitlyn Hughes
Shannon McMahon

Concession II 8.90/hr

Brittney Papa
Joe Jakubic
Cassidy Gillis
Anthony Torchia
Haley Hlavka

Concession III 9.08/hr

Rachel Scudato
Shannah Conway
Alyssa Aiello
Kyle Cullen
Marie Lanza
Kendall Christ

Front Desk Cashier I 10.73/hr

Shannon Hughes

Front Desk Cashier II 11.28/hr

William Ritchey
Nicole Sutherland

Lifeguard I 10.01/hr

Patrick Boyle
Katherine Dolinski
Nicholas Gurrieri
Jake Hoffman
Justice Lipuma
William McLaughlin
Caleb Kuberiet

Lifeguard II 10.31/hr

Gennifer Huber
Evelyn Peregrin
Justyn Irizarry
Christopher Kuberiet
Nicholas Battista
Silvia Alpapucho

Bryce Uzzolino

Lifeguard III 11.04/hr

Allison Huber

Lifeguard IV 11.64/hr

Jacqueline Dvorak

Kaitlyn Faustini

Miranda Garcia

Joseph Krawiec

Kate McLaughlin

Caroline Vill

Amy Zinsky

Michelle Gustafson

Teresa Gustafson

Michael Boyle

Jeff Conroy

JP Barry

Joseph Ifrach

Kelly McLaughlin

Margaret Valentino

Christopher Marrone

Kate O'Brien

Emily Roseo

Michelle O'Sullivan

Anthony Gurrieri

Daniel Snogans

Katherine Piekarski

Keith Horvath

Swim Coach \$4,839.80

Laurie Post

Assistant Swim Coach \$2,457.80

Shannon Dabrio

Katherine Kaczka

Joanna Luzny

Diving Coach \$4,839.80

Nicole Moretti

Assistant Dive Coach \$2,457.80

Kayleigh McGovern

Recreation Leader/Aquatic \$11,647.30

Alicia Vurchio

Assistant Recreation Leader/Aquatic \$6,037.03

Shannon Dabrio

Mark Johnson

Emily Piekarski

Concession Manager \$5,926.96

Lou Colicchio

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							

RESOLUTION NO. 2014-172

AUTHORIZING A ONE YEAR EXTENSION FOR THE PROFESSIONAL SERVICES OF AHA AFFORDABLE HOUSING ADMINISTRATOR FOR SPECIALTY COAH HOUSING REHABILITATION ADMINISTRATIVE SERVICES FOR AN AMOUNT TO NOT EXCEED THE EXISTING VARIABLE FEE STRUCTURE CURRENTLY IN PLACE

WHEREAS the Borough of South Plainfield received proposals for a professional services agreement in 2012 for a specialty Housing Rehabilitation Administrative Services from AHA Affordable Housing Administrators to Assist the Borough with its COAH Administration for an amount not to exceed the variable fee structure contained within the attached proposal; and

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

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

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

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

WHEREAS a professional service contract may be awarded for two one year extensions and as such, the Governing Body of the Borough of South Plainfield wish to extend the aforementioned service for another one year term to expire July 1, 2015 in which time new proposals will need to be obtained for said services;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that a professional service contract for the above-named business entity is hereby extended for one year, with a term to expire July 1, 2015; and

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

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

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded as follows:
(A0798160)

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

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

RESOLUTION 2014-173
AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF
\$46,614.87 TO 4 DIFFERENT PARCELS
LOCATED IN SOUTH PLAINFIELD, NJ

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

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

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Santo V Sorce Company LLC 104 New Era Drive South Plainfield, NJ 07080	308	42	2013	\$4,142.60
			2012	\$6,476.34
107 Wade LLCC 2 Ingersoll Road South Plainfield, NJ 07080	467.04	1	2013	\$21,618.03
3300 So. Clinton LLC 3300 South Clinton Avenue South Plainfield, NJ 07080	467.04	2	2013	\$6,717.59
Essex Sorce Realty LLC 3390 Rand Road South Plainfield, NJ 07080	467.05	15.03	2013	\$7,660.31

Make check payable to:

Saiber LLC
 Attorney Trust Account
 18 Columbia Turnpike
 Suite 200
 Attn: Jason A. Rubin
 Florham Park, NJ 07932-2266

Total **\$46,614.87 ***

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

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			x				
Councilman Diana				x			
Councilman Richkus			x				
Councilman Rusnak		x	x				
Councilman White	x		x				

Council President Barletta			x			
	VOTE:		5	1		
Mayor Anesh – TIE ONLY						

**RESOLUTION NO. 2014-174
RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE A LICENSE AGREEMENT WITH GENEWIZ, INC.
REGARDING 115 CORPORATE BOULEVARD.**

WHEREAS, Genewiz, Inc. is engaged in a project in the area of 115 Corporate Boulevard which includes the installation and maintenance of a conduit for fiber cable; and

WHEREAS, Genewiz, Inc. is the lessee of property which includes a section of Corporate Boulevard; and

WHEREAS, the owners of the property effected have consented to the project; and

WHEREAS, Genewiz, Inc. has applied for a permit for a road opening in the area of 115 Corporate Boulevard, and has been advised by the Borough Engineer that a License Agreement must be entered to permit the road opening to ensure that the area disturbed will be properly restored and maintained;

NOW, THEREFORE BE IT RESOLVED by the Governing Body 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 License Agreement relating to property commonly known as 115 Corporate Boulevard, Lots 46.20 and 46.21 in Block 528 in the form attached hereto; and

BE IT FURTHER RESOLVED that upon execution, the License Agreement shall be filed with the Clerk of Middlesex County.

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							

**RESOLUTION 2014-175
AUTHORIZING AWARD OF BID TO TOP LINE CONSTRUCTION FOR THE 2014 MONTROSE ROAD
IMPROVEMENT PROJECT IN THE AMOUNT OF \$387,378.78
AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE CONTACT FOR SAME**

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

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

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

WHEREAS bids were solicited and opened on Wednesday, May 14, 2014 at 10:00 a.m. and the following picked-up bid packages from the Borough Engineer and submitted bids as follows:

Top Line Construction	\$387,378.78
Stilo Excavating	\$401,544.19
Black Rock	\$415,061.91
Reivax	\$428,219.97
Supreme Metro Corporation	\$484,221.00

WHEREAS, the bids have been reviewed by the Borough Engineer and the Borough Attorney who has verified that the lowest qualified bidder is Top Line Construction in the amount of \$387,378.78 and that the bid be accepted and a contract be awarded; and

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract for the 2014 Montrose Road Improvement Program to Top Line Construction in the amount of \$387,378.78.

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		x				
Council President Barletta			x				
		VOTE:	5	1			
Mayor Anesh – TIE ONLY							

RESOLUTION 14-176

AUTHORIZING THE HIRING OF RICHARD ROTELLA AS PART-TIME SEASONAL HELP FOR THE MUNICIPAL OFFICES AT AN HOURLY RATE OF \$12.70

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 hiring of Richard Rotella for the seasonal part-time help for the municipal offices at an hourly rate of \$12.70 with an effective date being date of adoption of this resolution.

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

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							

RESOLUTION 14-177

AUTHORIZING THE AWARD OF SERVICES FOR BOILER REPAIRS TO BINSKY SERVICE IN AN AMOUNT NOT TO EXCEED \$2,525.00

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 the services of Binsky Service for boiler repairs in an amount not to exceed \$2,525.00.

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. DPW

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							

**RESOLUTION NO. 14-178
AUTHORIZING CHANGE ORDER #1 IN THE AMOUNT OF \$2,744.00 IN ADDITION TO THE
ORIGINAL CONTRACT WITH SOLID ROCK CONSTRUCTION FOR \$21,281.00 FOR A COAH
REHABILITATION PROJECT
LOCATED AT 210 DELMORE AVENUE**

WHEREAS, the Governing Body of the Borough of South Plainfield has entered into a contract with Solid Rock Construction for \$21,281.00 for a COAH rehabilitation project located at 210 Delmore Avenue in South Plainfield; and

WHEREAS, the Governing Body of the Borough of South Plainfield finds it necessary to extend the limits of the project to include electrical and repair work; and

WHEREAS, the extra work will be performed utilizing COAH funding; and

WHEREAS, the work will be paid for based on the actual as-built quantities at a price not-to-exceed \$21,281.00 plus the addition of \$2,744.00; and

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

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that authorization is hereby given to increase the original contract amount of \$21,281.00 an additional \$2,744.00 to an adjusted contract amount of \$24,025.00 to extend the scope of the project to include the electrical and other repair work deemed necessary by the COAH Housing Administrator for the Borough of South Plainfield.

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							

**RESOLUTION 2014-179
RESOLUTION AUTHORIZING SETTLEMENT OF 2013 TAX APPEAL FILED BY WILLIAM T. AND
LINDA M. PETTY, FOR THE PROPERTY KNOWN AS 18 HIDDEN COURT AND IDENTIFIED AS
BLOCK 90, LOT 7, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

WHEREAS, William T. and Linda M. Petty (hereinafter referred to as “Taxpayer”) are the owners of the Property known as 18 Hidden Court and identified as Block 90, Lot 7, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$243,400 for 2013; and

WHEREAS, Taxpayer filed an appeal of the 2013 tax assessment in the Tax Court of the State of New Jersey under docket number 012169-2013; and

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

WHEREAS, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessment for the tax year under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market value for the Property which was over assessed for the tax year under appeal; and

WHEREAS, pursuant to the proposed Stipulation of Settlement annexed hereto, the aforesaid tax appeal is to be resolved as follows:

- The 2013 original assessment in the amount of \$243,400 shall be reduced to \$220,400 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2013;
- As an intrinsic part of the settlement, the 2014 total tax assessment of the Property has been set by the Assessor at a total tax assessment of \$220,400. Taxpayer has reserved the right to file a tax appeal for the 2014 tax year to obtain a judgment to implement, enforce and/or confirm the agreed upon assessment.
- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case;
- All refunds as a result of the settlement shall be made payable to “Sitar Law Offices, LLC. Attorney Trust Account and William T. and Linda M. Petty” and forwarded to counsel for Taxpayer within 60 days of the date of Judgment.

WHEREAS, the Borough of South Plainfield Tax Assessor agrees that it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeal 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 appeal and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeal as set forth herein and in the Stipulation of Settlement attached hereto; and

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

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

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

1. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$220,400 total tax assessment for the 2013 tax year for Block 90, Lot 7 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 appeal filed by William T. and Linda M. Petty under Docket No.: 012169-2013 for the property known as 18 Hidden Court and identified as Block 90, Lot 7 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2013 total tax assessment on the Property from \$243,400 to \$220,400; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case; which provides that the 2014 total tax assessment of the Property has been set by the Tax Assessor at a total tax assessment of \$220,400; which provides that Taxpayer reserves the right to file a tax appeal for the 2014 tax year to obtain a Judgment to implement, enforce and/or confirm the agreed upon assessment; and which further provides that any tax refunds resulting from the settlement shall be made payable to “Sitar Law Offices, LLC, Attorney Trust Account and William T. and Linda M. Petty” and forwarded to counsel for Taxpayer within 60 days of the date of Judgment.
3. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

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

RESOLUTION 2014 -180
AUTHORIZING THE SOUTH PLAINFIELD TO PARTICIPATE IN THE
2014 NJ CLICK IT OR TICKET PROGRAM

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							

CORRESPONDANCE

- Environmental Commission Minutes – March 12, 2014
- Code Enforcement Monthly Report – April, 2014
- Environmental Commission Monthly Report – April, 2014
- Zoning Board of Adjustment Minutes – March 18, 2014
- Shared Service Meeting 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				
Councilman White		x	X				
Council President Barletta			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

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

Current Fund	3-01	700.00
Current Fund	4-01	280,130.60
Pool Utility	4-26	12,660.54
Pool Utility	3-26	0.00
Sewer Utility	4-07	1,128,259.06
Sewer Utility	3-07	0.00
Sewer Utility Capital	C-08	0.00
General Capital	C-04	59,566.21
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	6,140.00
Dog Trust	T-12	0.00
Treasurers Trust	T-13	18,148.65
Recreation Trust	T-14	5,003.69
TOTAL ALL FUNDS		\$1,510,608.75

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	X				
Council President Barletta			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Borough Attorney Paul Rizzo, Esq. – reported progress.

Administrator Cullen – congratulated his daughter on her graduation.

Auditor Swisher – No further report for this evening.

Engineer Miller – gave a brief progress report pertaining to Montrose Avenue road improvements in which the bid was awarded and the work will commence as soon as possible.

Clerk Antonides – reminded everyone of the filing deadline extension of June 13, 2014 for the annual Financial Disclosure Statements.

Councilman Diana – advised that he attended the PBA comedy night last evening. It was a very nice event and he was happy to support the PBA and police department.

Councilman Rusnak – apologized to Councilman Diana for referring to him by his first name earlier but it was at a moment he was animated in tonight's budget discussion. Councilman Rusnak said that as an aside, even though we are working on the municipal budget we sat and spoke with the Board of Education Superintendent as well as some of the other BOE members to try to help lower their budget costs on behalf of our residents. Granted we don't have any control over their budget but at least they were kind enough to bring us in and listen to our suggestions.

Councilman Bengivenga – reported progress.

Councilman Richkus – thanked DPW for their recent clean-up of our parks. Pool sign-ups are still taking place.

Councilman White – Pepperidge Farm will be moving into South Plainfield from Edison. The Sprint Store will be moving to the Hadley Center. As an aside, at the end of the day, we are still residents and what affects you affects us.

Council President Barletta – advised Councilman Diana that it was not intentional calling him by a wrong Councilman’s name earlier and apologized for that and reported progress.

Mayor Anesh – reported progress

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Mr. Tim McConville, former Councilman, extended his appreciation to the Council for a “job well done” pertaining to the 2014 budget.

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

At 8:00 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