

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
JUNE 23, 2014 7:04 P.M.  
PUBLIC MEETING**

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**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:01 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 Bengivenga led the invocation.

**Proclamation(s):** Fire & Safety Services 50<sup>th</sup> Anniversary was added to the agenda this evening.

Mayor Anesh presented the aforementioned proclamation and invited Dave, one of the owners of Fire & Safety Services forward to accept the Proclamation. Everyone extended a round of applause and photographs from the media present were taken.

**Approve Council Minutes:**

June 9, 2014 – Agenda

June 9, 2014 – Public

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**Public Comment For Agenda Items Only:**

Mayor Anesh opened the floor for public comment.

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

**ORDINANCE 2002– SECOND READING BY TITLE:** was read by Clerk Antonides. Councilman Barletta advised that he received communication from the Borough Attorney, Mr. Rizzo, who appeared in court on June 16<sup>th</sup>. Mr. Rizzo argued to dismiss the complaint as to the Borough arguing it was filed out of time. The court agreed and granted Mr. Rizzo’s request and as such the original Ordinance 1990 remains still in effect. The next hearing is scheduled for the end of September. It is Mr. Rizzo’s recommendation that we table this Ordinance 2002 at this time.

**ORDINANCE NO. 2002**  
**AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENT THE ZONING ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD BY ADOPTION OF THE MASTER PLAN AND LAND USE PLAN AMENDMENTS ADOPTED BY THE BOROUGH OF SOUTH PLAINFIELD PLANNING BOARD PURSUANT TO A RE-EXAMINATION OF THE MASTER PLAN.**

**WHEREAS**, the Borough of South Plainfield Zoning Board of Adjustment provided Annual Reports for the years 2011 and 2012 finding, in part, that provisions in Article X of the South Plainfield Zoning Ordinance for “filling stations and public garages is outdated and needs to be updated”; and

**WHEREAS**, the Borough adopted Ordinance 1990 on June 28, 2013 to update the Zoning Ordinance to provide for automotive gasoline stations, automotive repair shops and automotive gasoline station Convenience Marts within the Borough pursuant to the recommendation of the Borough Planning Board; and

**WHEREAS**, litigation was filed by Jazzyxpress, Inc. alleging that the Ordinance Amendment was inconsistent with the Master Plan; that proper notice had not been provided concerning the adoption of said Ordinance Amendment; that the adoption of the Ordinance Amendment constituted spot zoning; and made further allegations, which litigation remains pending; and

**WHEREAS**, the Borough Council deemed it in the best interests of the Borough, based upon the litigation claims and advice of counsel, as well as the previous reports of the Zoning Board and the Borough Planner to authorize a reexamination of the Master Plan which was performed by Stanley Slachetka resulting in a report which was considered by the Borough Planning Board on May 13, 2014, and adopted and recommended by said Board; and

**WHEREAS**, the Planning Board noted it had previously considered the issue of conditional use standards for gas stations in connection with the Borough Council’s adoption of Ordinance No. 1990 in June 2013, finding at that time said Ordinance to be consistent with the Master Plan, and voted to recommend approval of the aforesaid Ordinance; and

**WHEREAS**, the Planning Board reaffirmed its findings in that regard on or about May 13, 2014 and continues to recommend the combination of limited convenience store uses with gas stations in certain locations within the Borough as both reflective of the current market place, and as an appropriate means to promote efficiency of traffic flow; and

**WHEREAS**, the Planning Board concluded that the 2014 Reexamination Report of the Master Plan by Stanley Slachetka of T&M Associates accurately and completely outlines major problems and objectives relating to the land use development in the municipality and approved and recommended the 2014 Reexamination Report of the Master Plan.

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

## **SECTION ONE**

Article II (Definitions) is hereby amended and supplemented to add the following definitions:

**AUTOMOTIVE GASOLINE STATION** shall mean any establishment servicing motor vehicles with fuel, but not include repairs, changing of tires, or any other replacement of essential or accessory parts. Automotive gasoline stations may service automobiles by adding oil, windshield washer fluid or similar fluids, but shall not provide any services which require bays or lifts, such as oil changes or lubrication of chassis.

**AUTOMOTIVE GASOLINE STATION CONVENIENCE MART** shall mean any automotive gasoline station which has on the same site a retail store selling convenience household items, such as pre-packaged food items, ice cream, baked goods, beverages, paper products and similar items geared for the use and convenience of the motorists utilizing the gasoline pumps. It is the intent that a convenience store provides convenience items to the motoring public which will generally be utilized or consumed at a separate destination and not on site, though tables and chairs may be provided for incidental use by customers upon approval by the Board with proper jurisdiction over the site plan application. The mart may also include convenience banking/ATMs, on-premises baking, a deli counter with customary deli style items such as salads, soups, cold cuts, hot and cold prepared sandwiches and foods, and similar convenience oriented offerings.

**AUTOMOTIVE SERVICE STATION** shall mean any establishment, whether or not serving gasoline, serving motor vehicles with vehicle maintenance not requiring extensive or prolonged mechanical work (for the purpose of this Ordinance, extensive or prolonged mechanical work shall mean work which requires a vehicle to be on the site for a period of more than 30 days) before completion. Service work offered shall be limited to oil changes; lubrication; tune-ups; minor engine or drive train repairs; installation of tires, batteries and accessories; wheel balancing and alignment; and the replacement of mechanical parts, such as hoses, spark plugs, ignition wiring, brakes, alternators, water pumps and similar parts not requiring extensive repairs. Repair facilities which provide repairs and service to any large trucks or equipment, such as semi-tractors or heavy grading equipment shall not be considered automotive service stations. Repair facilities which provide automotive body or collision repairs shall not be considered automotive service stations.

## **SECTION TWO**

Article II (Definitions) is hereby amended to delete Definition #27, "Garage, Public".

## **SECTION THREE**

Section 1001 (Service Stations and Public Garages) is hereby amended and supplemented to delete Section 1001, and the following inserted in its place:

### **Section 101**

**Automotive Gasoline Stations; Automotive Service Stations; and Automotive Gasoline Station Convenience Marts**

A. Automotive Gasoline Stations, Automotive Service Stations, and Automotive Gasoline Station Convenience Marts shall only be permitted when authorized as a conditional use by the Planning Board in accordance with the following standards:

1. Automotive Gasoline Stations and Automotive Service Stations shall be a permitted conditional use only in the OBC-1, 2 and 3 zones.
2. Automotive Gasoline Station Convenience Marts shall be permitted as a conditional use in compliance with the following standards:
  - a. An Automotive Gasoline Station Convenience Marts shall have frontage on Durham Road or on Stelton Road;
  - b. The property boundary of the parcel to be developed or redeveloped for an Automotive Gasoline Station Convenience Marts shall be within one thousand (1,000) linear feet of the intersection of an entrance or exit ramp of the interchange of Route 287 with a County or Borough roadway.
  - c. An Automotive Gasoline Station Convenience Marts may not be located in a zone district which allows residential uses.
3. Lot Area, Frontage and Coverage Requirements

Minimum lot area, lot frontage and lot coverage shall be as follows:

	Minimum Lot Size	Minimum Lot Frontage	Maximum Bldg. Coverage
Automotive Gasoline Station	30,000 sq. ft.	150 feet	10% Bldgs.; 30% Bldg. & Canopy
Automotive Service Station	40,000 sq. ft.	200 feet	10% Bldgs.; 30% Bldg. & Canopy
Automotive Gasoline Station Convenience Marts	65,000 sq. ft.	300 feet	10% Bldgs.; 25% Bldg. & Canopy

4. Permitted Accessory Uses for Automotive Gasoline Stations and Automotive Service Stations: the retail sale of pre-packaged food, beverages and other non-automotive related items, including vending machines, is limited to a maximum floor area of two hundred (200) square feet of display area.

B. Zoning Standards for Automotive Gasoline Station Convenience Marts. The following zoning standards shall apply to an Automotive Gasoline Station, Automotive Service Station, and Automotive Gasoline Station Convenience Marts. A variation of deviation from the zoning standards in this subsection shall be addressed by the Board of proper jurisdiction as a bulk variance.

1. Off-Street Parking.
  - a. Off-street parking for Automotive Gasoline Station Convenience Marts: Parking shall be provided onsite for the retail use at one (1) space per

two hundred (200) square feet of retail space, and one (1) space for each employee on maximum shift. Pump locations are not counted as parking spaces.

- b. Off-street parking for Automotive Service Stations: There shall be four (4) parking spaces for each repair bay, plus one (1) space for each employee on maximum shift. In addition, on-site parking shall be provided for any accessory retail use as permitted in §1001.A.4 at one (1) space per two hundred (200) square feet of retail space.
    - c. Off-street parking for Off-street parking for Automotive Gasoline Stations: There shall be one (1) parking space, plus one space for each employee on maximum shift. In addition, on-site parking shall be provided for any accessory retail use as permitted in §1001.A.4 at one (1) space per two hundred (200) square feet of retail space.
  2. Landscaping. For an Automotive Gasoline Station, Automotive Service Station, and Automotive Gasoline Station Convenience Marts site, there shall be provided a minimum five (5) foot wide curbed and landscaped area in the front yard of all site pavement areas. The width of the landscaped area shall be measured from the street property line to the interior curb. All areas of the site that are not paved or on which a building is located shall be landscaped.
  3. Outdoor Display. Outdoor display of products for sale or rental, including convenience, household, beverages and food items at a Convenience Marts shall not be permitted.
  4. Canopies. A cantilevered cover or canopy may be permitted within twenty-five (25) feet of the front property line. The canopy shall comply with the maximum height requirement and the required minimum side and rear yard setbacks of the applicable zone district. Any kiosk located beneath a canopy shall be located no closer than fifty (50) feet from any front property line.
  5. Curb Cuts and Driveways.
    - a. On a corner lot, a driveway shall be at least twenty-five (25) feet from the street intersection as measured along the property line.
    - b. Driveways shall be no less than twenty-five (25) feet and no more than thirty-five (35) feet wide. The driveway shall be flared or slanted at the curb line to facilitate auto ingress and egress.
    - c. Curb cuts shall be no less than twenty-five (25) feet from any property line. Where County or State standards apply, the stricter standard shall prevail.
    - d. Any two (2) driveways giving access to a single street shall be separated by a curbed island of at least twenty (20) feet.
    - e. There shall not be more than two (2) curb cuts providing access to any one (1) street.
  6. Signs.

- a. Automotive Gasoline Station and Automotive Service Stations. The requirements of Section 801 (Signs) of the Zoning Ordinance shall apply to any automotive gasoline station and any automotive service station. Canopy signs shall be permitted on up to two (2) sides of a canopy for the purpose of advertising the name of the business only, provided that the sign does not occupy more than one-quarter (1/4) of the length of the face of the canopy on which it is located and does not extend above or below the face of the canopy.
- b. Automotive Gasoline Station Convenience Marts.
  - (1) One (1) free-standing site identification sign. The maximum sign area shall not exceed eighty (80) square feet.
  - (2) The maximum height of the free-standing site identification sign shall not exceed fifteen (15) feet.
  - (3) The minimum setback of the free-standing sign from the property line shall comply with Section 901 (Signs) of the Zoning Ordinance.
  - (4) The façade and building-mounted signs shall comply with Section 801 (Signs) of the Zoning Ordinance.
  - (5) Canopy signs shall be permitted on up to two (2) sides of a canopy for the purpose of advertising the name of the business only, provided that the sign does not occupy more than one-quarter (1/4) of the length of the face of the canopy on which it is located and does not extend above or below the face of the canopy.
7. Lighting. All lighting shall be so designed, arranged and installed as to reflect all light down and away from adjoining properties and streets and highways. No string of multiple lights shall be permitted. Lighting under a canopy shall be recessed and directed downward. The proposed development shall comply with all Borough lighting standards.
8. Pavement. All parking, access and driveway areas shall be paved with a permanent surface, such as concrete or macadam in accordance with zoning standards and requirements.
9. Location of Pumps. All pump islands shall be a minimum of twenty-five (25) feet from any property line.
10. All lifts, lubrication equipment, service pits and automotive-related goods for sale shall be enclosed within the principal site station building.
11. The rental or exchange of twenty (20) pound or less propane gas cylinders, such as those used for outdoor cooking appliances, is a permitted accessory use for Automotive Gasoline Stations; Automotive Service Stations; and Automotive Gasoline Station Convenience Marts subject to the following standards:

- a. The storage area for propane gas cylinders shall be fenced and shall meet the requirements of NFPA Section 58 as interpreted by the Fire Subcode Official and the fire Official of the appropriate district. Bollards shall be installed to protect the storage cabinets, tanks and equipment from vehicular impact.
  - b. The storage area for propane gas cylinders shall comply with all minimum setback requirements of the applicable zone district.
  - c. The storage area for propane gas cylinders shall be located within the front yard of any lot shall be a minimum distance of fifty (50) feet from any street right-of-way line.
  - d. Storage cabinets shall be appropriately screened with fencing, walls or vegetation. With the exception of brick or masonry walls, screening plantings and fences shall not be located closer than five (5) feet from propane cylinder storage cabinets.
  - e. Filling of propane gas cylinders from an on-site propane tank shall not be permitted.
12. Trash and Garbage. A solid waste enclosure area shall be provided for the temporary storage of trash, garbage, tires and unusable automotive parts. Except for tires, all trash shall be stored in tight containers. The enclosed area shall be so designed that the trash shall not be seen from a public street or from adjoining properties. Adequate trash receptacles shall be provided adjacent to parking areas for Automotive Gasoline Station Convenience Marts.
  13. Screening. The site shall be screened by a minimum six(6) foot high solid evergreen planting or combination of solid evergreen planting and fence on all sides, except within the required front yard setback. Such screening shall not extend into the required sight triangle for any access drive.

C. Prohibited Activities and Uses.

1. The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of an automotive gasoline or automotive site station shall be prohibited.
2. The storage of cars, trucks, trailers, boats or any other vehicles not being serviced or repaired on the premises of an automotive gasoline station or automotive site station shall be prohibited.
3. Storage of any vehicle requiring body work or which is inoperable because of major repairs required shall not be permitted.
4. The storage of inoperable vehicles classified as junk cars or those not currently registered with the State of New Jersey shall not be permitted.

5. Drive-thru windows shall not be permitted in an Automotive Gasoline Station Convenience Marts.

This Ordinance shall take effect upon final passage, publication in accordance with New Jersey law, and filing with the Planning Board of the County of Middlesex.

**VOTE TO TABLE Ordinance #2002 UNTIL FURTHER NOTICE:**

June 23, 2014

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTIONS**

**RESOLUTION #2014-193**

**AUTHORIZING THE APPROVAL AND RENEWAL OF LIQUOR LICENSES FOR 2014 - 2015 AND AUTHORIZING THE MUNICIPAL CLERK TO ISSUE 2014--2015 LIQUOR LICENSES TO ALL LICENSEES THAT HAVE MET ALL STATE AND BOROUGH REQUIREMENTS AND HAVE PAID ALL APPROPRIATE FEES.**

**WHEREAS**, applications for renewal of Liquor Licenses for the year 2014-2015 have been submitted; and

**WHEREAS**, no objections to said renewals have been filed; and

**WHEREAS**, the proper Borough and State fees have been paid by all applicants and the renewal retail licensee clearance certificate has been issued.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of the Borough of South Plainfield that the following licensees be granted renewals of their liquor licenses for the year commencing July 1, 2014 and expiring June 30, 2015:

	License #	Type	License Name	Trade Name
1	1222-32-009-005	Plenary Retail Consumption w/Broad Package Privilege	SRI Liquors Inc.	SRI Liquors Inc.
2	1222-33-008-010	Plenary Retail Consumption	Sonador Inc. (*Inactive Status)	Adeline's Italian Restaurant
3	1222-31-024-001	Club	Plainfield Curling Club Inc	Plainfield Curling Club
4	1222-33-019-006	Plenary Retail Consumption	Brinel LLC	Paulo's Bar & Restaurant
5	1222-33-017-003	Plenary Retail Consumption	ZZZ Inc.	Flanagan's Restaurant & Pub
6	1222-33-018-004	Plenary Retail Consumption	Normans Bar & Grill	KCS Korner
7	1222-44-004-007	Plenary Retail Distribution	Wittys Liquors At Sth Plainfield	Witty's Discount Wines & Liquors
8	1222-33-005-007	Plenary Retail Consumption	Konbrothers, Inc.	Park Avenue Diner
9.	1222-33-014-003	Plenary Retail Consumption	SGS Associates Inc.	Sal's Spirit Shoppe
10.	1222-33-016-012	Plenary Retail Consumption	Madhusudan LLC (*Inactive Status)	Palace of Jaipur

**BE IT FURTHER RESOLVED** that the Municipal Clerk is authorized to issue 2014-2015 liquor licenses to the above named licensees.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							



**RESOLUTION 14-194**  
**AUTHORIZING A REFUND OF \$390.00 TO GRACE MCGINNIS FOR CANCELLATION OF A SENIOR TRIP TO CAPE COD**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the following refunds to Seniors:

Grace McGinnis  
 2502 Audubon Avenue  
 South Plainfield, NJ 07080  
 \$390 Cape Cod Trip June 8 – 12, 2014

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of South Plainfield that the Finance Office hereby has approval to release the aforementioned refunds.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			x				
Councilman Diana			x				
Councilman Richkus						x	
Councilman Rusnak		x	x				
Councilman White	x		x				
Council President Barletta			x				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION NO. 14-195**  
**A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SOUTH PLAINFIELD BOROUGH PEDESTRIAN IMPROVEMENTS PROJECT**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) is accepting applications for FY2015 Safe Routes to School projects, and NJDOT will provide financial assistance to municipalities for bicycle and pedestrian improvements which are selected through the grant application process; and

**WHEREAS**, the Borough lacks adequate crosswalks in the vicinity of a number of Borough public schools, and these schools are in need of crosswalk improvements to protect the health and safety of school children who walk and/or bicycle to and from school; therefore, the Borough of South Plainfield will submit a Safe Routes to School Grant Application for the South Plainfield Borough Pedestrian Improvements project, which will include installing crosswalks near Roosevelt Elementary School, Grant Elementary School, John F. Kennedy Elementary School, John E. Riley Elementary School, South Plainfield Middle School, and South Plainfield High School;

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield, formally approves the grant application for the above stated project;

**BE IT FURTHER RESOLVED** that the Mayor and Administrator are hereby authorized to submit an electronic grant application identified as SRS-2014-South Plainfield Borough Pedestrian-00100 to the New Jersey Department of Transportation on behalf of the Borough of South Plainfield;

**BE IT FURTHER RESOLVED** that the Mayor and Administrator are hereby authorized to sign the grant agreement on behalf of the Borough of South Plainfield and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION NO. 2014 – 196**  
**AUTHORIZING A CHANGE ORDER TO T&M ASSOCIATES TO INCREASE THEIR ENGINEERING FEES BY AN ADDITIONAL \$24,650.00 TO EXTEND THE SCOPE OF THE 2014 ROAD IMPROVEMENT PROJECT TO INCLUDE THE ADDITIONAL ENGINEERING SERVICES NECESSARY TO ADD THE ADDITION OF ROADWAYS**

**WHEREAS**, the Governing Body of the Borough of South Plainfield would like to extend the scope of the project to include the addition of roadways to the 2014 Road Improvement Program; and

**WHEREAS**, additional engineering fees in the amount of \$24,650.00 are necessary to extend the scope of the project to include the addition of roadways to the 2014 Road Improvement Program, specifically Carmine Avenue (from Valley Street to Pitt Street) and Amboy Avenue (from Hamilton Blvd. to Pitt Street); and

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

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given to increase the Engineering fees an additional \$24,650.00 to extend the scope of the project to include the addition of the aforementioned roadways to the 2014 Road Improvement Program.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>4</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 14-197**  
**AUTHORIZING THE STATE CONTRACT PURCHASE WITH WITMER PUBLIC SAFETY GROUP, INC. FOR TACTICAL GEAR AND EQUIPMENT FOR THE FIRE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$14,514.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of tactical gear and equipment from Witmer Public Safety Group of 404 Independence Way, Coatesville, PA 19320 for the Fire Department in an amount not to exceed \$14,514.00 pursuant to NJ State Contract Numbers T-0790.

**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. Fire Chief

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 14-198**  
**AUTHORIZING BIG TOP CONTRACTORS, INC. TO PERFORM DEMOLITION AND REMOVAL SERVICES AT 3301 CLARK LANE IN THE BOROUGH OF SOUTH PLAINFIELD IN AN AMOUNT NOT TO EXCEED \$13,780.00**

**WHEREAS**, at 10:00 a.m. on Friday, June 20, 2014 the Borough Engineer and Borough Clerk received quotations for demolition and removal services at the location of 3301 Clark Lane in the Borough of South Plainfield; and

**WHEREAS**, the following quotations were received:

Big Top Contractors, Inc.	\$13,780.00
Stilo Excavation, Inc.	\$17,325.00

**WHEREAS**, Big Top Contractors, Inc. of 31 Elliot Street in Avenel, NJ 07001 has submitted the lowest quotation for said project and upon the review of our Borough Engineer and Borough Attorney it is his opinion that this project be awarded to Big Top Contractors, Inc. in an amount not to exceed \$13,780.00;

**NOW THEREFORE, 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 Big Top Contractors Inc. for the demolition and removal of the structure located at 3301 Clark Lane in the Borough of South Plainfield in an amount not to exceed \$13,780.00 and that the Mayor and/or Municipal Clerk are hereby authorized to execute any contract in this regard, and

**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. T&M Associates
4. Robert Capparelli, DPW Supervisor

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**CORRESPONDANCE**

- Environmental Commission Minutes – April 9, 2014
- Environmental Commission Monthly Report – May, 2014
- Recreation Commission Minutes- January 15, 2014, February 10, 2014, March 11, 2014, April 8, 2014
- Recycling Monthly Report – May, 2014

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

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

Current Fund	3-01	0.00
Current Fund	4-01	66,855.92
Pool Utility	4-26	0.00
Pool Utility	3-26	0.00
Sewer Utility	4-07	566,036.11
Sewer Utility	3-07	0.00
Sewer Utility Capital	C-08	9,498.18

General Capital	C-04	230,000.00
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	8,929.72
Dog Trust	T-12	0.00
Treasurers Trust	T-13	103,799.86
Recreation Trust	T-14	0.00
<b>TOTAL ALL FUNDS</b>		<b>\$985,119.79</b>

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

### **COUNCIL REPORTS:**

Borough Attorney Bill Robertson, Esq. – reported progress.

Administrator Cullen – advised that the pool has been closed for about a day and a half due to issues with the pumps. They have been repaired. We are working to see if the Joint Insurance Fund will cover the cost due to the fact that the pumps are only a couple of years old. The County started milling on Maple Avenue today and it was thanks to Councilman Diana who was able to move the milling date from Friday to today due to the interference with the high school graduation. Mr. Cullen also expressed his appreciation for Project Graduation in what a great program it is for the graduating seniors to spend one last night with all their classmates in a safe environment.

Engineer Miller – reported that he will be meeting with McDonalds tomorrow to discuss the commencement of their project. Mr. Miller also reported that he met with the contractor who will be paving Montrose Avenue soon. Next week he will be marking out the curbs. Mr. Miller further noted that this evening we authorized Big Top to begin the demolition for the house on Clark Lane. Once we obtained fully executed contracts we can begin putting the demolition itself into motion. Mr. Cullen added that the demolition cost will be a special type of lien in which we will be reimbursed for the cost.

Clerk Antonides – reported progress.

Councilman Diana – congratulated the class of 2014 seniors and then reported progress..

Councilman Rusnak – thanked Councilman Diana for asking the County to move the date for their milling job to the following week to compensate for the High School Graduation and then reported progress.

Councilman Bengivenga – thanked the Council for their support this evening in approving resolution #14-197 pertaining to the purchase of new turn out gear for the Fire Department. Some of the funds for the purchase are paid for with grant money. We will be applying for more grant funding in this regard.

Councilman Richkus – was absent this evening.

Councilman White – congratulated the class of 2014 and also congratulated Fire & Safety Services on their 50<sup>th</sup> Anniversary. Councilman White then reported progress.

Council President Barletta – congratulated the Middle School and High School Class of 2014 graduates. Council President Barletta advised the ceremonies went very well and it proved to be a very good night.

Mayor Anesh – also congratulated the class of 2014 praised the Project Graduation Program that keeps our children safe and drug and alcohol free and then reported progress.

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

Mayor Anesh opened the floor for public comment.

Mr. Joe Sorrentino of 225 Hopkinson Street passed out a photo of a tree that was removed from a homeowner's property on Hopkinson Street between June 5<sup>th</sup> and June 7<sup>th</sup> by the DPW and asked why the tree was taken down. Mayor Anesh advised this is the first he is hearing of this and our Public Works Supervisor is not present this evening. Councilman Rusnak advised that it is his understanding that the tree was diseased and anything within ten feet of the street is the town's responsibility. Councilman Rusnak said it is in the Borough's best interest to take care of this situation now in case there is a storm in which the tree may come down causing further damage. Mr. Sorrentino asked who evaluates or makes that decision and whose property it is. Mr. Sorrentino then went on to express his concerns in that a lot of people pay a lot of money to have their trees come down and he is not looking for anything as this was on his street. However, he has seen neighbors take down trees for \$4,000. Mr. Sorrentino suggested that if the Borough is footing the bill maybe we can spread that wealth along to some other neighbors. Councilman Rusnak said if anyone has a tree that is within ten feet of the curb, it is the town's responsibility and they can call the DPW to have them come and look at it and if the tree is diseased, or rotted, they will make a determination as to whether or not the tree should come down in its entirety. Mr. Sorrentino asked who makes that determination. Councilman Rusnak said he knows Cappi is involved. Mr. Sorrentino asked if our environmental specialist is to make this determination. Councilman Diana said that he knows Dr. Temple has in the past but is unsure if she looked at this tree or not. Council President Barletta advised that we do have an arborist that works in the DPW that looks at these trees. Council President Barletta then said that in the picture that Mr. Sorrentino provided he does see some rot in two sections of the stump. Mayor Anesh complimented Mr. Sorrentino's laminated photograph and said that we cannot speculate and will inquire what the basis for the removal of this particular tree was. Councilman Bengivenga also pointed out that it is not necessarily just ten feet from the curb that is taken into consideration but the center line of the roadway which can vary depending on the width of the road. It is not always ten feet; it can be thirteen feet for example. Mr. Cullen said he will look into it and get the answer. Mr. Sorrentino said he will touch base with Mr. Cullen and then asked if he could get a listing of every tree that has been taken down over the past year. Mr. Cullen said he believes the DPW can probably produce work tickets in that regard.

Mr. Frank Lemos of 325 Firth Street commented about a tree belonging to his neighbor of which root was cut and as a result of that, the tree now leans onto his property and is concerned if it were to come down that it will cause damage to his property. Mr. Lemos said his point is that for a tree to come down it should not be based upon disease alone. There are many other factors of which a tree may need to come down. Mr. Lemos said in his case the tree is a healthy tree, but yet it needs to come down because it will eventually fall down and damage his property.

Councilman Rusnak agreed with Mr. Lemos and clarified that if you call the DPW just for the sake of having a tree taken down that you don't like and the DPW determines the tree is perfectly healthy and there are no safety issues concerning the tree, they will not just take down a tree for the sake of removing it. However, if it is diseased, rotted, hollow or poses some type of safety issue, then perhaps they will deem it necessary to take the tree down.

Ms. Debbie Boyle of Van Fleet thanked the Mayor and Council for attending the 8<sup>th</sup> Grade Graduation and the High School Graduation. Everything went well and Ms. Boyle complimented the Mayor's speech. Ms. Boyle also expressed her appreciation to Councilman Diana for contacting the County to have their milling project postponed to accommodate the High School Graduation traffic. Project Graduation was an excellent night. Ms. Boyle thanked engineer Miller for assisting with the grant application for safe secure schools.

Mr. Joseph Lambert of 1131 Tompkins Avenue expressed his concerns pertaining to the tree that Mr. Sorrentino spoke of saying that he couldn't help but notice his photograph of which the stump was ground saying it is a pretty significant expense to grind out a stump and asked if it is customary to have a stump ground out in addition to the removal of a tree. Councilman Rusnak said yes, it is absolutely customary. The stumps will be ground out in bulk though. They won't just take down one tree then right away grind out the stump, unless there are others stumps in the area or around town to also grind out thus doing it all at once. Mayor Anesh said that it makes perfect sense that if it is a Borough tree in the Borough right-of-way; we are not just going to take down a tree and leave a stump in its place. Logically it would not make sense. Council President Barletta said that in light of what we experienced with Hurricane Sandy, the Borough is being proactive in taking down diseased, rotted trees or those that pose a safety hazard. We could possibly be saving a life by being proactive. God forbid we have another big storm and a tree falls on a house or harms someone. Mayor Anesh also pointed out how fortunate we are to have Paul working for our DPW who is a skilled arborist having worked for a tree service prior to working in our DPW. In fact, in the past during former administrations, we would have to hire out to have trees removed and as such this type of removal, or trimming was not done often. The Borough saves thousands of dollars now by having someone on staff to help us with this and feels confident we are doing the right thing by being proactive. We don't want to put people off

because of an expense to the Borough in this regard, which was probably done in the past. Councilman Rusnak further pointed out that a tree does not necessarily need to come down but may very often just need to be cut back away from power lines. Mr. Cullen added that this is our busy tree season for the DPW and crews will be throughout the whole summer.

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

There is no Executive Session for this evening.

**ADJOURNMENT**

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilman White made a motion to adjourn at 7:33 p.m., seconded by Councilman Rusnak and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC - Municipal Clerk