

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
SEPTEMBER 8, 2014 7:05 P.M.  
PUBLIC MEETING**

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**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:02 p.m. Mayor Anesh read the sunshine statement and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met with adequate notice of this meeting having been provided to the Borough's two official newspapers and also published on the Borough's website.

The roll call was administered by Clerk Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman 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 Bill Robertson	X		
Engineer Miller	X		

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

**Presentation:** Promotion of Police Officers James McConville and Michael Hoppe to Sergeant  
**RESOLUTION 14-243A**  
**AUTHORIZING THE PROMOTION OF OFFICERS JAMES MCCONVILLE AND MICHAEL HOPPE TO SERGEANT EFFECTIVE SEPTEMBER 9, 2014 AT A SALARY PURSUANT TO THE SALARY ORDINANCE AND/OR CONTRACT**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the promotion of officers James McConville and Michael Hoppe to the position of Police Sergeant with an effective date of September 9, 2014; and

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

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

1. James Parker, Chief of Police
2. Amy Antonides, Municipal Clerk
3. James McConville, Police Sgt.
4. Michael Hoppe, Police Sgt.
5. Marie Dudek, Payroll
6. Anne Daley, Benefits

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>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

Councilman Bengivenga read a brief biography on both officers. Mayor Anesh then called up both officers and swore them in as Sergeants. Each councilman extended their congratulations and well wishes to each officer. Everyone concluded by extending a round of applause and photographs were taken by family, friends and media present.

**Presentation:** Recognizing the 2014 Summer Interns:

Neil Budhan	Cynthia Goyes
Lauren Conrad	Danielle Hurst
Brian Csobor	Charlotte Macchia
Tyler Curtis	Deirdre Macchia
Madison Faustini	Nicholas Ruzicka
Vincent Giakas	Allison Scarinci
	Kimberly Schuetz

Administrator Cullen read the list of the aforementioned names of all the 2014 Summer Interns after briefly explaining what the intern program entails. Mayor Anesh presented all interns with a plaque thanking them for their assistance to our borough offices this Summer. Everyone present extended a round of applause and photographs were taken by family, friends and media present.

**Presentation:** Public Celebrations Committee – Donations: Mayor Anesh called the members of the Public Celebrations Committee forward. Mr. John Sorrentino, Chairman, expressed his sincere appreciation to all those who made donations and/or contributed their time in making the 2014 Labor Day Parade a great success. Mr. Sorrentino turned over a \$750 donation check to the South Plainfield Volunteer Fire Department and a \$1,250 donation check to the South Plainfield EMS. Everyone extended a round of applause and photographs were taken by media present.

**Public Hearing:**

- Release of Performance Bond Posted by Anda Builders, LLC for Public Improvements to Block 371, Lot 1.01 known as 617 Kenneth Avenue in South Plainfield

Mayor Anesh asked if the council has any comments. None were made. Mayor Anesh then opened the floor for public comments pertaining to the aforementioned release of a performance bond. With no comments from the public, Mayor Anesh closed the floor.

At this time, 7:30 p.m., Mayor Anesh called for a brief recess. Mayor Anesh called the meeting back to order at 7:40 p.m.

**Approve Council Minutes:** August 11, 2014 – Agenda  
 August 11, 2014 - Public  
 August 11, 2014 – Executive

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>4</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 – SECOND READING BY TITLE** – was read by title by Clerk Antonides. Mayor Anesh opened the floor for public hearing. There were no comments from the public. Mayor Anesh then asked for comments from Council members. There were none.

**ORDINANCE NO. 2003**

**A CAPITAL ORDINANCE AUTHORIZING THE “ACQUISITION OF STORM SEWER GRATES, CASTINGS AND OTHER RELATED FIXTURES FOR PITT STREET, IN THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY** as follows:

- |            |  |
|------------|--|
| Section 1. | The aforementioned assets be funded by existing funds in the Capital Improvement Fund. The funding requirements shall be identified by asset as follows:<br>Storm sewer grates & castings <span style="float: right;"><b>\$24,000.00</b></span>  |
|            | <b>Totals <span style="float: right;"><u>\$24,000.00</u></span></b>  |
| Section 2. | That the improvements described in Section 1 hereof shall be authorized as general capital improvements for the Borough of South Plainfield in the County of Middlesex, New Jersey.  |
| Section 3. | It is hereby determined and declared by this Mayor and Borough Council as follows:<br><br>A. That the maximum estimated amount of money to be raised from all sources for the purposes stated in Section 1, hereof, is \$24,000.00.<br><br>B. That the cost for the equipment shall be \$24,000 from the Capital Improvement Fund.<br><br>C. The estimated useful life of said improvements is hereby determined to be ten (10) years. |
| Section 4. | That the total amount of the appropriation to be expended for Architectural and inspection costs, legal costs, advertisement of ordinance and other expenses as provided in Section 48:2-20 of the Revised Statutes, is not to exceed \$5,000.00.  |
| Section 5. | This ordinance shall take effect after final passage and publication in accordance with the law.   |

**Adoption of Ordinance #2003: September 8, 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	X				
Council President Barletta			X				
			5	0			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTIONS**

**RESOLUTION 2014-244**

**AUTHORIZING THE PERSON-TO-PERSON LIQUOR LICENSE TRANSFER TO RED LOBSTER RESTAURANTS, LLC**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1222-33-007- 003, heretofore issued to Red Lobster Restaurants, LLC for premises located at 7000 Hadley Road, South Plainfield, New Jersey 07080;

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of South Plainfield does hereby approve, effective September 8, 2014, the transfer of the aforesaid Plenary Retail Consumption License to Red Lobster Restaurants, LLC and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Red Lobster Restaurants, LLC effective September 8, 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>	5	0			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION #14-245**

**AUTHORIZING THE RELEASE OF PERFORMANCE BOND POSTED BY ANDA BUILDERS, LLC FOR PUBLIC IMPROVEMENTS TO BLOCK 371, LOT 1.01 KNOWN AS 617 KENNETH AVENUE IN SOUTH PLAINFIELD AND ACCEPTANCE OF THE MAINTENANCE BOND IN THE AMOUNT OF \$2,199.60**

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from Anda Builders LLC for the improvements located at Block 371, Lot 1.01; and

**WHEREAS**, Anda Builders LLC has submitted a Maintenance Bond in the amount of \$2,199.60; and

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

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at Block 371, Lot 1.01.

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>	5	0			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 14-246**

**AUTHORIZING THE AGREEMENT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND LEE M. FOX AUCTIONS FOR THEIR AUCTIONEER SERVICES OF BOROUGH OWNED EQUIPMENT OF WHICH HAS OUT LIVED ITS USEFUL LIFE AND IS NO LONGER NEEDED BY THE BOROUGH OF SOUTH PLAINFIELD FOR AN AMOUNT NOT TO EXCEED 10% OF PROCEEDS RECEIVED**

**WHEREAS** the Borough of South Plainfield has the following surplus vehicles/equipment:

- 1990 Ford 5-yd Dump Truck L8000 Single-Axle, manual transmission #1FDXK82A4LVA10692
- 1986 Federal Firetruck Engine Pumper 41,941 miles, 1847 hrs#1F9KB88A3G1037628
- Toro Snow Blower for Machine Hook-Up, Model 150
- Billy Goat Leaf Blower, Vanguard 18 HP engine, mounts on rear of truck
- 2002 Wacker Vibratory Rammer BS600

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 Lee M. Fox Auctions 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 Lee M. Fox Auctions to conduct a public auction of the aforementioned equipment on behalf of the Borough of South Plainfield on the tentative date of September 20, 2014 at 405 Spicer Avenue, South Plainfield, NJ. Interested parties are encouraged to contact the DPW for the exact time of said auction.

**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 <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>	5	0			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2014-247**  
**RESOLUTION AUTHORIZING SETTLEMENT OF 2010 AND 2011 TAX APPEALS FILED BY NEW ERA DEVELOPMENT, INC., FOR THE PROPERTY KNOWN AS 901 MONTROSE AVENUE AND IDENTIFIED AS BLOCK 446, LOT 1.01, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, New Era Development, Inc. (hereinafter referred to as “Taxpayer”) is the owner of the property known as 901 Montrose Avenue and identified as Block 446, Lot 1.01, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$615,500 for 2010 and 2011; and

**WHEREAS**, Taxpayer filed appeals of the 2010 and 2011 tax assessments in the Tax Court of the State of New Jersey under Docket Numbers 018301-2010 and 012406-2011; and

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

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2010 and 2011 Tax Years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for Tax Years 2010 and 2011; and

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

- The 2010 original assessment in the amount of \$615,500 shall be reduced to \$441,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2010;
- The 2011 original assessment in the amount of \$615,500 shall be reduced to \$448,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2011;
- Taxpayer has agreed to waive statutory interest provided the tax refund is mailed within 60 days of the date of entry of the Tax Court Judgments;
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall apply to the assessment for Tax Years 2012 and 2013.
- The parties agree that any and all outstanding taxes and municipal charges shall be paid prior to the issuance of any tax savings refund.
- Refunds regarding overpayments shall be made payable to “New Era Development, Inc. and Blau and Blau, as attorneys” and forwarded to Blau and Blau, 223 Mountain Avenue, P.O. Box 50, Springfield, NJ 07081 within 60 days of the date of entry of the Tax Court Judgments.

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

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

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

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

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment 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 \$441,000 total tax assessment for the 2010 tax year for Block 446, Lot 1.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$448,000 total tax assessment for the 2011 tax year for Block 446, Lot 1.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by New Era Development, Inc. under Docket Nos.: 018301-2010 and 012406-2011 for the Property known as 901 Montrose Avenue and identified as Block 446, Lot 1.01 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2010 total tax assessment on the Property from \$615,500 to \$441,000; which reduces the 2011 total tax assessment on the Property from \$615,500 to \$448,000; which provides that any and all outstanding taxes and municipal charges shall be paid prior to the issuance of any tax savings refund; which provides that the Taxpayer has agreed to waive statutory interest on any refund or overpayment due provided the refund check is mailed within 60 days from the issuance of Judgment; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax years 2012 and 2013; and which further provides that any refunds shall be mailed to Blau & Blau, 223 Mountain Avenue, P.O. Box 50, Springfield, New Jersey 07081.
4. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Diana				X			
Councilman Richkus						X	
Councilman Rusnak		X	X				
Councilman White	X		X				
Council President Barletta			X				
		<b>VOTE:</b>	<b>4</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2014-248**  
**RESOLUTION AUTHORIZING SETTLEMENT OF 2010 AND 2011 TAX APPEALS FILED BY 104 SYLVANIA, LLC, FOR THE PROPERTY KNOWN AS 104 SYLVANIA PLACE AND IDENTIFIED AS BLOCK 308, LOT 39.01, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, 104 Sylvania, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 104 Sylvania Place and identified as Block 308, Lot 39.01, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$670,000 for 2010 and 2011; and

**WHEREAS**, Taxpayer filed appeals of the 2010 and 2011 tax assessments in the Tax Court of the State of New Jersey under Docket Numbers 019309-2010 and 012403-2011; and

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

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2010 and 2011 Tax Years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for Tax Years 2010 and 2011; and

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

- The 2010 original assessment in the amount of \$670,000 shall be reduced to \$530,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2010;
- The 2011 original assessment in the amount of \$670,000 shall be reduced to \$465,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2011;
- Taxpayer has agreed to waive statutory interest provided the tax refund is mailed within 60 days of the date of entry of the Tax Court Judgments;
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall apply to the assessment for Tax Years 2012 and 2013.
- The parties agree that any and all outstanding taxes and municipal charges shall be paid prior to the issuance of any tax savings refund.
- Refunds regarding overpayments shall be made payable to “104 Sylvania, LLC and Blau and Blau, as attorneys” and forwarded to Blau and Blau, 223 Mountain Avenue, P.O. Box 50, Springfield, NJ 07081 within 60 days of the date of entry of the Tax Court Judgments.

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

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

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

**WHEREAS**, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer’s request for tax assessment reduction; and  
(A0800683)



**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 \$530,000 total tax assessment for the 2010 tax year for Block 308, Lot 39.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$465,000 total tax assessment for the 2011 tax year for Block 308, Lot 39.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by 104 Sylvania, LLC under Docket Nos.: 019309-2010 and 012403-2011 for the Property known as 104 Sylvania Place and identified as Block 308, Lot 39.01 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2010 total tax assessment on the Property from \$670,000 to \$530,000; which reduces the 2011 total tax assessment on the Property from \$670,000 to \$465,000; which provides that any and all outstanding taxes and municipal charges shall be paid prior to the issuance of any tax savings refund; which provides that the Taxpayer has agreed to waive statutory interest on any refund or overpayment due provided the refund check is mailed within 60 days from the issuance of Judgment; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax years 2012 and 2013; and which further provides that any refunds shall be mailed to Blau & Blau, 223 Mountain Avenue, P.O. Box 50, Springfield, New Jersey 07081.
4. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Diana				X			
Councilman Richkus						X	
Councilman Rusnak		X	X				
Councilman White	X		X				
Council President Barletta			X				
		<b>VOTE:</b>	<b>4</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2014-249  
RESOLUTION AUTHORIZING SETTLEMENT OF 2010 AND 2011 TAX APPEALS FILED BY 2259  
SOUTH CLINTON, LLC, FOR THE PROPERTY KNOWN AS  
2259 SOUTH CLINTON AVENUE AND IDENTIFIED AS BLOCK 308, LOT 12.03,  
ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, 2259 South Clinton, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 2259 South Clinton Avenue and identified as Block 308, Lot 12.03, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$400,000 for 2010 and 2011; and

**WHEREAS**, Taxpayer filed appeals of the 2010 and 2011 tax assessments in the Tax Court of the State of New Jersey under Docket Numbers 018307-2010 and 012401-2011; and

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

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2010 and 2011 Tax Years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for Tax Years 2010 and 2011; and

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

- The 2010 original assessment in the amount of \$400,000 shall be reduced to \$337,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2010;
- The 2011 original assessment in the amount of \$400,000 shall be reduced to \$305,200 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2011;
- Taxpayer has agreed to waive statutory interest provided the tax refund is mailed within 60 days of the date of entry of the Tax Court Judgments;
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall apply to the assessment for Tax Years 2012 and 2013.
- The parties agree that any and all outstanding taxes and municipal charges shall be paid prior to the issuance of any tax savings refund.
- Refunds regarding overpayments shall be made payable to “2259 South Clinton, LLC and Blau and Blau, as attorneys” and forwarded to Blau and Blau, 223 Mountain Avenue, P.O. Box 50, Springfield, NJ 07081 within 60 days of the date of entry of the Tax Court Judgments.

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

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

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

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

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment 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 \$337,000 total tax assessment for the 2010 tax year for Block 308, Lot 12.03 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$305,200 total tax assessment for the 2011 tax year for Block 308, Lot 12.03 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by 2259 South Clinton, LLC under Docket Nos.: 018307-2010 and 012401-2011 for the Property known as 2259 South Clinton Avenue and identified as Block 308, Lot 12.03 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2010 total tax assessment on the Property from \$400,000 to \$337,000; which reduces the 2011 total tax assessment on the Property from \$400,000 to \$305,200; which provides that any and all outstanding taxes and municipal charges shall be paid prior to the issuance of any tax savings refund; which provides that the Taxpayer has agreed to waive statutory interest on any refund or overpayment due provided the refund check is mailed within 60 days from the issuance of Judgment; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax years 2012 and 2013; and which further provides that any refunds shall be mailed to Blau & Blau, 223 Mountain Avenue, P.O. Box 50, Springfield, New Jersey 07081.
4. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Diana				X			
Councilman Richkus							
Councilman Rusnak		X	X				
Councilman White	X		X				
Council President Barletta			X				
		<b>VOTE:</b>	<b>4</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2014-250**  
**RESOLUTION AUTHORIZING SETTLEMENT OF 2010 AND 2011 TAX APPEALS FILED BY 2279**  
**SOUTH CLINTON, LLC, FOR THE PROPERTY KNOWN AS**  
**2279 SOUTH CLINTON AVENUE AND IDENTIFIED AS BLOCK 308, LOT 12.04,**  
**ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, 2279 South Clinton, LLC (hereinafter referred to as "Taxpayer") is the owner of the property known as 2279 South Clinton Avenue and identified as Block 308, Lot 12.04, on the Borough of South Plainfield's Tax Assessment Maps ("Property"); and

**WHEREAS**, the assessed value of the Property was set at \$647,300 for 2010 and 2011; and

**WHEREAS**, Taxpayer filed appeals of the 2010 and 2011 tax assessments in the Tax Court of the State of New Jersey under Docket Numbers 018309-2010 and 012399-2011; and

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

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2010 and 2011 Tax Years under appeal and recommended that the settlement be approved

and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for Tax Years 2010 and 2011; and

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

- The 2010 original assessment in the amount of \$647,300 shall be reduced to \$525,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2010;
- The 2011 original assessment in the amount of \$647,300 shall be reduced to \$463,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2011;
- Taxpayer has agreed to waive statutory interest provided the tax refund is mailed within 60 days of the date of entry of the Tax Court Judgments;
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall apply to the assessment for Tax Years 2012 and 2013.
- The parties agree that any and all outstanding taxes and municipal charges shall be paid prior to the issuance of any tax savings refund.
- Refunds regarding overpayments shall be made payable to “2279 South Clinton, LLC and Blau and Blau, as attorneys” and forwarded to Blau and Blau, 223 Mountain Avenue, P.O. Box 50, Springfield, NJ 07081 within 60 days of the date of entry of the Tax Court Judgments.

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

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

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

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

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment 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 \$525,000 total tax assessment for the 2010 tax year for Block 308, Lot 12.04 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$463,000 total tax assessment for the 2011 tax year for Block 308, Lot 12.04 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by 2279 South Clinton, LLC under Docket Nos.: 018309-2010 and 012399-2011 for the Property known as 2279 South Clinton Avenue and identified as Block 308, Lot 12.04 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2010 total tax assessment on the Property from \$647,300 to \$525,000; which reduces the 2011 total tax assessment on the Property from \$647,300 to \$463,000; which provides that any and all outstanding taxes and municipal charges shall be paid prior to the issuance of any tax savings refund; which provides that the Taxpayer has agreed to waive statutory interest on any refund or overpayment due provided the refund check is mailed within 60 days from the issuance of Judgment; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax years 2012 and 2013; and which further provides that any refunds shall be mailed to Blau & Blau, 223 Mountain Avenue, P.O. Box 50, Springfield, New Jersey 07081.
4. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Diana				X			
Councilman Richkus						X	
Councilman Rusnak		X	X				
Councilman White	X		X				
Council President Barletta			X				
		VOTE:	4	1			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2014-251**  
**RESOLUTION AUTHORIZING SETTLEMENT OF 2010 AND 2011 TAX APPEALS FILED BY 2601 HAMILTON, LLC, FOR THE PROPERTY KNOWN AS 2601 EASTON AVENUE AND IDENTIFIED AS BLOCK 538, LOT 3.01, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, 2601 Hamilton, LLC (hereinafter referred to as "Taxpayer") is the owner of the property known as 2601 Easton Avenue and identified as Block 538, Lot 3.01, on the Borough of South Plainfield's Tax Assessment Maps ("Property"); and

**WHEREAS**, the assessed value of the Property was set at \$628,500 for 2010 and 2011; and

**WHEREAS**, Taxpayer filed appeals of the 2010 and 2011 tax assessments in the Tax Court of the State of New Jersey under Docket Numbers 018310-2010 and 012411-2011; and

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

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2010 and 2011 Tax Years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for Tax Years 2010 and 2011; and

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

- The 2010 original assessment in the amount of \$628,500 shall be reduced to \$503,500 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2010;

- The 2011 original assessment in the amount of \$628,500 shall be reduced to \$503,500 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2011;
- Taxpayer has agreed to waive statutory interest provided the tax refund is mailed within 60 days of the date of entry of the Tax Court Judgments;
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall apply to the assessment for Tax Year 2012.
- The parties agree that any and all outstanding taxes and municipal charges shall be paid prior to the issuance of any tax savings refund.
- Refunds regarding overpayments shall be made payable to “2601 Hamilton, LLC and Blau and Blau, as attorneys” and forwarded to Blau and Blau, 223 Mountain Avenue, P.O. Box 50, Springfield, NJ 07081 within 60 days of the date of entry of the Tax Court Judgments.

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

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

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

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

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment 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 \$503,500 total tax assessment for the 2010 tax year for Block 538, Lot 3.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$503,500 total tax assessment for the 2011 tax year for Block 538, Lot 3.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by 2601 Hamilton, LLC under Docket Nos.: 018310-2010 and 012411-2011 for the Property known as 2601 Easton Avenue and identified as Block 538, Lot 3.01 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2010 total tax assessment on the Property from \$628,500 to \$503,500; which reduces the 2011 total tax assessment on the Property from \$628,500 to \$503,500; which provides that any and all outstanding taxes and municipal charges shall be paid prior to the issuance of any tax savings refund; which provides that the Taxpayer has agreed to waive statutory interest on any refund or overpayment due provided the refund check is mailed within 60 days from the issuance of Judgment; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax year 2012; and which further provides that any refunds shall be mailed to Blau & Blau, 223 Mountain Avenue, P.O. Box 50, Springfield, New Jersey 07081.

4. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Diana				X			
Councilman Richkus						X	
Councilman Rusnak		X	X				
Councilman White	X		X				
Council President Barletta			X				
		VOTE:	4	1			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 14-252  
AMENDING RESOLUTION 14-210 WHICH ADOPTS A COMPANION ANIMAL  
MANAGEMENT PLEDGE WHICH IS A TOOL TO ESTABLISH HUMANE, EFFICIENT, AND  
EFFECTIVE SOLUTIONS TO COMPANION ANIMAL ISSUES IN THE BOROUGH OF SOUTH  
PLAINFIELD TO INCLUDE THE DOLLAR AMOUNT OF \$45,040.00 REPRESENTING WHAT THE  
BOROUGH HAS SPENT ON ANIMAL CONTROL IN A GIVEN YEAR**

**RECOGNIZING** that cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets, and

**UNDERSTANDING** that municipalities have an important role in ensuring the wellbeing of animals while balancing the needs of pet owners and non-pet owners.

**WHEREAS** legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issue(s);

**WHEREAS** there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey;

**WHEREAS** New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries;

**WHEREAS** State responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services;

**WHEREAS** The New Jersey Society to Prevent Cruelty to Animals (NJSPCA) and municipal Animal Cruelty Investigators (ACIs) are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws;

**WHEREAS** New Jersey mandates training requirements for animal control officers and Animal Cruelty Investigators;

**WHEREAS** New Jersey impounds over 100,000 animals per year in animal shelters and impoundment facilities;

**WHEREAS** approximately 37% of the animals that enter New Jersey's impoundment facilities are euthanized, at a rate of around 3000 every month;

**WHEREAS** free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animal feces;

**WHEREAS** stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals; and

**WHEREAS** the Borough of South Plainfield, in the County of Middlesex, has spent some \$45,040.00 on their animal control program in a given year; and

**WHEREAS** it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats;

**WHEREAS** all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities also require licensure of cats. (Current vaccination against rabies is a pre-requisite to licensure);

**WHEREAS** all municipalities are required to canvass their residents to locate unlicensed dogs;

**NOW THEREFORE**, the Borough Council of the Borough of South Plainfield resolve to take the following steps with regard to our municipal responsibilities with the intent of making the Borough of South Plainfield a truly sustainable community:

1. It is our intent to do our utmost, within the bounds of our jurisdiction in the Borough of South Plainfield, to ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities as follows:

**Authority of municipalities:**

Pursuant to New Jersey Statutes, all municipalities must appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality, including providing emergency veterinary care for injured stray animals and coverage outside of normal working hours;

1. The municipality in which an animal facility is located is responsible for issuing the license for that facility to operate;
2. The NJ Vicious Dog Law establishes a state-wide standard for municipalities to effectively address situations of vicious or potentially dangerous dogs, regardless of breed;
3. The Animal Population Control Program provides for low-cost spaying and neutering for pet owners adopting dogs and cats from New Jersey shelters, pounds, and animal adoption referral agencies and pet owners participating in one of several Public Assistance Programs.

**The Municipality of the Borough of South Plainfield pledges to:**

Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in managed TNR programs.

1. Work to improve the enforcement of animal cruelty statutes.
2. Educate our community, including school children, about their responsibilities towards the pet animals they chose to keep.
3. Institute, as appropriate, cat licensing ordinances and increase the percentage of licensed dogs and cats through ease of licensing and licensing enforcement measures.
4. Identify and work to implement best practices to prevent unwanted breeding through effective animal control, availability of low-cost pet spaying and neutering services, public education, and pet-friendly rental and senior housing.
5. Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners.
6. Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control services.

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

1. Glenn Cullen, Borough Administrator
2. Amy Antonides, Municipal Clerk
3. Alice Temple, Environmental Specialist
4. South Plainfield Green Team
5. John Pabst, Planning and Zoning Officer



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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 14-253  
AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$1,925.18 FOR  
MATTHEW DOMBROWSKI OF 110 PUHA ROAD**

**WHEREAS**, the Tax Collector advises that the following taxpayer and/or their agent have overpaid their taxes and have requested a refund:

Block: 242 Lot: 8  
Matthew Dombrowski  
110 Puha Road  
South Plainfield, NJ 07080  
\$1,925.18

**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 <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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**REMOVED FROM AGENDA – TABLED TO OCTOBER MEETING - RESOLUTION #14-254**

**RESOLUTION 14-255  
AUTHORIZING VARIOUS REFUNDS TO SENIORS RANGING BETWEEN \$200.00 TO \$22.00 FOR  
CANCELLATION OF TRIPS**

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

Ed Cutin  
2402 Park Avenue  
South Plainfield, NJ 07080  
\$200.00 Wildwood Trip 9/21-25

Elpidio Merola  
480 Sampton Avenue  
South Plainfield, NJ 07080  
\$22.00 Taj Mahal trip 9/3/14

MaryAnn Iannitto  
1904 Terrace Avenue  
South Plainfield, NJ 07080  
\$100.00 deposit for Wildwood Trip 9/21-24

Sujan Puar

A0775957

248 Oakland Avenue  
 South Plainfield, NJ 07080  
 \$30.00 Senior Olympics registration refund 9/6/14

**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				
Councilman White		X	X				
Council President Barletta	X		X				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 14-256**

**AUTHORIZING THE REFUND OF A CONSTRUCTION PERMIT FEE IN THE AMOUNT OF \$60.00 TO ENVIRONMENTAL DESIGNERS IRRIGATION INC. PERTAINING TO 215 MANNING AVENUE FOR IRRIGATION WORK NOT PERFORMED**

**WHEREAS**, the Construction Official confirms that construction work was not done and thus the applicant has requested a refund of their \$60.00 permit fee for irrigation work;

**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 refund check(s) in the amount(s) of \$60.00 to the following:

Environmental Designers Irrigation Inc.  
 145 Church Road  
 Howell, NJ 07731-2403

(Permit # 140768)

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>							

**RESOLUTION 14-257**

**AUTHORIZING THE REFUND OF A CONSTRUCTION PERMIT FEE IN THE AMOUNT OF \$75.00 TO AAA ALL SERVICE INC. DUE TO PERMIT FEE CHARGED IN ERROR THAT WAS NOT REQUIRED FOR WORK PERFORMED AT 4301 SOUTH CLINTON AVENUE**

**WHEREAS**, the Construction Official confirms at the direction of T&M Associates that construction work done did not require the \$75.00 permit fee for a street opening at 4301 South Clinton Avenue and thus the applicant has requested a refund of their \$75.00 permit fee;

**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 refund check(s) in the amount(s) of \$75.00 to the following:

AAA All Service Inc.  
 1606 Route 27  
 Edison, NJ 08817

(Permit # 140986)

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 14-258  
AMENDING RESOLUTION 14-209 THAT ADOPTS A SUSTAINABLE LAND USE PLEDGE WHICH  
SUPPORTS SUSTAINABLE SMART GROWTH LAND-USE POLICIES IN THE BOROUGH OF SOUTH  
PLAINFIELD  
TO INCLUDE PLEDGES**

**WHEREAS**, land-use is an essential component of overall sustainability for a municipality; and

**WHEREAS**, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

**WHEREAS**, well planned land-use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

**WHEREAS**, given New Jersey’s strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead;

**NOW THEREFORE**, the Borough Council of the Borough of South Plainfield resolve to take the following steps with regard to our municipal land-use decisions with the intent of making the Borough of South Plainfield a truly sustainable community. It is our intent to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly:

- **Regional Cooperation** - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.
- **Transportation Choices** - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.
- **Natural Resource Protection** - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.
- **Mix of Land Uses** - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.
- **Housing Options** - We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.
- **Green Design** - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

- ***Municipal Facilities Siting*** - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

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

1. Glenn Cullen, Borough Administrator
2. Amy Antonides, Municipal Clerk
3. Alice Temple, Environmental Specialist
4. South Plainfield Green Team
5. John Pabst, Planning and Zoning Officer

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>							

**RESOLUTION 2014-259  
AUTHORIZING A BID AWARD TO P AND C CONTRACTING FOR A COAH HOUSING  
REHABILITATION PROJECT FOR THE HORBOTOWICZ PROPERTY LOCATED AT  
26 ALLISON STREET  
IN AN AMOUNT NOT TO EXCEED \$17,550.00**

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

Authorization is hereby given to award a contract to P and C Contracting for a COAH housing rehabilitation project for the Horbotowicz property located at 26 Allison Street in the Borough of South Plainfield in an amount not to exceed \$17,550.00.

**BE IT FURTHER RESOLVED**, that payment may be made to P and C Contracting upon the completion of said refurbishment project.

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>							

**RESOLUTION 2014-260  
RESOLUTION AUTHORIZING SETTLEMENT OF 2010, 2011, 2012 AND 2013 TAX APPEALS FILED  
BY GARDEN STATE LIFT TRUCK RENTALS, FOR THE PROPERTY KNOWN AS 100 NEW ERA  
DRIVE AND IDENTIFIED AS BLOCK 308, LOT 43, ON THE BOROUGH OF SOUTH PLAINFIELD  
TAX ASSESSMENT MAPS**

**WHEREAS**, Garden State Lift Truck Rentals (hereinafter referred to as “Taxpayer”) is the owner of the property known as 100 New Era Drive and identified as Block 308, Lot 43, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$1,141,800 for 2010, 2011, 2012 and 2013; and

**WHEREAS**, Taxpayer filed appeals of the 2010, 2011, 2012 and 2013 tax assessments in the Tax Court of the State of New Jersey under docket numbers 008174-2010, 009291-2011, 005251-2012 and 008214-2013; and  
A0775957

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

**WHEREAS**, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2010, 2011, 2012 and 2013 tax year under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for Tax Years 2010, 2011, 2012 and 2013; and

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

- The 2010 tax appeal shall be withdrawn by Taxpayer;
- The 2011 tax appeal shall be withdrawn by Taxpayer;
- The 2012 original assessment in the amount of \$1,141,800 shall be reduced to \$802,800 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2012;
- The 2013 original assessment in the amount of \$1,141,800 shall be reduced to \$859,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2013;
- Taxpayer has agreed to waive statutory interest provided that the tax refund is paid within 60 days of the date of entry of the Tax Court Judgments. The tax refund shall be made payable to “Garden State Lift Truck Rentals” and forwarded to counsel for Taxpayer within 60 days of the date of entry of the Judgments;
- The 2014 total assessment of the property has been set by the Assessor in the total amount of \$841,800 and the Taxpayer has agreed that it will not pursue an appeal for Tax Year 2014. The 2015 total tax assessment of the Property shall be calculated based upon the following: \$2,228,200 multiplied by the applicable average ratio of assessed to true value for South Plainfield Borough for the 2015 Tax Year;
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall not apply to this case.

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

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

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

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

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment 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 \$802,800 total tax assessment reduction for the 2012 tax year for Block 308, Lot 43 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$859,900 total tax assessment reduction for the 2013 tax year for Block 308, Lot 43 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by Garden State Lift Truck Rentals under Docket Nos.: 008174-2010, 009291-2011, 005251-2012 and 008214-2013 for the property known as 100 New Era Drive and identified as Block 308, Lot 43 on the Borough of South Plainfield Tax Assessment Maps which withdraws the tax appeals for Tax Years 2010 and 2011; which reduces the 2012 total tax assessment on the Property from \$1,141,800 to \$802,800; which reduces the 2013 total tax assessment on the Property from \$1,141,800 to \$859,900; which provides that the Taxpayer has agreed to waive statutory interest provided the tax refund is paid within 60 days from the date of entry of the Judgment; which further provides that any tax refund resulting from the settlement shall be made payable to "Garden State Lift Truck Rentals" and forwarded to counsel for Taxpayer within 60 days from the date of entry of the Judgment; which provides that the 2014 total assessment of the property has been set by the Assessor in the total amount of \$841,800 and the Taxpayer has agreed that it will not pursue an appeal for Tax Year 2014; which provides that the 2015 total assessment of the Property shall be calculated based upon the following: \$2,228,200 multiplied by the applicable average ratio of assessed to true value for South Plainfield Borough for the 2015 Tax Year conditioned upon there being no "change in value" prior to the close of the 2015 tax assessment books and that no sale of the property is contemplated or will be effectuated for an amount in excess of \$2,228,200 prior to the close of the 2015 tax assessment books; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply to this case; and which further provides that the Taxpayer, its successors and assigns, and the Borough agree that either party shall have the right to file an Appeal for the 2015 Tax Year for the purpose of implementing, enforcing and/or confirming the agreed upon assessment of the property.
4. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			x				
Councilman Diana				x			
Councilman Richkus						x	
Councilman Rusnak		x	x				
Councilman White	x		x				
Council President Barletta			x				
		<b>VOTE:</b>	<b>4</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 14-261  
AUTHORIZING THE WAIVER OF ZONING AND SITE PLAN PERMIT AND APPLICATION FEES  
FOR THE TRIVIUM ACADEMY FOR THE INSTALLATION OF A PLAY SET ON THEIR  
PLAYGROUND**

**BE IT RESOLVED**, that the Trivium Academy is desirous of installing a play set for the children of the academy and as such has requested a waiver of the zoning and site plan permit and application fees;

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield hereby authorizes the waiver of said permit and application fees for the aforementioned purpose;

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

1. Municipal Clerk
2. Planning & Zoning Boards
3. Trivium Academy

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 14-262**

**AUTHORIZING A CHANGE ORDER TO EXTEND THE LIMITS OF THE 2014 ROAD IMPROVEMENT PROJECT TO INCREASE THE ORIGINAL CONTRACT AMOUNT OF \$387,378.78 BY AN ADDITIONAL \$30,000.00 THUS ADJUSTING THE TOTAL CONTRACT AMOUNT TO BE \$417,378.78**

**WHEREAS**, the Governing Body of the Borough of South Plainfield has entered into an unit price contract with Top Line Construction Corp. for \$387,378.78, for a project entitled “Montrose Avenue Improvements”; and

**WHEREAS**, the Governing Body of the Borough of South Plainfield would like to extend the limits of the project to include improvements to Pitt Street from approximately Harvard Avenue to New Market Avenue; and

**WHEREAS**, the additional work will be performed at the attached unit prices and shall not exceed \$30,000.00 which is approximately 8% of the original contract amount; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available.

**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 \$387,378.78 an additional \$30,000.00 to an adjusted contract amount of \$417,378.78 to extend the limits of the project, including all work and materials necessary therefore and incidental thereto.

ITEM	ITEM DESCRIPTION	UNIT	PRICE
01	HMA Milling, 3" or less	SY	4.40
02	Hot Mix Asphalt 19M64 Base Course, 4" Thick	TON	55.00
03	Hot Mix Asphalt 12.5M64 Surface Course, 2" Thick	TON	95.00
04	Reconstruct Inlet, Type 'B' Using Existing Casting	UNIT	1000.00
05	Inlet Curb Piece, Type “N-ECO”	UNIT	345.00
06	Bicycle Safe Grate, Type 'B' Inlet	UNIT	265.00
07	Concrete Vertical Curb and Gutter	LF	45.00
08	Traffic Stripes, Long Life Epoxy Resin, 4"	LF	5.00
09	Traffic Markings, Thermoplastic, 24" Wide	SF	10.00

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				
		VOTE:	4	1			
Mayor Anesh – TIE ONLY							

**RESOLUTION 14-263**  
**AUTHORIZING THE HIRING OF FIVE PART-TIME LABORERS FOR THE DPW AT A SALARY**  
**PURSUANT TO ORDINANCE WITH NO BENEFITS, WITH AN**  
**EFFECTIVE DATE OF SEPTEMBER 9, 2014**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that the Borough Council hereby confirms the part-time hiring of:

- Sean Cullen
- Ryan Hughes
- Jeffrey Pellegrino
- Matthew Seider
- John Wylam

as part-time Laborers for the DPW at a salary pursuant to ordinance (with no benefits) with and effective date of September 9, 2014.

**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. 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				
Councilman White		x	X				
Council President Barletta	x		X				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 14-264**  
**AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$1,399.27 FOR TONY**  
**PERSAUD OF 1156 SOUTH 9<sup>TH</sup> STREET**

**WHEREAS**, the Tax Collector advises that the following taxpayer and/or their agent have overpaid their taxes and have requested a refund:

Block: 7 Lot: 29  
 Payable to:  
 Corelogic Real Estate Tax Svc  
 Attn: Refund Dept.  
 P.O. Box 961250  
 Fort Worth, TX 76161-9858  
 \$1,399.27

**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 <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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 14-265**  
**AUTHORIZING THE SOMERSET COUNTY CO-OP PURCHASE OF LEAF BAGS FROM**  
**DANO GROUP IN AN AMOUNT NOT TO EXCEED \$28,000.00**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby authorizes the Somerset County Co-Op purchase of leaf bags from Dano Group of 180 Harvard Avenue in Stanford, CT 06902 in an amount not to exceed \$28,000.00

**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. 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				
Councilman White		x	X				
Council President Barletta	X		X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 14-266**  
**AUTHORIZING THE INTERNAL PROMOTION OF RANDY VARGAS FROM A DPW LABORER TO A**  
**CLASS B MECHANIC AT AN HOURLY RATE OF \$28.47 EFFECTIVE SEPTEMBER 9, 2014**

**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 internal promotion of Randy Vargas from the position of DPW Laborer to a Class B Mechanic effective September 9, 2014 at a rate of \$28.47 per hour.

**BE IT FURTHER RESOLVED** that the salary for this position is an hourly rate as set by Ordinance.

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

1. Glenn Cullen, CFO
2. Robert Capparelli, Public Works Supervisor
3. Marie Dudek, Payroll
4. Anne Daley, Benefits
5. Amy Antonides, Municipal Clerk

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				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 14-267**  
**AUTHORIZING THE PURCHASE OF POLICE DVD BURNER & ROBOT EVIDENCE EQUIPMENT**  
**FROM L-3 COM MOBILE VISION IN AN AMOUNT NOT TO EXCEED \$3,200.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase of police DVD burner & robot evidence equipment from L-3 Com Mobile Vision of PO Box 5580, New York, NY in an amount not to exceed \$3,200.00.

**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. James Parker, Chief of Police

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>							

**CORRESPONDANCE**

- Code Enforcement Monthly Report – July & August , 2014
- Board of Adjustment Minutes for May 6<sup>th</sup>, May 20<sup>th</sup>, June 3<sup>rd</sup>, June 17<sup>th</sup>, and July 15, 2014
- Public Celebrations Minutes – July 22, 2014
- Planning Board Minutes – July 22, 2014
- Recycling Monthly Report – July, 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	x				
Council President Barletta			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	62,325.00
Current Fund	4-01	470,993.33
Pool Utility	4-26	2,407.69
Pool Utility	3-26	0.00
Sewer Utility	4-07	1,143,778.17
Sewer Utility	3-07	0.00
Sewer Utility Capital	C-08	0.00
General Capital	C-04	449,824.32
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	7,698.48
Dog Trust	T-12	0.00
Treasurers Trust	T-13	32,848.53
Recreation Trust	T-14	6,214.88
<b>TOTAL ALL FUNDS</b>		<b>\$2,176,090.40</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	x				
Councilman White			x				
Council President Barletta			x				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**COUNCIL REPORTS:**

Borough Attorney Rizzo, Esq. – was absent this evening.

Administrator Cullen – advised that work on Amboy and Carmine Avenues will begin later this week. The construction that you may see in front of this building should only be there for about a month and then they will move on to the library. To conclude Mr. Cullen advised that we were notified by Waste Management that recyclables cannot be placed in plastic bags. They must be loose in receptacles. They will not pick-up recyclables (bottles, cans, glass) that are in a bag.

Engineer Miller – briefly updated Council work will begin this week on Carmine and Amboy Avenues. Pitt Street will be next. The expansion of the Library has begun and to conclude, McDonalds is moving along.

Clerk Antonides – reminded everyone that there will be a poll worker training class on October 16<sup>th</sup> from 7pm to 9pm at the Senior Center.

Councilman Diana – explained that this evening resolutions #14-252 and 14-258 were amended in order to tighten up our certification process by our Environmental Commission. Councilman Diana thanked all volunteers and borough employees for helping to achieve another successful Labor Day Parade.

Councilman Rusnak – reported progress

Councilman Bengivenga – echoed what Councilman Diana said in thanking all the volunteers and borough employees who contributed to such a successful parade this year. Unfortunately before the commencement of the parade one of our citizens passed away in a tragic accident. Denis Scalara served on our Traffic Safety Committee . He does have a lot of relatives in this borough. He will be well missed. Former Police Officer Smith also just passed away and he too will be missed. It was a sad week.

Councilman Richkus – was absent this evening.

Councilman White – thanked Councilman Bengivenga for recognizing the passing of these two individuals. Advanced Auto Parts will be having their grand opening the end of October. They are located new the Dollar Tree. We are bringing businesses to town and will continue to do so.

Council President Barletta – recognized the many who worked so hard on such an eventful Labor Day Parade. It was a phenomenal event for the borough and the residents. A special thanks to the DPW and Bobby Capparelli for their long hours they put into this parade.

Mayor Anesh – commended the great fire work show on the evening of Labor Day. It was a long day, but a great one. Though we tried with the Winter Wonderland theme to make us feel cooler, the temperature outside however didn't feel that way. It was a hot day. Santa Clause was in the parade which we beats Macy's. Lincoln Tech held a grand opening on August 16<sup>th</sup>. They have a great program and held a Diesel Day event. It is great that trade schools are alive and active. At the next council meeting we hope to announce the winner of our Step It Up In South Plainfield contest.

**COMMENTS FROM THE PUBLIC:**

Mayor Anesh opened the floor for public comment.

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

**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 7:53 p.m., seconded by Councilman Bengivenga and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC - Municipal Clerk