

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
SEPTEMBER 22, 2014 7:06 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:06 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 Rusnak led the invocation.

Proclamation: Ovarian Cancer Month – September 2014
Mental Illness Awareness Week - October 5th
Protective Order of Elks Lodge 2298 – 50th Anniversary

Mayor Anesh read the aforementioned Proclamations in full and presented a copy of the Proclamation to those applicable members of the audience. Photographs were taken by the media and a round of applause was extended.

Public Comment For Agenda Items Only:

Mayor Anesh opened the floor for public comment.

Nancy Grennier pointed out that there is a typographical error in resolution #14-276 in that the location this year is at the Senior Center opposed to Borough Hall. Mrs. Grennier also inquired about the tax appeals on this evenings agenda. Mr. Cullen explained.

*Debbie Boyle of Van Fleet briefed the Council at this time of various dates of upcoming events in South Plainfield.

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

Approve Council Minutes: September 8, 2014 – Agenda
September 8, 2014 - Public

*(Footnote: *South Plainfield varies event dates and times can be found on the Municipal Website.)*

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

ORDINANCE – FIRST READING BY TITLE – was read by title by Clerk Antonides. The public hearing was set for October 6, 2014 at approx. 7:00 p.m.

**ORDINANCE NO. 2004
AN ORDINANCE ACCEPTING A RIGHT-OF-WAY THROUGH
PORTIONS OF BUSHWICK AVENUE**

WHEREAS, McDonald’s USA, LLC received approval from the Borough of South Plainfield Zoning Board of Adjustment for development of property commonly known as Block 524, Lot 4.01 on the Tax Map of the Borough of South Plainfield conditioned in part on a realignment of Bushwick Avenue and dedication of a right-of-way for new portions of Bushwick Avenue to the Borough of South Plainfield; and

WHEREAS, McDonald’s USA, LLC and the Borough have entered into an agreement with regard to such development which also provides for the dedication of the right-of-way for new portions of Bushwick Avenue;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Borough of South Plainfield does hereby accept the dedication to the Borough of a portion of Block 524, Lot 4.01, a new portion of Bushwick Avenue within the Borough of South Plainfield, more particularly described on Schedule A attached hereto.

This Ordinance shall be filed in the Office of the Middlesex County Clerk upon adoption.

This Ordinance shall become effective twenty (20) days after final passage, adoption and publication according to New Jersey law.

Introduction of Ordinance #2004: September 22, 2014

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

RESOLUTIONS

**RESOLUTION 14-269
AUTHORIZING VARIOUS REFUNDS TO SENIORS FOR A SENIOR TRIP CANCELLATIONS
IN AMOUNTS BETWEEN \$50.00 TO \$820.00**

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

Majorie Bailey
 1824 Pershing Place
 South Plainfield, NJ 07080
 \$60.00 for River Lady Trip 9/12/14

Joe and Marilyn Cappasso
 90 Vogel Street
 Piscataway, NJ 09954
 \$820 for Wildwood Trip 9/21-9/25

Betty Habley
 113 O'Keefe Lane
 South Plainfield, NJ 07080
 \$50 for River Lady Cruise 9/12/14

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

RESOLUTION 2014-270

AUTHORIZING THE REFUND OF A 2012 TAX APPEAL JUDGMENT IN THE AMOUNT OF \$14,211.24 PERTAINING TO 4315 NEW BRUNSWICK AVENUE, LLC IN SOUTH PLAINFIELD

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

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

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
4315 New Brunswick Ave LLC 4315 New Brunswick Avenue South Plainfield, NJ 07080	472	3	2012	\$14,211.24

Make check payable to:

Blau & Blau
 Attorney for
 4315 New Brunswick Ave LLC
 223 Mountain Avenue
 PO Box 50
 Springfield, NJ 07081

Total **\$14,211.24**

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

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

RESOLUTION 2014-271
AUTHORIZING THE REFUND OF A 2010 TAX APPEAL JUDGMENT IN THE AMOUNT OF
\$14,617.02 PERTAINING TO 4315 NEW BRUNSWICK AVENUE, LLC
IN SOUTH PLAINFIELD

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

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

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
4315 New Brunswick Ave LLC 4315 New Brunswick Avenue South Plainfield, NJ 07080	472	3	2010	\$14,617.02

Make check payable to:

Blau & Blau
Attorney for
4315 New Brunswick Ave LLC
223 Mountain Avenue
PO Box 50
Springfield, NJ 07081
Total

\$14,617.02

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

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

RESOLUTION 2014-272
AUTHORIZING THE REFUND OF A 2011 TAX APPEAL JUDGMENT IN THE AMOUNT OF
\$14,774.35 PERTAINING TO 4315 NEW BRUNSWICK AVENUE, LLC
IN SOUTH PLAINFIELD

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

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

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
4315 New Brunswick Ave LLC 4315 New Brunswick Avenue South Plainfield, NJ 07080	472	3	2011	\$14,774.35

Make check payable to:

Blau & Blau
Attorney for
4315 New Brunswick Ave LLC
223 Mountain Avenue
PO Box 50
Springfield, NJ 07081

Total **\$14,774.35**

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

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

RESOLUTION 2014-273

AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$141,999.84 PERTAINING TO THE HOME DEPOT USA OF 3100 HAMILTON BLVD. IN SOUTH PLAINFIELD

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

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

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
The Home Depot USA 3100 Hamilton Boulevard South Plainfield, NJ 07080	472	36	2012	\$65,576.22
			2011	\$76,423.62

Make check payable to:

Garippo, Lotz, & Giannuario
66 Park Street
Montclair, NJ 07042

Total **\$141,999.84 ***

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

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

RESOLUTION 2014-274
AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF
\$53,903.51 PERTAINING TO N GOYAL LLC OF
2509 PARK AVENUE IN SOUTH PLAINFIELD

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

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

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
N Goyal, LLC	84	1	2014	\$19,348.90
2509 Park Avenue			2013	\$18,838.34
South Plainfield, NJ 07080			2012	\$15,716.27

Make check payable to:

Sitar Law Offices, LLC
Attorney Trust Account
1481 Oak Tree Road
Iselin, NJ 08830

Total

\$53,903.51*

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

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

RESOLUTION 2014-275
AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF
\$28,668.07 PERTAINING TO GOLD MIST PROPERTIES LLC OF
660 MONTROSE AVENUE IN SOUTH PLAINFIELD

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

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

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the hiring of Dominic Demico as Construction Official / Building Sub-Code Official at an annual salary of \$107,403 with benefits pursuant to the salary ordinance of South Plainfield with and effective date of October 4, 2014 and a sixty day probationary period.

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

AS AMENDED TO SHOW EFFECTIVE DATE OF 10/4/14 INSTEAD OF 10/6/14:

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

RESOLUTION 14-278

AUTHORIZING THE SERVICES OF PRECISION AUTOMOTIVE & FLEET SERVICES OF GARWOOD, NJ FOR AN AMOUNT NOT TO EXCEED \$7,600.00 FOR REPAIRS TO AN EMS RIG.

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, New Jersey that they hereby authorize the services of Precision Automotive & Fleet Services of Garwood, NJ for an amount not to exceed \$7,600.00 for repairs to an EMS Rig

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

1. EMS
2. Glenn Cullen, Chief Financial Officer

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

RESOLUTION 2014-279

AUTHORIZING THE UPDATE OF AN APPRAISAL FOR PROPERTY KNOWN AS LOT 2.10, BLOCK 398 OWNED BY THE BOROUGH OF SOUTH PLAINFIELD.

WHEREAS, Lot 2.10 in Block 398 is owned by the Borough of South Plainfield and is not needed for public purposes; and

WHEREAS, said property was previously advertised for sale and was not sold; and

WHEREAS, an appraisal was performed on or about March 22, 2012 by Sterling DiSanto & Associates of said property for sale to the public to the highest bidder; and

WHEREAS, it remains in the best interests of the Borough of South Plainfield to advertise this property for public sale to the highest bidder;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Sterling DiSanto & Associates is authorized to conduct and provide an updated appraisal of Lot 2.10, Block 398 in the Borough of South Plainfield.

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

**RESOLUTION 2014-280
AUTHORIZING THE USE OF VENDORS FOR SNOW REMOVAL.**

WHEREAS, the Superintendent of Public Works of the Borough of South Plainfield has previously determined that during snowstorms, the current workforce at the Department of Public Works cannot adequately provide the required coverage for snow removal and, therefore, needs to supplement the staff with outside contractors; and

WHEREAS, the Borough of South Plainfield has utilized private vendors for snow removal since December 2011 and as such recommends the following vendors for the 2014-2015 snow season:

- Fimiani Construction, Edison, NJ
- NuScape Landscaping, So. Plainfield, NJ
- Disch Tree Service, So. Plainfield, NJ
- Conselina Trucking
- Stilo Excavating
- Edison Snow Services
- Blue Ridge Landscaping

WHEREAS, the foregoing vendors have previously responded to a request for bids and qualified for snow removal services;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council hereby authorized the services on a as needed basis for the aforementioned vendors who will provide snow removal services for the Borough of South Plainfield for the 2014/2015 Winter season at the rate of \$135.00 per hour for vehicles with a gross weight of 8,000 to 21,000 pounds, and a rate of \$165.00 per hour for vehicles with a gross weight in excess of 21,000 pounds, conditioned upon each such vendor providing proof of liability insurance in an amount of not less than \$1,000,000.00 per occurrence.

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

RESOLUTION NO. 2014 – 281

AUTHORIZING CHANGE ORDER #1 IN “EXCESS OF 20%” TO ALL PRO CONTRACTING TO INCREASE THE ORIGINAL CONTRACT FOR A COAH RELATED PROJECT (TASSELLO OF 213 SUSAN TERRACE) IN THE AMOUNT OF \$17,299.00 BY AN ADDITIONAL \$3,635.00 TO A TOTAL OF \$20,934.00 TO EXTEND THE SCOPE OF THE PROJECT AS DEEMED A NECESSITY

WHEREAS, the Governing Body of the Borough of South Plainfield has entered into a contract with All Pro Contracting pursuant to Resolution #2014-74 on February 18, 2014 for \$17,299.00 for a rehabilitation COAH project for Tassello located at 213 Susan Terrace in South Plainfield; and

WHEREAS, it has now been determined that the contract must be further amended to provide for an adjustment to reflect an additional \$3,635.00 of work deemed a necessity to in order to complete the project for a new total of \$20,934.00;

WHEREAS, this proposed Change Order #1 will result in the net sum of for the project to be in excess of the 20% limit for change orders which is allowed under the Local Public Contracts Law N.J.S.A. 40A:11-1; and

WHEREAS the regulations (N.J.A.C. 5:30-11.9) of the State of New Jersey Department of Community Affairs permits change orders in excess of 20% as long as the following is present:

1) a written certification by the contractor containing the following:

- i) an explanation of the factual circumstances which necessitate issuance of the change order;
- ii) a statement indicating why these circumstances could not have been foreseen;
- iii) a statement indicating why issuance of the change order would be in the best interests of the Municipality and would not constitute an abuse of these rules;
- iv) if the nature of the change order is technical, the certification shall include a certified statement from contractor's appropriate expert, explaining in detail the factual circumstances which necessitate the issuance of the change order;

2) a request from the chief executive officer, in this case the appointed Borough Affordable Housing Administrator, or his designee, to the governing body requesting the change order and explaining why this change order may be allowed pursuant to this provision; and

WHEREAS, the Borough of South Plainfield is in receipt of a certification from the Affordable Housing Administrator dated September 11, 2014, of which copy is attached hereto; and

WHEREAS, due to problems encountered during construction to an old home, additional materials are necessary to accommodate the replacement and relining of a chimney, replacement of limestone treads on a staircase, and the rerouting of wires into a proper conduit. This addition is a necessity to make the overall home habitable and functional for the homeowner(s); and

WHEREAS, in order for the Borough of South Plainfield to fulfill its COAH obligation in this construction rehabilitation project, it is deemed a necessity to authorize a change order in excess of 20% (known as Change Order #1) in order to complete said project thus making the home owners home both habitable and functional. It would be detrimental to the homeowner if the ability to fully repair the aforementioned items was not fulfilled; and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available through COAH grant funding and a certificate of availability of funds is attached hereto;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that it hereby approves of an amendment to the contract awarded to All Oro Contracting for the project known as "COAH Rehabilitation of the Tassello parcel located at of 213 Susan Terrace in South Plainfield" to include the additional amounts and services specified herein; and

BE IT FURTHER RESOLVED that the Mayor, Administrator and Municipal Clerk are hereby authorized to execute all necessary documentation on behalf of the Borough of South Plainfield; and

BE IT FURTHER RESOLVED the Municipal Clerk is hereby authorized to publish this resolution in the South Plainfield Observer of which indicate the additional amounts to be expended, the original contract price, the nature of the original and additional work authorized by the resolution and why it is necessary to expend the additional funds; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be distributed to the Director of the Division of Local Government Services, the Municipal Auditor, and the Chief Financial Officer.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Diana			X				
Councilman Richkus			X				
Councilman Rusnak			X				
Councilman White		X	X				
Council President Barletta	X		X				

	VOTE:	6	0	
Mayor Anesh – TIE ONLY				

**RESOLUTION 2014-282
AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$1,012.54
PERTAINING TO PATRICK & TATANISHA LAGUERRE OF 204 DESEPIO AVENUE IN SOUTH
PLAINFIELD**

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

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

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Patrick & Tatanisha Laguerre 204 De Sepio Avenue South Plainfield, NJ 07080	243	1	2014	\$1012.54
Total				\$1012.54 *

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

**RESOLUTION 2014-284
RESOLUTION AUTHORIZING SETTLEMENT OF THE 2011 TAX APPEAL FILED BY 2112 PARK
AVENUE PROPERTY, LLC. FOR THE PROPERTY KNOWN AS
2204-06 PARK AVENUE AND IDENTIFIED AS BLOCK 102, LOT 2, ON THE BOROUGH OF SOUTH
PLAINFIELD TAX ASSESSMENT MAPS**

WHEREAS, 2112 Park Avenue Property, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 2204-06 Park Avenue and identified as Block 102, Lot 2, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$160,000 for 2011; and

WHEREAS, Taxpayer filed an appeal of the 2011 tax assessment in the Tax Court of the State of New Jersey under docket number 011205-2011; and

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

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

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

- The 2011 original assessment in the amount of \$160,000 shall be reduced to \$132,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2011;

- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to this case;
- 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 Judgment. The tax refund shall be made payable to “2112 Park Avenue Property, LLC and William S. Winters, Esq., as attorney for Plaintiff” and forwarded to counsel for Taxpayer within 60 days of the date of Judgment.

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

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

WHEREAS, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax 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 appeal as set forth herein and in the Stipulation of Settlement attached hereto; and

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

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

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

1. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$132,000 total tax assessment for the 2011 tax year for Block 102, Lot 2 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeal filed by 2112 Park Avenue Property, LLC under Docket No.: 011205-2011 for the property known as 2204-06 Park Avenue and identified as Block 102, Lot 2 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2011 total tax assessment on the Property from \$160,000 to \$132,000; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to this case; which provides that the Taxpayer has agreed to waive statutory interest provided that the tax refund is paid within 60 days from the date of Judgment; and which further provides that any tax refunds resulting from the settlement shall be made payable to “2112 Park Avenue Property, LLC and William S. Winters, Esq., attorney for Plaintiff” and forwarded to counsel for Taxpayer within 60 days of the date of Judgment.
3. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

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

CORRESPONDANCE

- Health Advisory Board Minutes – September 9, 2014
- Environmental Commission Minutes – June 11, 2014 & July 9, 2014
- Business Advisory Minutes – March 5th, April 2nd, and June 4, 2014
- Poem Regarding Angelo Paradiso – written by a resident

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

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

Current Fund	3-01	3,459.80
Current Fund	4-01	220,716.95
Pool Utility	4-26	577.60
Pool Utility	3-26	0.00
Sewer Utility	4-07	835.55
Sewer Utility	3-07	0.00
Sewer Utility Capital	C-08	437.60
General Capital	C-04	24,362.95
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	610.00
Dog Trust	T-12	0.00
Treasurers Trust	T-13	11,613.40
Recreation Trust	T-14	8,140.59
TOTAL ALL FUNDS		\$270,754.44

Plus the insertion of one invoice for \$1,147.00 from Penguin Management Inc. The vote was recorded as amended:

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

COUNCIL REPORTS:

Borough Attorney Rizzo, Esq. – reported progress.

Administrator Cullen – reported progress.

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 is well underway.

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

Councilman Diana – gave an update on the status of the Green Team’s submission of Sustainable New Jersey certification of which will allow the Borough to have access to a lot of grant opportunities for a lot of projects that could really benefit this Borough. We were able to finalize our submission and are awaiting approval. Councilman Diana thanked the Mayor and Councilman Barletta, Cappi, Debbie Boyle, the Green Team and the Environmental Commission for helping us with this goal.

Councilman Rusnak – Acknowledged a poem written by a resident pertaining to Angelo Paradiso dedication, demeanor and knowledge at the Senior Center. It was very nice of a resident to take the time out to recognize one of our employees.

Councilman Bengivenga – congratulated and welcomed Mr. Dominic Demico on his appointment this evening to Construction Official and Building Sub-Code Official. As some may know, John Pabst is retiring the end of this year and Dominic will be his replacement.

Councilman Richkus – reported progress.

Councilman White – thanked the ladies from the Suburban Woman’s Club who are here this evening in support of the Mayor’s Proclamation pertaining to Mental Health Awareness Week as his mother suffers from mental illness. As reflected in the proclamation, it is difficult for people who suffer from mental illness to seek help. Councilman White said that fortunately his mother was able to recognize and seek help. Councilman White advised that if there is anyone out there who suffers with mental illness, it is no fault of your own, and encouraged them to seek some help.

Council President Barletta – also congratulated Dominic Demico on his appointment this evening saying that Mr. Demico is very anxious to get started with us. It is nice to have appointed someone who has generations of history with South Plainfield. We welcome Dominic and wish him much success. Also, the two new glass doors in the back of the court room were installed by our own DPW opposed to spending some \$3,000.00 to have the work done. The council expressed their appreciation to the DPW and everyone in the room extended a round of applause.

Mayor Anesh – Reminded everyone of the upcoming Health Fair. At the next meeting we will be announcing the winner of the Step It Up In South Plainfield Contest who did over \$6 million steps. Mayor Anesh concluded by encouraging everyone to attend the Health Fair. We will be trying to obtain about a hundred more pedometers to give out.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Mr. Martin Alpert from Plainfield Humane Society inquired if his \$200.00 fee could be waived for an extension of time at his upcoming October event. Mayor Anesh said that we will take that request into consideration.

Nancy Grennier from the Observer reminded everyone of the upcoming turn in your old and/or unused prescription drugs event as well as the upcoming paper shredding event to be held at the PAL building. Ms. Grennier then inquired about the status of the electronic sign. Mr. Cullen advised as did Councilman White saying that more information is necessary before we can proceed. However, we did receive one quotation. As for the other quotation we were hoping to obtain it appears that the vendor will not be submitting it after all.

Darlene Cullen of 1457 Fox Place said that the Library recently held a logo contest and the Library Board is seeking to award the three winners at their next Library meeting; the second Tuesday in October.

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

At 7:40 p.m. Mayor Anesh called for a recess from the public portion of the meeting to go into Executive Session advising that everyone is welcome to stay if they choose.

ADJOURNMENT

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilman Bengivenga made a motion to adjourn at 8:06 p.m., seconded by Councilman Barletta and unanimously carried. The meeting was adjourned.

Submitted By: