

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
DECEMBER 15, 2014 7:04 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:04 p.m. Mayor Anesh read the sunshine statement and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met with adequate notice of this meeting having been provided to the Borough's two official newspapers and also published on the Borough's website.

The roll call was administered by Clerk Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman Bengivenga	X		
Councilman Diana	X		
Councilman Richkus	X		
Councilman Rusnak	X		
Councilman White	X		
Council President Barletta	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller	X		

Flag Salute: was led by Mayor Anesh and Reverend Charles Mingle led the invocation.

Proclamation – South Plainfield High School Girl's Gymnastic Team
Drive Sober or Get Pulled Over

Mayor Anesh read the aforementioned proclamations in full. Mayor Anesh called the Coach and members up from the South Plainfield High School Girl's Gymnastic Team forward and presented each one with their own proclamation. Words of appreciation were expressed. Everyone extended a round of applause and photographs were taken by the media present.

Approve Council Minutes: December 1, 2014 – Agenda
December 1, 2014 - Public

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

PUBLIC COMMENT: Mayor Anesh opened the floor for public comment on agenda items only. With no comments from the public, Mayor Anesh closed the floor.

ORDINANCE – SECOND READING BY TITLE – was read by Clerk Antonides for the following three Ordinances; 2007, 2008 and 2009. Mayor Anesh opened the floor for public comment for all three Ordinances, however, no one from the public commented on any of these three ordinances

ORDINANCE NO. 2007
AN ORDINANCE PROVIDING FOR THE COMPENSATION
OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD
AND THE METHOD OF PAYMENT OF SUCH COMPENSATION
FOR THE PERIOD OF JAN. 1, 2015 THROUGH DEC. 31, 2018.

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT:

SECTION 1.

The rates of compensation for each employee of the Borough of South Plainfield shall be on an annual basis as follows except where indicated. Such rates of pay shall be effective January 1st of the years shown

		January 1, 2015	January 1, 2016	January 1, 2017	January 1, 2018
Class ↓	Rate →	1.9%	1.9%	1.9%	1.9%
Class A		\$106,055	\$108,070	\$110,123	\$112,216
Class B		\$103,333	\$105,296	\$107,297	\$109,336
Class C		\$94,562	\$96,359	\$98,190	\$100,055
Class D		\$85,784	\$87,414	\$89,075	\$90,768
Class E		\$75,387	\$76,819	\$78,279	\$79,766
Class F		\$68,176	\$69,471	\$70,791	\$72,136
Class G		\$64,584	\$65,811	\$67,062	\$68,336
Class H		\$53,802	\$54,824	\$55,866	\$56,928
Academy		\$41,942	\$42,739	\$43,551	\$44,379

SECTION 2. INCONSISTENCY – All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency.

SECTION 3. EFFECTIVE DATE: This Ordinance shall become effective and operative ten days after publication thereof after final passage.

Mayor Anesh opened the floor for public comment. There were no comments from the public. Mayor Anesh asked the Council if they have any comments. Councilman Diana advised that he has to recuse himself due to a conflict with a family member being in the Police Department.

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

BOND ORDINANCE 2008

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS VEHICLES IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$409,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$385,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$409,000, including the sum of \$24,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$385,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of various vehicles, consisting of public safety utility vehicles and mason and tandem dump trucks, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$385,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$15,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided

Mayor Anesh opened the floor for public comment. There were no comments from the public. Mayor Anesh asked the Council if they have any comments. Councilman Bengivenga advised that the purpose of this bond ordinance will be for the purchase of police SUV's and two DPW vehicles.

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							

ORDINANCE NO. 2009
AN ORDINANCE AMENDING ORDINANCE 1950 ENTITLED
CHAPTER 84
“POLICE DEPARTMENT” OF THE CODE OF THE
OF THE BOROUGH OF SOUTH PLAINFIELD”.

WHEREAS, the Chief of the Police Department of the Borough of South Plainfield has requested that the Code of the Borough be amended to reflect the rate for of \$65.00 per hour for all non-traffic related details, and \$75.00 per hour for all traffic related details while performing private or quasi-public functions when off duty in accordance with the current PBA contract now in effect;

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 Code of the Borough, Chapter 84 entitled “Police Department” shall be and is hereby amended to delete Section 84-16. Rate of Payment for Service. To be replaced as follows:

The party requesting the service of a member of the Police Department as stated in Section 84-14 hereof shall be charged to pay for each service per hour at the rate for of \$65.00 per hour for all “non-traffic” related details and \$75.00 per hour for all “traffic” related details while performing private or quasi-public functions when off duty in accordance with the current PBA contract now in effect, plus five (\$5.00) dollars administrative fee for all entities, except non-profit groups (including, but not limited to churches) in which the administrative fee will remain at \$2.00. An additional fee of \$15.00 will be added to the hourly rate charged when a patrol vehicle is required. All sums shall be paid to the Treasurer of the Borough of South Plainfield, and shall become part of its general funds.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Mayor Anesh opened the floor for public comment. There were no comments from the public. Mayor Anesh asked the Council if they have any comments. Councilman Diana advised that he has to recuse himself due to a conflict with a family member being in the Police Department.

COUNCIL		AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x	x				
Councilman Diana						x
Councilman Richkus	x	x				
Councilman Rusnak		x				
Councilman White		x				
Council President Barletta		x				
VOTE:		5	0			
Mayor Anesh – TIE ONLY						

ORDINANCE – FIRST READING BY TITLE – Clerk Antonides read the below Ordinance 2010 by title. Mayor Anesh set the public hearing for January 5, 2015 at approx. 7:00 p.m.

ORDINANCE NO. 2010
AN ORDINANCE AMENDING ARTICLE V OF THE BOROUGH CODE OF THE
BOROUGH OF SOUTH PLAINFIELD ENTITLED “WELLNESS CAMPAIGN”

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Article V, Chapter 17, titled “Wellness Campaign” shall be amended as follows:

1. Section 17-30(a) – Substitute “eight (8)” for “ four (4)”, so that said Section shall read as follows:

“The Wellness Campaign Committee shall consist of eight (8) members. Each member shall be appointed by the Mayor with the advice and consent of the Borough Council.”

2. Section 17-30(b)(5) – Substitute “four (4)” for “two (2)”, so that said Section shall read as follows:

“Four (4) at-large members assigned to develop, plan, organize and execute programs to the benefit of the community at large.”

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Introduction of Ordinance #2010: December 15, 2014

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

PRESENTATION – Appointment of 3 Police Officers (*Resolution #14-329A below*) Mayor Anesh called forward Thomas Simpson, Shawn Ferguson and Lauren Perry to be sworn in as a Police Officer. Everyone extended a round of applause and photographs were taken by media and family and friends present. The Mayor and Council exchanged some well wishes and congratulations to each new office.

**RESOLUTION 14-329A
AUTHORIZING THE APPOINTMENTS OF THOMAS SIMPSON, SHAWN
FERGUSON, AND LAUREN PERRY AS POLICE OFFICERS WITH AN EFFECTIVE
DATE OF JANUARY 5, 2015**

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 the following individuals as full-time Police Officers with an effective date of January 5, 2015 at a salary pursuant to ordinance and/or PBA Contract:

- Thomas Simpson
- Shawn Ferguson
- Lauren Perry

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

1. Glenn Cullen, CFO
2. James Parker, Chief of Police
3. Officer Thomas Simpson
4. Officer Shawn Ferguson
5. Officer Lauren Perry
6. Marie Dudek, Payroll
7. Anne Daley, Benefits
8. Amy Antonides, Municipal Clerk

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

RESOLUTIONS

**RESOLUTION 2014-329
AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$22,041.53
PERTAINING TO 105 SYLVANIA PLACE, 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>
105 Sylvania Place, LLC 105-109 Sylvania Place South Plainfield, NJ 07080	308	28	2012	\$22,041.53	

Make check payable to:
 Brach Eichler, L.L.C.
 and 105 Sylvania Place, LLC
 101 Eisenhower Parkway
 Roseland, NJ 07068
Total

\$22,041.53

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

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

RESOLUTION: 2014-330

AUTHORIZING A REFUND OF SEWER OVERPAYMENT IN THE AMOUNT OF \$700.00 FOR H. & L. CARLTON OF 135 WEST GOLF AVENUE

WHEREAS, the Tax Collector advises that the following taxpayer and/or their agent have overpaid their sewer and have requested a refund:
 Block: 97 Lot: 13
 Payable to:
 H. & L. Carlton
 135 West Golf Avenue
 South Plainfield, NJ 07080
 \$700.00

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 14-331

AUTHORIZING THE CONTRACT RENEWAL OF “NIXLE” TO PROVIDE A NOTIFICATION PLATFORM THAT STREAMLINES EMERGENCY NOTIFICATION SERVICES IN AN AMOUNT NOT TO EXCEED \$1,695.00

WHEREAS, Nixle is an online public safety broadcast system that leverages the power of the Internet to deliver timely and critical public safety information via email or text message. Subscribers can choose the information they want to receive, for the locations they want; and

WHEREAS, when an incident occurs, police can log onto a secure Web site to enter a message and will have the capability to send it to either the entire community or a specific area within the community. Any type of notice can be sent to thousands of people within minutes, notifying them of a problem occurring in their area. These notices can range from missing or wanted individuals, to traffic delays, to natural disasters;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the renewal of a contract with Nixle to provide a notification platform that streamlines emergency notification services in an amount not to exceed \$1,695.00

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

**RESOLUTION 14-332
AUTHORIZING A REFUND TO KRISTINA NIERADKA OF 119 CONKLIN STREET FOR AN
ELECTRICAL PERMIT FEE IN THE AMOUNT OF \$58.00
FOR WORK THAT WAS NOT DONE**

WHEREAS, the Construction Official confirms that construction work did not take place at 119 Conklin Street in South Plainfield as originally planned and thus the applicant has requested a refund of their \$58.00 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 \$58.00 to the following:

Kristina Nieradka
119 Conklin Street
South Plainfield, NJ 07080

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

RESOLUTION 14-333
AUTHORIZING THE PROMOTION OF MARY FRANCES HILDEBRANDT AS ZONING OFFICIAL
EFFECTIVE 1/1/2015 WITH A SALARY IN ACCORDANCE WITH THE LOCAL SALARY
ORDINANCE

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 promotional appointment of Mary Frances Hildebrandt to the position of Zoning Official effective January 1, 2015 at a salary pursuant to the local salary ordinance.

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. Mary Frances Hildebrandt, Zoning Official

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

RESOLUTION 14-334
AUTHORIZING A LABOR AGREEMENT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND
PBA #100 FOR THE PERIOD OF 2015-2018

BE IT RESOLVED that authorization is hereby given by the Borough Council of the Borough of South Plainfield for the Mayor and Municipal Clerk to execute a labor agreement between the Borough of South Plainfield and PBA #100 contingent upon final ratification of said labor agreement, as drafted by the Borough’s legal counsel, with the PBA #100 for the period of 2015 - 2018

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

RESOLUTION 2014-335
RESOLUTION AUTHORIZING SETTLEMENT OF 2010, 2011, 2012, 2013 and
2014 TAX APPEALS FILED BY HARRIS REALTY COMPANY,
FOR THE PROPERTY KNOWN AS 1640 NEW MARKET AVENUE AND
IDENTIFIED AS BLOCK 285, LOT 1, ON THE BOROUGH OF
SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, Harris Realty Company (hereinafter referred to as “Taxpayer”) is the owner of the property known as 1640 New Market Avenue and identified as Block 285, Lot 1, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$4,074,600 for 2010, 2011, 2012, 2013 and 2014; and

WHEREAS, Taxpayer filed appeals of the 2010, 2011, 2012, 2013 and 2014 tax assessments in the Tax Court of the State of New Jersey under docket numbers 010400-2010, 002193-2011, 002339-2012, 002427-2013 and 005891-2014; 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 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 all years under appeal; and

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

- The 2010, 2011, 2012 and 2013 assessments shall be affirmed and remain unchanged;
- The 2014 original assessment in the amount of \$4,074,600 shall be reduced to \$2,800,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2014;
- Taxpayer has agreed to waive statutory interest provided the subject refunds are paid within sixty (60) days from the date of the entry of the Tax Court Judgments;
- Refunds regarding over payments shall be made payable to “Harris Realty Company and Spiotti & Esposito, P.C., as Attorneys” and forwarded to James L. Esposito, Esq. c/o Spiotti & Esposito, P.C., 165 Passaic Avenue, Suite 103-A, Fairfield, NJ 07004 within 60 days from the date of the entry of the Tax Court Judgments; and
- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable 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 reductions 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 \$2,800,000 total tax assessment for the 2014 tax year for Block 285, Lot 1 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 appeals filed by Harris Realty Company under Docket Nos.: 010400-2010, 002193-2011, 002339-2012, 002427-2013 and 005891-2014, for the property known as 1640 New Market Avenue and identified as Block 285, Lot 1, on the Borough of South Plainfield Tax Assessment Maps which results in an affirmance of the tax assessments for Tax Years 2010, 2011, 2012 and 2013; which reduces the 2014 total tax assessment on the Property from \$4,074,600 to \$2,800,000; which further provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is paid within sixty (60) days from the issuance of the Tax Court Judgments; which further provides that any refunds shall be made payable to "Harris Realty Company and Spiotti & Esposito, P.C., as Attorneys" and forwarded to James L. Esposito, Esq. c/o Spiotti & Esposito, P.C., 165 Passaic Avenue, Suite 103-A, Fairfield, NJ 07004 within 60 days from the date of the entry of the Tax Court Judgments; and which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case.
3. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

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

**RESOLUTION 2014-336
RESOLUTION AUTHORIZING SETTLEMENT OF 2010, 2011, 2012, 2013 and
2014 TAX APPEALS FILED BY HARRIS REALTY COMPANY,
FOR THE PROPERTY KNOWN AS 1641 NEW MARKET AVENUE AND
IDENTIFIED AS BLOCK 286, LOT 1, ON THE BOROUGH OF
SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

WHEREAS, Harris Realty Company (hereinafter referred to as "Taxpayer") is the owner of the property known as 1641 New Market Avenue and identified as Block 286, Lot 1, on the Borough of South Plainfield's Tax Assessment Maps ("Property"); and

WHEREAS, the assessed value of the Property was set at \$6,544,300 for 2010, 2011, 2012, 2013 and 2014; and

WHEREAS, Taxpayer filed appeals of the 2010, 2011, 2012, 2013 and 2014 tax assessments in the Tax Court of the State of New Jersey under docket numbers 010402-2010, 002195-2011, 002334-2012, 002450-2013 and 005892-2014; 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 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 all years under appeal; and

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

- The 2010, 2011, 2012 and 2013 assessments shall be affirmed and remain unchanged;
- The 2014 original assessment in the amount of \$6,544,300 shall be reduced to \$5,200,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2014;
- Taxpayer has agreed to waive statutory interest provided the subject refunds are paid within sixty (60) days from the date of the entry of the Tax Court Judgments;
- Refunds regarding over payments shall be made payable to “Harris Realty Company and Spiotti & Esposito, P.C., as Attorneys” and forwarded to James L. Esposito, Esq. c/o Spiotti & Esposito, P.C., 165 Passaic Avenue, Suite 103-A, Fairfield, NJ 07004 within 60 days from the date of the entry of the Tax Court Judgments; and
- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable 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 reductions 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 \$5,200,000 total tax assessment for the 2014 tax year for Block 286, Lot 1 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 appeals filed by Harris Realty Company under Docket Nos.: 010402-2010, 002195-2011, 002334-2012, 002450-2013 and 005892-2014, for the property known as 1641 New Market Avenue and identified as Block 286, Lot 1, on the Borough of South Plainfield Tax Assessment Maps which results in an affirmance of the tax assessments for Tax Years 2010, 2011, 2012 and 2013; which reduces the 2014 total tax assessment on the Property from \$6,544,300 to \$5,200,000; which further provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is paid within sixty (60) days from the issuance of the Tax Court Judgments; which further provides that any refunds shall be made payable to "Harris Realty Company and Spiotti & Esposito, P.C., as Attorneys" and forwarded to James L. Esposito, Esq. c/o Spiotti & Esposito, P.C., 165 Passaic Avenue, Suite 103-A, Fairfield, NJ 07004 within 60 days from the date of the entry of the Tax Court Judgments; and which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not be applicable to this case.
3. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

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

RESOLUTION No. 14-337
AUTHORIZING THE TEMPORARY BUDGET FOR 2015 – TOTAL GENERAL APPROPRIATIONS IN
THE AMOUNT OF \$6,367,285.40;
TOTAL SEWER UTILITY IN THE AMOUNT OF 1,525,000.00
AND TOTAL POOL UTILITY IN THE AMOUNT OF \$6,000.00

WHEREAS, N.J.S.A. 40a:4-19 Local Budget Act provides that where any contracts, commitments or payments are to be made prior to the final adoption of the budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is prior to the adoption of the CY2015 Budget, and

WHEREAS, the temporary budget set forth below does not exceed twenty six and one quarter percent of the total appropriations in the previous year's budget (exclusive of any appropriations made for Debt Service, Capital Improvements Fund and Public Assistance).

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the temporary appropriations pursuant to the attached itemization from the Chief Financial Officer of Total General Appropriations is in the amount of \$6,367,285.40; Total Sewer Utility in the amount of \$1,525,000.00 and Total Pool Utility in the amount of \$6,000.00 are hereby authorized and that a certified copy of this resolution be transmitted to the Chief Financial Officer. A copy of the Budget document is attached.

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

RESOLUTION 14-338

AUTHORIZING THE PROMOTION OF LEON MIELNIKIEWICZ TO DPW SUPERVISOR, KENNETH CALDERONI TO DPW HEAVY EQUIPMENT OPERATOR AND PAUL ZAWACKI TO DPW TRUCK DRIVER AT RATES PURSUANT TO THE SALARY ORDINANCE AND LOCAL 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 internal promotions of the following three individuals effective 12/28/2014:

- Leon Mielnikiewicz to DPW Supervisor at the rate of \$47.45/hr.
- Kenneth Calderoni to DPW Heavy Equipment Operator at the rate of \$39.45/hr.
- Paul Zawacki to DPW Truck Driver at the rate of \$23.64/hr.

BE IT FURTHER RESOLVED that the salary for these positions is pursuant to the local salary ordinance and contract.

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

RESOLUTION No. 2014-339

AUTHORIZING TOWING SERVICES TO BE THE OFFICIAL POLICE TOWING OPERATORS FOR THE 2015 CALENDAR YEAR PURSUANT TO CHAPTER 434-11 OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD

WHEREAS, pursuant to Chapter 434-11 of the Code of the Borough of South Plainfield, the Police Department has sought and inspected all of the following official police towers for the 2015 calendar year:

Light Duty:

- Butrico’s Auto Body
- J&L Auto Body
- Matthew’s Service Center
- R&C Auto Body
- Sullivan’s Auto Body

Light and Heavy Duty

- Gemini Towing
- Majestic Towing

Heavy Duty Only:

- B&L Recovery and Towing
- George Logan Towing

WHEREAS, after proper review and inspection of the facilities by the South Plainfield Police Department it was deemed that the aforementioned facilities met the requirements of the Code.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the official towing operators for the South Plainfield Police Department be and hereby are the aforementioned towers for the year 2015.

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

**RESOLUTION 14-340
AUTHORIZING THE REFUND OF \$100.00 TO APARNA SHAH FOR THE RETURN OF A SECURITY DEPOSIT FOR THE RENTAL OF THE SENIOR CENTER ON 12/6/14.**

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

Aparna Shah
206 Woolworth Ave.
South Plainfield, NJ 07080
\$100.00 for security deposit from 12/6/ River Lady Trip 9/12/14 party

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		X				
Councilman Diana			X				
Councilman Richkus			X				
Councilman Rusnak			X				
Councilman White		x	X				
Council President Barletta			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION #2014-341
AUTHORIZING THE MUNICIPAL CLERK TO ADVERTISE THE BOROUGH COUNCIL MEETING SCHEDULE FOR THE MONTH OF JANUARY, 2015**

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

the following dates are hereby approved as January. 2015 meeting dates for the Mayor and Council:

<u>Agenda Meeting</u>	<u>Public Meeting</u>
(Reorganization) January 03, 2015 12 Noon at Senior Center	January 03, 2015 - 12 Noon at Senior Center
January 05, 2015	January 05, 2015
January 20, 2015 3rd Tuesday	January 20, 2015 – Due to Martin Luther on 19th

All Agenda Meetings begin at 7:00pm followed immediately by the Public Meeting, unless otherwise noted. Any changes to the aforementioned schedule shall be advertised and posted on the Borough bulletin board and website. All meetings of the Governing Body are held in accordance with the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) in the Council Chambers at 2480 Plainfield Avenue, South Plainfield, New Jersey. Action may be taken at all aforementioned meetings of the Mayor and Council.

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

RESOLUTION 2014-342
AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$41,959.16
PERTAINING TO TEITELBAUM PARTNERS, L.P. OF 140 SOUTH 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>
Teitelbaum Partners, L.P. 140 South Avenue South Plainfield, NJ 07080	518	1	2012	\$23,262.38
			2011	\$18,696.78

Make check payable to:

Teitelbaum Partners, L.P.
 Zipp & Tannenbaum, L.L.C.
 166 Gatzmer Avenue
 Jamesburg, NJ 08831

Total

\$41,959.16 *

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

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

RESOLUTION 14-343
AUTHORIZING THE REJECTION OF ALL 2015 PROFESSIONAL SERVICES PROPOSALS
RECEIVED FOR THE POSITION OF LEGAL COUNSEL FOR THE PLANNING BOARD AND
AUTHORIZING THE MUNICIPAL CLERK TO RE-ADVERTISE FOR RECEIPT OF NEW PROPOSALS
FOR SAID POSITION DUE TO RETIREMENT AND WITHDRAWAL NOTICES RECEIVED
FOR THE INITIAL SUBMITTAL

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the rejection of all 2015 Professional Service Proposals received for the position of Legal Counsel for the Planning Board and authorizing the Municipal Clerk to re-advertise for receipt of new proposals for said position due to the retirement and withdrawal notices received related to the initial submittal.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of South Plainfield that the Municipal Clerk is hereby authorized to immediately re-advertise for the aforementioned position.

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

RESOLUTION No. 14-344
AUTHORIZING 2014 APPROPRIATION TRANSFERS IN THE AMOUNT OF \$88,000
FOR THE CURRENT FUND AND \$1,300 FROM THE
POOL UTILITY PURSUANT TO N.J.S.A. 40A:4-58

WHEREAS, in accordance with N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the fiscal year and the first three months of the fiscal year, for the purposes specified and in excess of sums appropriated in the Budget; and

WHEREAS, such transfers must be approved by a vote of not less than two-thirds of the full membership of the governing body.

NOW, THEREFORE, BE IT RESOLVED that the attached transfers be approved.

CURRENT FUND				
FROM:				AMOUNT
4-01-20-130-000-101	Financial Administration		S&W	5,000.00
4-01-20-145-000-101	Tax Collection		S&W	3,000.00
4-01-20-145-000-255	Tax Collection		O&E	2,000.00
4-01-20-150-000-101	Assessing		S&W	3,000.00
4-01-20-150-000-221	Assessing		O&E	3,000.00
4-01-21-185-000-221	Zoning Board		O&E	1,500.00
4-01-23-220-000-635	Health Benefits		O&E	5,000.00
4-01-26-290-002-101	Road Repairs & Maintnance		S&W	21,000.00
4-01-25-265-003-581	Fire Service Charges		O&E	1,500.00
4-01-31-440-001-541	Telephone		O&E	5,000.00
4-01-31-465-001-565	Gasoline		O&E	15,000.00
4-01-32-465-001-545	Landfill		O&E	10,000.00
4-01-36-472-000-675	SSI		Statutory	3,000.00
4-01-43-490-000-101	Court		S&W	10,000.00
Total FROM:				88,000.00
TO:				AMOUNT
4-01-20-100-000-101	Administration		S&W	9,000.00
4-01-20-110-000-101	Executive		S&W	5,000.00
4-01-20-120-000-101	Borough Clerk		S&W	1,000.00
4-01-21-180-001-235	Planning Board		O&E	1,000.00
4-01-21-185-000-101	Zoning Board		S&W	500.00
4-01-22-195-001-101	Code Enforcement		S&W	5,000.00
4-01-23-210-000-651	Other Insurance		O&E	5,000.00
4-01-25-240-001-235	Police		O & E	5,000.00
4-01-25-252-000-101	Emergency Management		S&W	1,000.00
4-01-25-265-001-101	Fire Department		S&W	1,500.00
4-01-25-265-001-475	Fire Department		O&E	7,500.00
4-01-25-265-002-101	Fire Official		S&W	8,000.00
4-01-26-290-001-101	Public Works Administration		S&W	3,000.00
4-01-26-310-000-102	Public Buildings & Grounds		S&W	9,000.00
4-01-26-315-000-401	Vehicle Maintenance		O&E	8,000.00
4-01-27-330-001-102	Board of Health		S&W	1,000.00
4-01-27-335-001-101	Environmental Commission		S&W	1,000.00
4-01-28-370-002-101	Office on Aging		S&W	10,000.00
4-01-31-435-002-555	Street Lights		O&E	6,500.00
Total TO:				88,000.00
POOL				
FROM:				AMOUNT
4-26-55-560-000-675	SSI		STATUTORY	1,300.00
Total FROM:				1,300.00
TO:				AMOUNT
4-26-55-520-000-235	Other Expenses		O & E	1,300.00
Total TO:				1,300.00

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

RESOLUTION 14-345
AUTHORIZING THE CANCELLATION OF CURRENT YEAR UNEXPENDED BALANCES IN
CURRENT FUND TO BE CREDITED TO SURPLUS

WHEREAS, the following CY2014 Current Fund budget appropriation reserve balances remain unexpended:

CURRENT FUND

<u>ACCT #</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
4-01-23-220-000-621	Health Benefits O&E	\$100,000.00
4-01-23-210-000-661	Other Insurance O&E	\$ 7,000.00
4-01-36-472-000-675	SSI Stat	\$ 7,000.00
4-01-32-465-001-545	Landfill O&E	<u>\$ 6,000.00</u>
Total Current Operations		<u>\$120,000.00</u>

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that the above listed unexpended balances in the Current Fund be cancelled.

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

RESOLUTION 2014-346
AUTHORIZING THE AWARD OF CONTRACT TO JFK MEDICAL CENTER TO PROVIDE
EMERGENCY MEDICAL AMBULANCE SERVICES TO THE BOROUGH OF SOUTH PLAINFIELD

WHEREAS, a need has been determined for emergency medical services for the Borough of South Plainfield; and

WHEREAS, sealed proposals for Emergency Medical Services were received and publicly opened on December 10, 2014; and

WHEREAS, JFK Medical Center was determined to meet all qualifications through our attorney review process and as recommended by the South Plainfield EMS Chief to best serve the Borough of South Plainfield with emergency medical services for a period of one year commencing on 1/1/2015; and

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A: 11-15, said agreement may be extended for two (2) one-year terms – to expire on 12/31/2017;

NOW, THEREFORE, BE IT RESOLVED that authorization is hereby given to award a contract to JFK Medical Center for emergency medical services for the Borough of South Plainfield;

BE IT FURTHER RESOLVED, that payment for said services are not billable to the Borough of South Plainfield but in fact billable directly to those citizens who are in need of medical assistance to be performed by JFK Medical Center.

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

**RESOLUTION 2014-347
AUTHORIZING THE CANCELLATION OF IMPROVEMENT BALANCES IN THE AMOUNT
OF \$ 61,004.70**

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

The Chief Financial Officer is hereby authorized to cancel balances according to the following Schedule of Improvement Authorizations:

Borough of South Plainfield			
Schedule of Improvement Authorizations to be Cancelled			
12/15/2014			
Ordinance Number	Description		AMOUNT
1688	Various capital Improvements		18,000.00
1677	Various Roads		35,602.25
1742	Various Capital Improvements		5,599.58
1827	Various Roads		1,802.87
Total			61,004.70
	Capital Surplus		61,004.70
	Total		61,004.70

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

**RESOLUTION: 2014-348
AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$34,994.84
PERTAINING TO 2279 SO CLINTON 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>
2279 So Clinton Avenue LLC	308	12.04	2010	\$5,976.80
2201 So Clinton Avenue	308	12.04	2011	\$9,425.10
South Plainfield, New Jersey 07080	308	12.04	2012	\$9,664.69
	308	12.04	2013	\$9,928.24

Total

\$34,994.84

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				
Councilman Diana				x			
Councilman Richkus	x		x				
Councilman Rusnak			x				
Councilman White		x	x				
Council President Barletta			x				
		VOTE:	5	1			
Mayor Anesh – TIE ONLY							

RESOLUTION: 2014-349

AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$32,963.11 PERTAINING TO 100 NEW ERA DRIVE 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>
Garden State Lift Truck Rental	308	43	2012	\$ 17,777.16
2401 So Clinton Avenue	308	43	2013	\$ 15,185.95
South Plainfield, New Jersey 07080				
Total				\$ 32,963.11

Make check payable to:
Bruce J Stavitsky, Esq for Garden State Lift Truck Rental
350 Passaic Avenue
Fairfield, New Jersey 07004

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

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

RESOLUTION: 2014-350

AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$19,056.25 PERTAINING TO 2601 EASTON BLVD 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>
2601 Hamilton LLC	538	3.01	2010	6,108.75

2201 South Clinton Avenue	538	3.01	2011	6,392.50
South Plainfield, NJ 07080	538	3.01	2012	6,555.00
Total				\$19,056.25

Make check payable to:
Blau & Blau Attorney for 2601 Hamilton LLC
223 Mountain Avenue PO Box 50
Springfield, NJ 07081

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

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

RESOLUTION: 2014-351

AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$34,900.69 PERTAINING TO 901 MONTROSE 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>
901 Montrose Ave LLC	446	1.01	2010	8,527.82
2201 South Clinton Avenue	446	1.01	2011	8,565.95
South Plainfield, NJ 07080	446	1.01	2012	8,783.70
	446	1.01	2013	9,023.23

Total **\$34,900.69**

Make check payable to:
Blau & Blau Attorney for New Era Development, Inc.
223 Mountain Avenue PO Box 50
Springfield, NJ 07081

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

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

RESOLUTION: 2014-352

**AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$18,005.07
PERTAINING TO 2259 SOUTH CLINTON 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>
2259 South Clinton LLC	308	12.03	2010	3,078.81
2201 South Clinton Avenue	308	12.03	2011	4,848.07
South Plainfield, NJ 07080	308	12.03	2012	4,971.31
	308	12.03	2013	5,106.88
Total				\$18,005.07

Make check payable to:

**Blau & Blau Attorney for 2259 South Clinton LLC
223 Mountain Avenue PO Box 50
Springfield, NJ 07081**

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

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

RESOLUTION: 2014-353

**AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$39,119.05
PERTAINING TO 104 SYLVANIA PLACE 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>
104 Sylvania LLC	308	39.01	2010	6,841.80
2201 South Clinton Avenue	308	39.01	2011	10,483.70
South Plainfield, NJ 07080	308	39.01	2012	10,750.20
	308	39.01	2013	11,043.35
Total				\$39,119.05

Make check payable to:

**Blau & Blau Attorney for 104 Sylvania LLC
223 Mountain Avenue PO Box 50
Springfield, NJ 07081**

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South

Plainfield that the Chief Financial Officer is hereby authorized to issue a check(s) in the amount(s) as mentioned above.

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

**RESOLUTION 14-354
AUTHORIZING THE PURCHASE OF A VARIABLE MESSAGE SIGN FROM TRAFFIC SAFETY
SERVICE IN AN AMOUNT NOT TO EXCEED \$16,350.00**

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 purchase of a variable message sign from Traffic Safety Service of 601 Hadley Road in South Plainfield in an amount not to exceed \$16,350.00 charged to line item account numbers to be supplied by the Chief Financial Officer.

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. Chief Parker, Police Dept.

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

CORRESPONDANCE

- Environmental Commission Minutes – October 8, 2014
- Code Enforcement Monthly Report – November, 2014
- Planning Board Minutes – August 26, September 23, October 14, October 28, 2014

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

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

Current Fund	3-01	9,000.00
Current Fund	4-01	450,382.96
Pool Utility	4-26	3,950.00
Pool Utility	3-26	0.00
Sewer Utility	4-07	13,958.66
Sewer Utility	3-07	3,000.00

Sewer Utility Capital	C-08	0.00
General Capital	C-04	40.31
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	29,857.50
Dog Trust	T-12	0.00
Treasurers Trust	T-13	3,667.47
Recreation Trust	T-14	6,667.33
TOTAL ALL FUNDS		\$520,524.23

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

COUNCIL REPORTS:

Borough Attorney Rizzo, Esq. – advised that he has been working with Lt. DeLair on amending our towing ordinance which has not been done for some 12 years. It will be forthcoming on a January agenda.

Administrator Cullen – reported progress

Engineer Miller – reported progress.

Clerk Antonides – reported progress.

Councilman Diana – wished everyone a happy holiday season and reported progress.

Councilman Rusnak – said that 2014 was a very successful year and wished everyone a happy holiday followed by reporting progress.

Councilman Bengivenga – advised that the annual Reorganization meeting will be held on Saturday, January 3rd at 12 noon at the Senior Center. Councilman Bengivenga thanked the police department for their work on obtaining the information necessary for the variable message sign that was approved this evening saying that we now have two which will assist our town greatly. Councilman Bengivenga further thanked the PBA for their work in reaching a settlement to their contract and thanked the Police Department for their efforts with the Drive Sober or Get Pulled Over Program.

Councilman Richkus – wished everyone a very happy holiday and a Merry Christmas and cautioned those to drive alert while driving behind the wheel as this time of year many are apt to be overly tired.

Councilman White – wished everyone a Merry Christmas and a happy and healthy New Year followed by reporting progress.

Council President Barletta – wished everyone a Merry Christmas and reminded everyone of the UNICO Blood Drive to be held on December 27th.

Mayor Anesh – announced that the last day of the Red Light Camera Program is tomorrow at midnight. However, there is a Bill at the Assembly which is trying to revive the program. On another note, as of 3:00 p.m. today, the County Prosecutor announced the arrest of 4 involved in the recent home invasions. There were apprehended in Texas.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Mr. George Stafford of the Highland Coalition came forward seeking support for the Highlands pure reliable water sources coalition. Mr. Stafford left his paperwork in which Mayor Anesh advised we will take it into consideration.

Mrs. Debbie Boyle of Van Fleet reminded everyone that the Business Association Breakfast is this Thursday morning.

With no further 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 7:21 p.m., seconded by Council President Barletta and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk