



**#15-162: Authorizing the Adoption of the 2015 Municipal Budget** (Copy was available on Borough's website) - Mayor Anesh advised that the public hearing already was held in May and then called for a motion to adopt the 2015 Municipal Budget as follows

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

**RESOLUTIONS**

**RESOLUTION 15-180  
AUTHORIZING REFUNDS TO SENIORS FOR CANCELATION  
OF DELAWARE PARK TRIP**

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

Carol Granski  
53 Giggleswick Way  
Edison, NJ 08820  
Refund - Delaware Park - June 9 \$75.00

Ginette Janasiak  
150 West Nassau Ave.  
South Plainfield, NJ 07080  
Refund - Delaware Park - June 9 \$75.00

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

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

**RESOLUTION No. 2015-181  
AUTHORIZING THE TEMPORARY APPOINTMENT OF INSPECTOR MICHAEL PELLEGRINO AS  
ACTING FIRE OFFICIAL AND ACTING FIRE SUB-CODE OFFICIAL IN THE  
TEMPORARY ABSENCE OF JOE ABBRUZZESE  
FROM JUNE 13, 2015 THROUGH JUNE 21, 2015**

**WHEREAS**, Joe Abbruzzese will be attending a class at the National Fire Academy in Maryland that will run from June 13<sup>th</sup> through June 21<sup>st</sup>; and

**WHEREAS**, a temporary need exists to fill the vacancy of Fire Official and Fire Sub-Code Official; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that authorization is hereby given to temporarily appoint Inspector Michael Pellegrino as the Acting Fire Official and Acting Fire Sub-Code Official from June 13, 2015 through June 21, 2015.

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

**RESOLUTION: 2015-182**

**AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$4631.12 FOR AKSHAY PATEL & SONA MAHINDRA OF 597 ARLINGTON AVENUE**

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

Block: 366 Lot: 6

Akshay Patel & Sona Mahindra  
597 Arlington Avenue  
South Plainfield, NJ 07080  
\$4631.12

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

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

**RESOLUTION 2015-183**

**AUTHORIZING THE SMALL COMMUNITY LIBRARY AT THE  
MEMORIAL BUS SHELTER ON NEW DURHAM ROAD.**

**WHEREAS**, the family of Alex Levine (the “Matthews family”) had previously sought installation of a bus shelter on New Durham Road in memory of Alex Levine, and such shelter has previously been erected; and

**WHEREAS**, the Matthews family has requested authorization to install what is known as a small community library to the bus shelter in further memory of Alex Levine, and has represented that the family will bear all costs of installation, maintenance and book replenishment; and

**WHEREAS**, such addition to the bus shelter would be a benefit to the community;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that authorization is granted to the Matthews family to install a small community library to the Alex Levine Memorial Bus Stop at New Durham Road and Corporate Boulevard, conditioned upon the Matthews family bearing all costs of installation, maintenance and book replenishment, and otherwise maintaining the small community library, and further conditioned upon the design and location of the small community library to be subject to the approval of the Borough, and further conditioned upon the Borough retaining the right to revoke this authorization at any time if good cause is found for same.

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

**RESOLUTION 15-184**  
**AUTHORIZING THE MUNICIPAL CLERK AND MAYOR TO EXECUTE**  
**A SHARED SERVICE AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX AND THE**  
**BOROUGH OF SOUTH PLAINFIELD FOR ROAD IMPROVEMENTS**  
**TO WOODLAND AVENUE IN AN ESTIMATED PROJECT AMOUNT OF \$180,389.49 OF WHICH THE**  
**BOROUGH’S ESTIMATED PORTION IS \$90,190.25**

**WHEREAS**, the Shared Services Act, N.J.S.A. 40:8A-1 et seq. permits municipalities and Counties of the State of New Jersey to enter into contracts with other governmental entities for the joint provision of municipal services; and

**WHEREAS**, the Mayor and Council of the Borough of South Plainfield have determined that it is in the best interest of the Borough of South Plainfield to enter into a Shared Services Agreement with the County of Middlesex for the provision of road improvement services to Woodland Avenue; and

**WHEREAS**, the service to be provided by the County of Middlesex to the Borough of South Plainfield is detailed in the attached agreement;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of South Plainfield as follows:

1. The Borough of South Plainfield does hereby enter into an agreement with the County of Middlesex for the provision of road improvements to Woodland Avenue.
2. The Mayor and Borough Clerk are hereby authorized to execute the attached agreement.
3. An executed copy of the agreement along with the authorizing resolution shall be forwarded to the County of Middlesex and a copy is also to be submitted to the Director of South Plainfield Public Works Department and the municipal engineer; T&M Associates.
4. The cost for such services is estimated to be \$180,389.49 with the Borough’s portion estimated to be \$90,190.25.

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

**RESOLUTION 15-185**  
**AUTHORIZING THE SERVICES OF NATIONAL WATER CLEANING CO. TO CLEAN WET WELLS**  
**AT HADLEY AND CEDARBROOK IN AN AMOUNT NOT TO EXCEED \$3,043.43**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby authorizes the services of National Water Main Cleaning Co. located in Kearny, NJ to clean wet wells at Hadley and Cedarbrook in the Borough of South Plainfield in amount not to exceed \$3,043.43.

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

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

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

**RESOLUTION 15-186**

**AUTHORIZING A REFUND TO ROBERT RITCHIE FOR A PLUMBING PERMIT FEE IN THE AMOUNT OF \$75.00 FOR WORK THAT WAS NOT DONE AT 116 NORWAY LANE**

**WHEREAS**, the Construction Official confirms that plumbing work did not take place at 116 Norway Lane in South Plainfield as originally planned and thus the applicant has requested a refund of their \$75.00 plumbing permit fee;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the Chief Financial Officer is hereby authorized to issue a refund check(s) in the amount(s) of \$75.00 to the following:

**Robert Ritchie**  
**116 Norway Lane**  
**South Plainfield, NJ 07080**

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

**RESOLUTION 15-187**

**AUTHORIZING THE STATE CONTRACT PURCHASE OF BULLET PROOF VESTS FROM LANIGAN ASSOCIATES INC. FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$8,141.85**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of bullet proof vests from Lanigan Associates Inc. for the Police Department in an amount not to exceed \$8,141.85 pursuant to NJ State Contract Numbers A81348.

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. James Parker, Chief of Police

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

**RESOLUTION: 2015-188**  
**AUTHORIZING THE DESIGNATION OF STOP SIGNS ON BULLARD PLACE AT THE**  
**INTERSECTION WITH PERSHING PLACE AND ON WEST STREET AT THE**  
**INTERSECTION OF SECOND PLACE**  
**AT THE RECOMMENDATION OF THE TRAFFIC SAFETY DIVISION**

**WHEREAS**, a need for stop signs has been determined by the Traffic Safety Division of the South Plainfield Police Department of the Borough of South Plainfield on Bullard Place at the intersection with Pershing Place and on West Street at the intersection of Second Place Pierce, in both directions; and

**WHEREAS**, State of New Jersey Department of Transportation will be forwarded a copy of this Resolution;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the Traffic Safety Division of the South Plainfield Police Department is hereby authorized to designate the aforementioned stop signs accordingly;

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

1. Municipal Clerk
2. Traffic Safety
2. DPW

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

**RESOLUTION 15-189**  
**AUTHORIZING THE REFUND OF \$150.00 TO CHINEDA CHUKWURAH FOR A WEDDING FEE OF**  
**WHICH WEDDING DID NOT TAKE PLACE**

**WHEREAS**, the wedding of Chineda Chukwurah scheduled for June 11, 2015 will not be taking place and as such, the \$150.00 wedding fees has been requested to be refunded;

**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 \$150.00 to the following:

**Chineda Chukwurah**  
**730 West Front Street**  
**Plainfield, NJ 07060**  
**\$150.00**

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

**RESOLUTION 2015-190**  
**AUTHORIZING THE TAX COLLECTOR TO PREPARE AND MAIL**  
**ESTIMATED 2<sup>ND</sup> QUARTER SEWER BILLS**

**WHEREAS**, the second quarter 2015 New Jersey American Water Usage Data for the Borough of South Plainfield is not yet available and,

**WHEREAS**, the Tax Collector was unable to send out second quarter 2015 sewer bills in a timely manner due to the lack of usage data from New Jersey American Water Company, and

**WHEREAS**, the Tax Collector may, by resolution of the governing body, send out estimated sewer bills for the second quarter, and

**WHEREAS**, it is in the best interest of the Borough of South Plainfield to send out estimated bills for the second quarter, 2015 based on the first quarter’s billing file, to be reconciled through the third quarter, 2015 billing.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of South Plainfield, State of New Jersey, that the Tax Collector is hereby authorized to prepare and mail estimated second quarter 2015 sewer bills.

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

**RESOLUTION 2015-191**

**RESOLUTION AUTHORIZING SETTLEMENT OF 2012, 2013 and 2014 TAX APPEALS FILED BY JSM @ WEST END AVENUE, LLC, FOR THE PROPERTY KNOWN AS 120 WEST END AVENUE AND IDENTIFIED AS BLOCK 535, LOT 16, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, JSM @ West End Avenue, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 120 West End Avenue and identified as Block 535, Lot 16, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$200,000 for 2012, 2013 and 2014; and

**WHEREAS**, Taxpayer filed appeals of the 2012, 2013 and 2014 tax assessments in the Tax Court of the State of New Jersey under docket numbers 012262-2012, 011959-2013 and 012730-2014; 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 assessment 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 the tax 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 2012 original tax assessment in the amount of \$200,000 shall be reduced to \$175,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2012;
- The 2013 original tax assessment in the amount of \$200,000 shall be reduced to \$160,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2013;
- The 2014 original tax assessment in the amount of \$200,000 shall be reduced to \$150,000 and the

Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2014;

- Taxpayer has agreed to waive statutory interest provided that the tax refund is received within 60 days from the date of entry of the Tax Court Judgment. The tax refund shall be made payable to “Michael I. Schneck, Esq., Attorneys for JSM @ West End Avenue, LLC” and forwarded to counsel for Taxpayer within 60 days from 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 appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

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

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

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

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

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

1. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$175,000 total tax assessment for the 2012 tax year for Block 535, Lot 16 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$160,000 total tax assessment for the 2013 tax year for Block 535, Lot 16 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$150,000 total tax assessment for the 2014 tax year for Block 535, Lot 16 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
4. 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 JSM @ West End Avenue, LLC under Docket Nos.: 012262-2012, 011959-2013 and 012730-2014 for the property known as 120 West End Avenue and identified as Block 535, Lot 16 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2012 total tax assessment on the Property from \$200,000 to \$175,000; which reduces the 2013 total tax assessment on the Property from \$200,000 to \$160,000; which reduces the 2014 total tax assessment on the Property from \$200,000 to \$150,000; which provides that the Taxpayer has agreed to waive statutory interest provided that the tax refund is received 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 “Michael I. Schneck, Esq., Attorneys for JSM @ West End Avenue, LLC” and forwarded to counsel for Taxpayer within 60 days from the date of Judgment.
5. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

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

**RESOLUTION 2015-192**

**RESOLUTION AUTHORIZING SETTLEMENT OF 2011, 2012, 2013 and 2014 TAX APPEALS FILED BY JSM @ WEST END AVENUE, LLC, FOR THE PROPERTY KNOWN AS 105 WEST END AVENUE AND IDENTIFIED AS BLOCK 538, LOT 9.01, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, JSM @ West End Avenue, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 105 West End Avenue and identified as Block 538, Lot 9.01, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$434,600 for 2011, 2012, 2013 and 2014; and

**WHEREAS**, Taxpayer filed appeals of the 2011, 2012, 2013 and 2014 tax assessments in the Tax Court of the State of New Jersey under docket numbers 011568-2011, 011197-2012, 011960-2013 and 012729-2014; 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 assessment 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 the tax 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 2011 original tax assessment in the amount of \$434,600 shall remain unchanged and Taxpayer agrees to withdraw its Complaint for the 2011 Tax Year;
- The 2012 original tax assessment in the amount of \$434,600 shall be reduced to \$375,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2012;
- The 2013 original tax assessment in the amount of \$434,600 shall be reduced to \$350,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2013;
- The 2014 original tax assessment in the amount of \$434,600 shall be reduced to \$325,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2014;
- Taxpayer has agreed to waive statutory interest provided that the tax refund is received within 60 days from the date of entry of the Tax Court Judgment. The tax refund shall be made payable to “Michael I. Schneck, Esq., Attorneys for JSM @ West End Avenue LLC” and forwarded to counsel for Taxpayer within 60 days from 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 appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

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

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

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

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

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

1. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$375,000 total tax assessment for the 2012 tax year for Block 538, Lot 9.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$350,000 total tax assessment for the 2013 tax year for Block 538, Lot 9.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$325,000 total tax assessment for the 2014 tax year for Block 538, Lot 9.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
4. 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 JSM @ West End Avenue, LLC under Docket Nos.: 011568-2011, 011197-2012, 011960-2013 and 012729-2014 for the property known as 105 West End Avenue and identified as Block 538, Lot 9.01 on the Borough of South Plainfield Tax Assessment Maps which affirms the tax assessment and withdraws the Complaint for Tax Year 2011; which reduces the 2012 total tax assessment on the Property from \$434,600 to \$375,000; which reduces the 2013 total tax assessment on the Property from \$434,600 to \$350,000; which reduces the 2014 total tax assessment on the Property from \$434,600 to \$325,000; which provides that the Taxpayer has agreed to waive statutory interest provided that the tax refund is received 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 “Michael I. Schneck, Esq., Attorneys for JSM @ West End Avenue, LLC” and forwarded to counsel for Taxpayer within 60 days from the date of Judgment.
5. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

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

**RESOLUTION 15-193**  
**AUTHORIZING A REFUND OF \$100.00 TO BILL DENITZIO OF 122 WAVERLY PLACE FOR A SECURITY DEPOSIT FOR A PARTY AT THE SENIOR CENTER**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the following refund of a security deposit for a party that took place on May 17, 2015 at the Senior Center:

Bill DeNitzio  
 122 Waverly Place  
 South Plainfield, NJ 07080  
 \$100.00

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

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

**RESOLUTION NO. 2015-194**  
**RESOLUTION AUTHORIZING THE RENEWAL OF A PROFESSIONAL SERVICES AGREEMENT WITH AHA AFFORDABLE HOUSING ADMINISTRATORS FOR A SPECIALTY HOUSING REHABILITATION ADMINISTRATIVE SERVICES TO ASSIST THE BOROUGH WITH ITS COAH ADMINISTRATION FOR AN AMOUNT NOT TO EXCEED THE VARIABLE FEE STRUCTURE CONTAINED WITHIN THE ATTACHED AGREEMENT**

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

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that a professional service contract is being awarded through the Fair and Open Process to the above-named business entity and the Mayor and Municipal Clerk are hereby authorized and directed to execute a professional service contract for a term up to three years to expire on June 30, 2018; and

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

**BE IT FURTHER RESOLVED** that this award is contingent upon the above-named business entity providing proof of insurance for liability for damages of any kind imposed by law or assumed under the contract in a  
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minimum amount of \$1,000,000.00; and

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

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

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

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

**RESOLUTION 2015-195**

**AUTHORIZING AWARD OF BID TO STILO EXCAVATION INC. FOR 2015 ROAD IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$780,522.78 AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE CONTRACT FOR SAME**

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

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

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

**WHEREAS** bids were solicited and opened on Thursday, June 4, 2015 at 10:00 a.m. and the following picked-up bid packages from the Borough Engineer and submitted bids as follows:

Stilo Excavating	\$780,522.78
Black Rock	\$977,863.34
Top Line Construction	\$1,040,991.34
Jads	\$1,131,054.75

**WHEREAS**, the bids have been reviewed by the Borough Engineer and the Borough Attorney who has verified that the lowest qualified bidder is Stilo Excavating in the amount of \$780,522.78 and that the bid be accepted and a contract be awarded; and

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

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract for the 2015 Road Improvements to Stilo Excavating in the amount of \$780,522.78.

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

**RESOLUTION 2015-195**

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

**RESOLUTION 15-196**

**AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE COLLECTIVE BARGAINING AGREEMENT WITH AFSCME 3970**

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

authorization is hereby given for the Mayor and Municipal Clerk to execute the Collective Bargaining Agreement with AFSCME 3970.

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

**RESOLUTION NO. 15-197**  
**AUTHORIZING CHANGE ORDER #1 IN THE AMOUNT OF \$16,500 IN ADDITION TO THE**  
**ORIGINAL CONTRACT WITH ALL STATE TECHNOLOGY, INC. FOR \$363,000.00**  
**FOR THE COMMUNITY POOL PROJECT**

**WHEREAS**, the Governing Body of the Borough of South Plainfield has entered into a contract with All State Technology, Inc. for \$363,000.00 for refurbishment of the community pool located at the PAL Building on Maple Avenue in South Plainfield; and

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

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

**WHEREAS**, the work will be paid for based on the actual as-built quantities at a price not-to-exceed \$363,000.00 plus the addition of \$16,500 for a new total contracted amount of \$379,500.00; and

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

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given to increase the original contract amount of \$363,000.00 an additional \$16,500.00 to an adjusted contract amount of \$379,500.00 to extend the scope of the project to include the additional repair work deemed necessary by the Recreation Supervisor and special project engineer; Wade Associates, for the Borough of South Plainfield.

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

**RESOLUTION 2015-198**  
**AUTHORIZING THE TRANSFER OF 2014 CDBG FUNDS IN THE AMOUNT OF \$9,500.00 AND**  
**AUTHORIZING THE REQUEST OF SAID FUNDS FROM THE COUNTY OF MIDDLESEX TO BE**  
**USED FOR THE PURCHASE OF NEW TREADMILLS FOR THE SENIOR CENTER**

**WHEREAS**, the County reports the following balances in the 2014 Community Development Block Grant program in the following amounts:

CD1451 ..... \$9,500.00 Senior Center Improvements

**WHEREAS**, one of these amounts are surplus and are not needed for their original purpose; and

**WHEREAS**, funds are needed for the purchase of treadmills for the Senior Center;

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, and State of New Jersey that it hereby approves the transfer of County grant funds in the amount of \$9,500.00 from CD1451 Senior Center Improvements and hereby changes the use of purchase for “treadmills for the Senior Center” and as such authorizes the request of said funds from the County of Middlesex.

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

**RESOLUTION 15-199  
AUTHORIZING THE PURCHASE OF THREE TREADMILLS  
FOR THE SENIOR CENTER FROM LIFESPAN  
IN AN AMOUNT NOT TO EXCEED \$10,497.00**

**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 3 treadmills for the Senior Center from Lifespan Fitness in an amount not to exceed \$10,497.00 of which \$9,500.00 will be paid for via a CDBG grant (CD1451); and

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

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

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

**RESOLUTION 2015-200  
AUTHORIZING APPOINTMENT OF 2015 SUMMER HELP  
EMPLOYEES FOR THE DPW**

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

**WHEREAS**, a need exists to supplement the workforce of the Department of Public Works and Borough Hall during the summer months; and

**WHEREAS**, the list below has been recommended by the Administrator and the General Supervisor of Public Works with the proposed salaries (as per the salary Ordinance), and

**WHEREAS**, the below summer employees for DPW will for the working periods beginning on June 8, 2015 through Labor Day, 2015;

**NOW THEREFORE BE IT RESOLVED** by the South Plainfield Borough Council that the persons listed below be employed as seasonal employees, with no benefits, for the Department of Public Works and Borough Hall as indicated:

<b>Paul Licato</b>		
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**BE IT FURTHER RESOLVED** that copies of this Resolution shall be forwarded as follows: Municipal Clerk and Robert Capparelli, DPW Supervisor.

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

**CORRESPONDANCE**

- Board of Adjustment Minutes – May 5, 2015
- Recycling Monthly Report – April, 2015
- Traffic Safety Advisory Commission Minutes – April 22, 2015

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

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

Current Fund	5-01	472,401.75
Current Fund	4-01	13,840.99
Pool Utility	4-26	0.00
Pool Utility	5-26	6,352.91
Sewer Utility	4-07	0.00
Sewer Utility	5-07	24,772.26
Sewer Utility Capital	C-08	0.00
General Capital	C-04	32,306.92
Pool Capital	C-27	2,500.00
Election Account	E-18	13,350.00
Grant Fund	G-02	6,482.92
Dog Trust	T-12	0.00
Treasurers Trust	T-13	8,815.54
Recreation Trust	T-14	5,007.76
<b>TOTAL ALL FUNDS</b>	<b>5-01</b>	<b>\$585,831.05</b>

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

**COUNCIL REPORTS:**

Borough Attorney Rizzo, Esq. – had no report for this evening.

Administrator Cullen – thanked the Mayor, Council, and all the Department Heads for all their hard work on the budget for this year. Mr. Cullen went on to advise that Moody’s Investors Service have provided us with a revised updated rating to AA2 which is very good for us. They in fact dropped negative outlook for the borough all together. On another note, the community pool is now open. There are still a few punch list items that are being worked on, of which the slide is one of them. We hope to have the slide open sometime this week. Mr. Hughes has done a very good job overseeing the pool renovations. Unfortunately there is not update or word on relocating the Swim Team as of yet. To conclude, South Plainfield baseball won the championship State Title and we congratulate them.

Engineer Miller – reported that we are on track with the 2015 Road Improvement Projects. The bid came in a bit lower so we may be able to add some roads to it. We will be working with the contractor shortly to get these projects underway.

Clerk Antonides –reported progress.

Councilman Diana – congratulated the South Plainfield baseball team on their championship. Councilman Diana also congratulated the Matthews family stating that the world would be a much better place with more people like them in it.

Councilman Rusnak – thanked Mr. Cullen for a job well done with the new Moody's upgraded rating to AA2 status. Councilman Rusnak congratulated the South Plainfield Baseball team on their state championship. Councilman Rusnak further added that it was a pleasure this evening to approve the small community library for the bus stop.

Councilman Bengivenga – Thanked Traffic Safety Officers for all their effort as the past few weeks have been very hectic with all the various functions in town. Councilman Bengivenga thanked the Boyle Memorial Foundation for their recent golf outing this past Saturday of which was a lot of fun and all for a good cause.

Councilman Richkus - reported that the Senior Center was number one in the county this month serving 1500 meals. Three new treadmills are being purchased for the Senior Center which will be a nice addition. Councilman Richkus also congratulated the South Plainfield baseball team on their victory and then went on to make mention that North Plainfield recently enacted an ordinance raising the smoking age to 21 and said he like this idea as it falls in line with what the Alliance stands for. To conclude, Councilman Richkus said the pool looks great and the slide looks so cool.

Councilman Barletta – thanked Glenn, Ray and Rob (Administration/Finance Committee) for all their work on this year's budget. It was nice to see that we all came together on this budget.

Council President White – Thanked Anne Matthews for sharing her story with us and also thanked the Administration and Finance Committee and Mr. Swisher for all their time and effort put into this budget. Councilman White concluded by mentioning the status of some new business's coming to town.

Mayor Anesh – congratulated the Central Jersey Vikings. Mayor Anesh advised that our Construction Official brought to his attention a driveway created on Maple Terrace that is in the Borough's right-of-way. The homeowner is seeking measures to prevent anyone from blocking this driveway area. After a brief discussion, the Council decided to not make any decisions in this regard and take it into consideration at a later time.

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

Mayor Anesh opened the floor for public comment.

Debbie Boyle of Van Fleet informed the Council of various upcoming events around the Borough and of some to be held at the local schools. Mrs. Boyle advised the recent 5K went very well and thanked Mayor Anesh and Councilman White for attending. Mrs. Boyle concluded by thanking the many volunteers who offered assistance to various events throughout town.

Suzanne Lepore of Bullard Place advised that Cultural Arts is working on the Christmas In July event and is seeking anyone interested in painting a window.

Mr. Tom Turner, computer instructor at the Senior Center, requested the Council to consider upgrading their computers and software for his class. After brief discussion, Mr. Cullen referred Mr. Turner to Tree Olano to see if any funds are available in the O&E budget.

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

At 8:22 p.m. Mayor Anesh called for a recess from the public portion of the meeting to go into Executive Session advising that everyone is welcome to stay if they choose.

#### **ADJOURNMENT**

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilman Richkus made a motion to adjourn at 8:50 p.m., seconded by Councilman Barletta and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC - Municipal Clerk

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