

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
SEPTEMBER 8, 2015 7:05 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:05 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 Barletta	X		
Councilman Bengivenga	X		
Councilman Diana	X		
Councilman Richkus	X		
Councilman Rusnak	X		
Council President White	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	x		
Engineer Miller	X		

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

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.

RESOLUTION 15-285A

AUTHORIZING THE PROMOTION OF THREE POLICE OFFICERS EFFECTIVE SEPTEMBER 22, 2015 AT A SALARY PURSUANT TO THE SALARY ORDINANCE AND/OR CONTRACT

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the following three promotions in the Police Department with an effective date of September 22, 2015:

1. **Sergeant Peter Papa to Lieutenant**
2. **Officer Peter Magnani to Sergeant**
3. **Detective Garrett Cassio to Lieutenant**

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

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

1. James Parker, Chief of Police
2. Amy Antonides, Municipal Clerk
3. All Officers Promoted
4. Marie Dudek, Payroll
5. Anne Daley, Benefits

COUNCIL	MOTION	2 ND	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				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

Councilman Bengivenga read a short bio for each Officer. Each Officer was sworn into office and everyone extended a round of applause and photographs were taken by family, friends and media present. Congratulations were extended by all members of the Governing Body.

At this time, 7:25 p.m., Mayor Anesh called for a brief recess. At 7:30 p.m. Mayor Anesh called the meeting back to order.

Presentation: Public Celebrations Committee – Donations: Mayor Anesh called Ms. Debbie Boyle forward and all those present who represent the Public Celebrations Committee. Ms. Boyle present the Fire Department with a donation of \$350.00 and the EMS with a donation of \$925.00. These donations represent those given by sponsors for the Labor Day Parade. Everyone extended a round of applause and photographs were taken by the media present.

Approve Council Minutes September 8, 2015 – Agenda
 September 8, 2015 – Public
 September 8, 2015 – Executive

COUNCIL	MOTION	2 ND	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				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

ORDINANCE – SECOND READING BY TITLE was read by Clerk Antonides by title. Mayor Anesh opened the floor for public hearing. With no comments from the public Mayor Anesh closed the floor.

ORDINANCE NO. 2015-2036
AN ORDINANCE AMENDING CHAPTER 327 ENTITLED
PEDDLING AND SOLICITING OF
THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD.

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that Chapter 327 of the Code of the Borough be amended as follows:

SECTION 327-1 – DEFINITIONS.

ADD: CANVASSING.

The circulation of a petition or the seeking of contributions for a cause, charitable or otherwise, or the practice of distributing literature, pamphlets, handbills and the like for the purpose of distributing information or seeking support for any legal purpose, from a stationary location on a street or other public place, or by going from house to house, place to place or street to street.

ADD: The following shall be added to the definition of SOLICITOR – “Any person who goes from dwelling to dwelling for the purpose of offering the service of snow removal, with or without payment, shall not be considered a solicitor for purposes of this Ordinance.”

ADD: SECTION 327-3.1 – CANVASSERS TO REGISTER WITH BOROUGH CLERK.

All canvassers intending to canvass within the borough of South Plainfield shall register with the Borough Clerk prior to commencing any canvassing activities. Such registration shall consist of providing the Borough Clerk with the name of the organization that will be canvassing, the proposed dates for which the organization seeks to canvass, and the route(s) or neighborhood(s) in which the organization intends to canvass. All non-profit, religious, or political groups canvassing exclusively door-to-door and not in the streets are exempt from this registration requirement.

SECTION 327-5(F) – Delete the second sentence of said Section.

ADD: SECTION 327-5(P) - Written consent on forms to be furnished by the Borough allowing the Borough to perform criminal history record checks on the applicant, and authorizing the Borough to exchange fingerprint data and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations to be made under this chapter. Fingerprints of the applicant shall be taken an authorized facility designated by the Chief of Police. All costs shall be borne by the applicant, and shall be in addition to license fees as set forth hereinafter.

SECTION 327-9 – LICENSE FEES. Delete and replace as follows:

The license fees shall be as follows:

- A. Solicitors: \$100.00 per year.
- B. Distributors: \$100.00 per year.
- C. Peddlers: \$500.00 per year. In the event a peddler does not have a license, a peddler may obtain a license for Labor Day only at a fee of \$50.00.
- D. Transient Merchants: Licensees under this Article shall pay a fee of \$100.00, which said fee shall be paid upon the application being made. Such a fee, as well as all fees required under this Article, are to help defray administrative expenses to the Borough of enforcing this Article.
- E. All license fees are non-refundable.

ADD the following as new Section 327-14, and relabel all existing Sections thereafter accordingly.

SECTION 327-14 – HOURS OF OPERATION.

No peddling or soliciting activities shall be conducted before 9:00 a.m. or later than 5:00 p.m. Monday through Saturday. No peddling or soliciting activities shall be conducted on Sundays. Canvassing activities may be conducted between the hours of 9:00 a.m. and 9:00 p.m. on any day.

ADD: SECTION 327-18 – NO KNOCK LIST.

The Borough Police Department shall maintain a “No Knock List”, a copy of which shall be provided to all persons or organizations required to register pursuant to this Article, and in accordance with the provisions of N.J.S.A. 47:1A-5. All residents of the Borough may register their name, address and/or unit/apartment number with the Borough Police Department to be placed on the “No Knock List”, indicating that they do not want persons so registered to approach their homes and/or seek personal contact with the occupants of the registered home. Once the resident has been approved by the Borough Police Department to add their name to the “No Knock List”, the resident shall be provided with a “No Knock” sign to post by the front entrance of the home to warn peddlers, solicitors, canvassers or transient merchants. It shall be unlawful for any peddler, solicitor, transient merchant, or canvasser that has been required to register with the Borough to approach or seek personal contact with the occupants therein if the residence is registered on the “No Knock List”, or the resident has posted a “No Knock” sign. Anyone violating this Subsection shall be subject to the penalties established by Subsection 327-17.

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

Introduction of Ordinance #2036: August 10, 2015

COUNCIL	MOTION	2 ND	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							

ORDINANCE – FIRST READING BY TITLE – was read by title by Clerk Antonides. Mayor Anesh set the public hearing for October 5, 2015 at approximately 7 p.m.

ORDINANCE NO. 2015-2037
AN ORDINANCE VACATING THE BOROUGH’S AUTHORITY AND CONTROL
OVER ASSIP PLACE, BERNARD PLACE, AND DOYLE PLACE, AND PORTIONS OF ANTHONY
AVENUE, FARR AVENUE, FREDERICK AVENUE
ELSIE AVENUE, HIGHLAND AVENUE, AND MOOSE AVENUE.

WHEREAS, there exists in the Borough of South Plainfield, County of Middlesex, State of New Jersey streets which are “paper streets” known as Anthony Avenue, Assip Place, Bernard Place, Doyle Place, Elsie Avenue, Farr Avenue, Frederick Avenue, Highland Avenue and Moose Avenue; and

WHEREAS, the referenced streets, or portions thereof, are contained within an area known as the Highland Woods Environmental Education Reserve, which area has been designated by the Borough as open space, and the Borough does not intend to ever develop the property known as Highland Woods Environmental Education Reserve; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Borough to release and extinguish public rights, and the rights of the Borough, arising from the dedication of a street;

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

1. The rights of the public and the Borough of South Plainfield in and to that portion of Anthony Avenue described more particularly in Schedule A annexed hereto and made a part hereof are hereby extinguished and vacated;
2. The rights of the public and the Borough of South Plainfield in and to Assip Place as described more particularly in Schedule B annexed hereto and made a part hereof are hereby extinguished and vacated;
3. The rights of the public and the Borough of South Plainfield in and to Bernard Place as described more particularly in Schedule C annexed hereto and made a part hereof are hereby extinguished and vacated;
4. The rights of the public and the Borough of South Plainfield in and to Doyle Place as described more particularly in Schedule D annexed hereto and made a part hereof are hereby extinguished and vacated;
5. The rights of the public and the Borough of South Plainfield in and to a portion of Elsie Avenue as described more particularly in Schedule E annexed hereto and made a part hereof are hereby extinguished and vacated;
6. The rights of the public and the Borough of South Plainfield in and to a portion of Farr Avenue as described more particularly in Schedule F annexed hereto and made a part hereof are hereby extinguished and vacated;
7. The rights of the public and the Borough of South Plainfield in and to a portion of Frederick Avenue as described more particularly in Schedule G annexed hereto and made a part hereof are hereby extinguished and vacated;
8. The rights of the public and the Borough of South Plainfield in and to a portion of Highland Avenue as described more particularly in Schedule H annexed hereto and made a part hereof are hereby extinguished and vacated;
9. The rights of the public and the Borough of South Plainfield in and to a portion of Moose Avenue as described more particularly in Schedule I annexed hereto and made a part hereof are hereby extinguished and vacated;

10. The Borough reserves all rights and privileges now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over or under the streets being vacated, including, but not limited to, gas, water, cable, telephone, electric, sanitary sewers, storm sewers, any appurtenances or rights of ingress and egress relating thereto;

At least one week prior to the time affixed for consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance insofar as it may be ascertained.

The Borough Clerk shall, within 60 days of the effective date of this Ordinance, file copies of this Ordinance certified by her under the seal of the Borough to be a true copy thereof, together with proof of publication thereof in the office of the Clerk of the County of Middlesex in accordance with the provisions of N.J.S.A. 40:67-21.

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

Introduction of Ordinance #2037: September 21, 2015

COUNCIL	MOTION	2 ND	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							

RESOLUTIONS

RESOLUTION: 2015-286

AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$986.41 FOR JOHN J. FUSCO OF 311 FRANKLIN AVENUE

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

Block: 170 Lot: 23
 John J. Fusco
 311 Franklin Avenue
 South Plainfield, NJ 07080
 \$986.41

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

RESOLUTION 15-287

AUTHORIZING THE WAIVER OF A FIRE PERMIT FEE FOR THE SOUTH PLAINFIELD PARENTS PONYTAIL ASSOCIATION FOR THEIR ANNUAL BEEFSTEAK FUNDRAISER ON OCTOBER 10, 2015

BE IT RESOLVED, that the South Plainfield Parent Ponytail Association is holding a Beefsteak Fundraiser on October 10, 2015 and as such has requested a waiver of all permit fees;

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of South Plainfield hereby authorizes the waiver of all permit fees for the aforementioned event;

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

1. Municipal Clerk
2. Chief Financial Officer
3. Allison Parlapiano, SPPPA Relations Officer

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

RESOLUTION 15-288
AUTHORIZING THE SOMERSET COUNTY CO-OP PURCHASE OF LEAF BAGS FROM DANO GROUP IN AN AMOUNT NOT TO EXCEED \$28,000.00

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

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

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

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

RESOLUTION 2015-289
AUTHORIZING THE HIRING OF MARIA ALMEIDA-WATT AS A PART-TIME TELE-COMMUNICATOR OPERATOR FOR THE POLICE DEPARTMENT DISPATCH ON A PER DIEM BASIS WITH NO BENEFITS

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 Maria Almeida-Watt as a Tele-Communicator Operator on a per diem basis with an effective date of September 22, 2015; and

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

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

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

RESOLUTION 2015-290

APPROVING APPLICATION FOR A PERSON-TO-PERSON TRANSFER FOR LICENSE NO. 1222-44-006-004 FROM VITO & SONS INC. TO DHARA & RESHMA INC.

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1222-44-006-004, heretofore issued to Vito & Sons, Inc. located at 902 Oaktree Avenue in South Plainfield, NJ 07080;

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

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

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

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of South Plainfield does hereby approve effective September 8, 2015, the transfer of the aforesaid Plenary Retail Distribution License to Dhara & Reshma Inc. from Vito & Sons Inc. located at 902 Oaktree Avenue in South Plainfield, NJ 07080, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows “This license, subject to all its terms and conditions is hereby transferred to Dhara & Reshma Inc., effective September 8, 2015.”.

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

RESOLUTION 15-291

AUTHORIZING A REFUND OF \$100.00 TO MARIA COMAYAGUA OF 111 FAULKS 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 September 13, 2015 at the Senior Center:

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

RESOLUTION No. 15-292

AUTHORIZING THE MUNICIPAL CLERK TO CERTIFY TO THE STATE THAT THE GOVERNING BODY HAS REVIEWED AND DISCUSSED THE COMPLETED 2015 BEST PRACTICES INVENTORY AS PREPARED BY THE CHIEF FINANCIAL OFFICER AT THE SEPTEMBER 21, 2015 PUBLIC MEETING

WHEREAS, the State’s Fiscal Year 2016 Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services to determine how much of each municipality’s final 5% allocation of its CMPTRA and ETR aid will be disbursed based upon the results of the CY 2015 Best Practices Inventory; and

WHEREAS, the Inventory is meant to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

WHEREAS, the completed CY2015 inventory form must be made an agenda item for discussion at a municipal governing body meeting;

WHEREAS, all the requirements of the CY2015 Best Practices Inventory process have been met by the Borough of South Plainfield;

NOW, THEREFORE, the Borough Council of the Borough of South Plainfield hereby authorizes the Municipal Clerk to certify to the State Division of Local Government Services that the Governing Body of the Borough of South Plainfield have reviewed and discussed the completed CY2015 Best Practices Inventory as prepared by the Chief Financial Officer at the September 21, 2015 public meeting of the Mayor and Council.

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

1. Glenn Cullen, Borough Administrator
2. Amy Antonides, Municipal Clerk

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

RESOLUTION: 15-293

AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$4,796.88 FOR JOHN LORY OF 135 MILDRED STREET

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

Block: 118 Lot: 7.01
 John Lory
 237 Barrow Street Apt. #3
 Jersey City, NJ 07302
 \$4,796.88

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

RESOLUTION 15-294

AUTHORIZING THE NJ STATE CONTRACT PURCHASE OF SIX DELL COMPUTERS FOR THE SENIOR CENTER IN AN AMOUNT NOT TO EXCEED \$7,207.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of 6 Dell Computers for the Senior Center in an amount not to exceed \$7,207.00 pursuant to NJ State Contract.

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. IT

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

**BOROUGH OF SOUTH PLAINFIELD
RESOLUTION NO. 2015-295**

WHEREAS, the Borough of South Plainfield, County of Middlesex, State of New Jersey entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Mayor and Council recognize that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Mayor and Council have determined that it is in the best interests of the citizens of the Borough of South Plainfield to approve the Amendment, and/or to affirm and ratify the Amendment;

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk be and are hereby authorized to execute the aforesaid Amendment.
3. The Mayor and Council hereby authorize Jeffrey R. Surenian, Esq., with the approval of the Borough’s designated counsel, to execute an agreement on behalf of the Borough of South Plainfield with Econsult Solutions, Inc.

The Mayor and Council hereby authorize Jeffrey R. Surenian, Esq. to execute on behalf of the Borough with the approval of the Borough’s designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Mayor and Council further authorize its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the Borough to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the Borough to appropriate and commit any additional funding for the MSSDA, the Borough of South Plainfield shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough.
6. This Resolution shall take effect immediately.

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

**RESOLUTION 15-296
AUTHORIZING AN HOURLY RATE INCREASE FOR PAT CASTERLINE
FROM \$20/HR TO \$25/HR. FOR YOGA INSTRUCTION
AT THE SENIOR CENTER**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the hourly rate increase for Pat Casterline at the Senior Center for Yoga Instruction at a new rate of \$25/hr from \$20/hr with no benefits

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

CORRESPONDANCE

- Environmental Monthly Report – August, 2015
- Recycling Monthly Report – August, 2015

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

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

Current Fund	5-01	141,396.40
Current Fund	4-01	0.00
Pool Utility	4-26	0.00
Pool Utility	5-26	690.67
Sewer Utility	4-07	0.00
Sewer Utility	5-07	341.22
Sewer Utility Capital	C-08	0.00
General Capital	C-04	78,797.49
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	1,819.00
Dog Trust	T-12	3,654.33
Treasurers Trust	T-13	22,307.69
Recreation Trust	T-14	4,995.11
TOTAL ALL FUNDS	5-01	\$254,001.91

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

COUNCIL REPORTS:

Borough Attorney Rizzo, Esq. – very briefly reviewed the matter involving Mr. Chin and asked the Council how they wish him to proceed. The Council advised Mr. Rizzo to refer the matter to the Planning Board.

Administrator Cullen – advised that we received the very generous donation of mums that are planted around Borough Hall from DeLorenzo's Landscaping. On a side note, the Library is progressing very nicely.

Engineer Miller – reported that the road projects are all moving along very nicely.

Clerk Antonides – advised that she has arranged for a poll worker training class to take place at the Senior Center on Tuesday, October 20, 2015 at 7:00 p.m.

Councilman Diana – advised that the Fall Clean-up is scheduled for October 3rd. The staging area is a little different this year in that it will be at the DPW garage instead of at Borough Hall. The Buddy Walk will also be held on the same day.

Councilman Rusnak – reported progress.

Councilman Bengivenga – reported progress.

Councilman Richkus - thanked the Council for their support with resolution #294 this evening. It is for six computers that are being very generously donated by an anonymous citizen. We thank that citizen very much. The computers are greatly appreciated. Councilman Richkus went on to thank all those volunteers that helped with the Labor Day Parade and advised that the Senior Center pool tables have been recovered.

Councilman Barletta – reported progress.

Council President White – advised that AT&T will be coming to town soon at the Old Park Commons. We look forward to welcoming them.

Mayor Anesh – reported that October 17th is the Mayors Wellness Health Fair. Mayor Anesh thanked the Seniors for the first Meet the Mayor event. It went well and we may be doing these on a quarterly basis from now on.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Suzanne Lepore of Bullard Place advised that there will be a line dance event on October 24th at the Senior Center from 7-10p.m. Everyone is invited to come. There will be a Halloween window decorating contest again this year only the windows will be assigned a number and the artist's name will not be on it.

The South Plainfield Robotics Team gave a brief review of their school project from last year and discussed some of the fine points of the program including what some of their goals for this school year is.

Mr. Mike English of 123 Lee Place asked what the purpose of the Ordinance is this evening that vacates certain streets. Councilman Diana explained it to him. Mr. English went on to mention his desire to refurbish "Jost Field". Councilman Rusnak said that property is owned by the Board of Education and not the Borough. Thus is it the Board of Education's responsibility. Councilman Rusnak further added that he is very aware of this particular field in that it has been discussed countless times during the Shared Service meetings he attends with Debbie Boyle with the School Board. Mayor Anesh added that this would be a prime example of a project to submit to the County for Open Space Grant funding, however, the County has made a point of ignoring South Plainfield. They do not return our calls, our emails, or our letters. They have not given us one dime in years. Mayor Anesh reiterated that the County has not given back to our tax payers in years and suggested that maybe the Board of Education should try to apply for these grants for their fields as they may have better luck than we do. Councilman Rusnak asked Mr. English how much the cost estimates are to refurbish this field. Mr. English said \$4.1 million dollars. Mayor Anesh said with that in mind, we have to remember that the open space grant is a "matching" grant and 50% of the project cost will still need to be allocated.

Ms. Debbie Boyle of Van Fleet, said that the Board of Ed has been trying to obtain grant funding for years from the County but to no avail. Ms. Boyle said it should not matter what political affiliation the town is in order to receive grant funding. Ms. Boyle then went on to mention that 9/27/15 is the Tint Sprint Run, October 7, 2015 is the National Walk & Bike to School Day, and the Taste of South Plainfield's new date is October 19th at the Senior Center.

Darlene Cullen of 1457 Fox Place, Library Board President, gave a very brief status report of the Library. The Library staff just moved over 60,000 books themselves. Mrs. Cullen complimented the DPW for their help. Mrs. Cullen said she cannot commit to a date for the completion of the Library. It is projected to be done the end of November. Mr. Cullen asked Mrs. Cullen if it is true that the new section will be open before the old section. Mrs. Cullen said yes, that is the plan.

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

At 8:25 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.

Upon return from Executive Session at 9:40 p.m. and called the public meeting back to order.

ADJOURNMENT

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilman Bengivenga made a motion to adjourn at 9:40 p.m., seconded by Councilman Rusnak and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk