

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
OCTOBER 5, 2015 7:01 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:01 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 Barletta 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.

Proclamation: Breast Cancer Awareness Month – October, 2015
Domestic Violence Awareness Month – October, 2015
Italian Heritage & Culture Month – October, 2015

Mayor Anesh read all the aforementioned proclamations. The Breast Cancer Awareness Proclamation was presented to South Plainfield Pink Sox who graciously accepted it. Everyone extended a round of applause and photographs were taken by the media present.

Approve Council Minutes September 21, 2015 – Agenda
September 21, 2015 – Public
September 21, 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				
Council President White	x		X				
VOTE:			5	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. 2015-2037
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.

Ordinance #2037: October 5, 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:	5	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 19, 2015 at approximately 7 p.m.

**ORDINANCE NO. 2038
AN ORDINANCE AMENDING SECTION 181 OF THE CODE OF THE
BOROUGH OF SOUTH PLAINFIELD TITLED “CHARITABLE CLOTHING BINS”.**

WHEREAS, charitable clothing bins are permitted within the Borough subject to requirements set forth in Chapter 181 of the Borough Code; and

WHEREAS, issues have arisen with regard to the number of such bins and maintenance of such bins;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 181, titled “Charitable Clothing Bins” shall be amended as follows:

1. Replace the first sentence of Section 181-2(A) with the following language: The person has obtained a permit, valid for one year or less, from the appropriate municipal agency. All permits shall expire as of December 31 of each year. The person obtaining the permit must comply with the following:
2. ADD: SECTION 181-2(A)(6) – Any and all applications for a permit under this Section must be received by the Borough by November 15 of each year for a permit to be in effect the following year.
3. ADD: SECTION 181-2(A)(7) – Each applicant shall be limited to having one clothing bin per lot and a maximum of three clothing bins in each permissible zone. Each applicant shall further

be limited to a maximum number of clothing bins to be placed in the Borough to be no more than 25% of the total available locations for placement of clothing bins within the entire Borough. This limitation shall apply to the applicant; if the applicant is an individual, to any and all legal entities in which the applicant owns 50% or more of such entity; and if the applicant is a corporation or other legal entity, to any subsidiary or affiliate of the applicant.

4. ADD: SECTION 181-2(A)(8) – In the event the applicant has previously obtained a permit and placed one or more clothing bins within the Borough, the applicant’s prior compliance with this Ordinance, as well as all other ordinances and laws of the Borough, shall be considered as a factor in determining whether to grant approval of the permit application.

5. RENUMBER: SECTION 181-3. RECEIPT AND INVESTIGATION OF COMPLAINTS RECEIVED TO BE SECTION 181-4.

6. ADD: A NEW SECTION 181-3 as follows:

181-3. MAINTENANCE OF BINS.

a. A person or entity placing, using or employing a charitable donation bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin, and shall at all times maintain the area around the bins free of garbage, refuse and rubbish.

b. In the event of a violation of this Section, the person or entity placing, using or employing the charitable clothing bin shall be provided with written notice of such violation, which shall be sent to the bona fide office provided, and which shall specify the violation. The violation must be eliminated, remedied or otherwise addressed to the satisfaction of the Borough within ten (10) days of the date of the notice. In the event such violation has not been eliminated, remedied, or otherwise addressed to the satisfaction of the Borough within said time, the Borough may revoke the permit issued for the placement of the bin or bins in question, as well as for every other bin for which such person or entity has a permit, and all such bins must be immediately removed from the Borough.

c. In the event a permit or permits have been revoked, and clothing bins have not been removed after order of the Borough, the Borough may take possession of such bins and dispose of such bins in its discretion, and any cost for such action shall be the responsibility of the person or entity that had been issued such permit or permits.

d. All remedies set forth in this Section are in addition to any other penalties for violation as may be set forth in this Chapter.

7. RENUMBER: SECTION 181-4. VIOLATIONS AND PENALTIES TO BE SECTION 181-7.

8. ADD: SECTION 181-6. RESPONSIBILITY OF OWNERS AND OCCUPANTS OF PROPERTY.

No property owner or occupant of property shall allow any clothing bins to be located on their property unless a permit has been obtained for the placement of such clothing bin, and the individual or entity placing the clothing bin has complied with all provisions of this Ordinance and all other ordinances and laws of the Borough, County and State. In the event any owner or occupier of property violates this provision, they shall be subject to the same violations and penalties as set forth in Section 181-7.

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

Introduction of Ordinance #2038: October 5, 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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS

**RESOLUTION 15-298
AUTHORIZING THE PART-TIME (NO BENEFITS) HIRING OF
DANIELLE HURST, ON AN AS-NEEDED BASIS,
TO ASSIST IN THE MUNICIPAL CLERKS OFFICE
AND/OR THE CONSTRUCTION DEPARTMENT
TO ASSIST DURING EMPLOYEE VACATION/SICK ABSENCES
OR AS WORK LOAD DEEMS NECESSARY**

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 Borough Administrator to hire a former 2015 Summer Intern, Danielle Hurst, on a part-time hourly basis without benefits to assist in the Municipal Clerk’s Office and/or the Construction Department to assist during times of employee vacation/sick absences or as work load deems necessary effective retroactively to September 16, 2015:

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. Marie Dudek, Payroll
4. Dominic Demico, Construction Official
5. Danielle Hurst

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

RESOLUTION 2015-299
RESOLUTION AUTHORIZING SETTLEMENT OF 2012, 2013 AND 2014 TAX APPEALS FILED BY
THERMO NATIONAL INDUSTRIES, INC., FOR THE PROPERTY KNOWN AS 3651 S. CLINTON
AVENUE AND IDENTIFIED AS BLOCK 446, LOT 3 ON THE BOROUGH OF SOUTH PLAINFIELD
TAX ASSESSMENT MAPS

WHEREAS, Thermo National Industries, Inc. (hereinafter referred to as “Taxpayer”) is the owner of the property known as 3651 S. Clinton Avenue and identified as Block 446, Lot 3 on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$440,000 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 011510-2012, 011343-2013 and 011899-2014; 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 2012, 2013 and 2014 tax years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for Tax Years 2012, 2013 and 2014; and

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

- The 2012 tax assessment shall be affirmed and remain unchanged at \$440,000;
- The 2013 tax assessment shall be affirmed and remain unchanged at \$440,000;
- The 2014 original assessment in the amount of \$440,000 shall be reduced to \$390,000 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 Stipulation of Settlement is filed within 45 days from the date thereof and the tax refund is received within 60 days of the date of entry of the Tax Court Judgment. The tax refund shall be made payable to “The Irwin Law Firm Attorney Trust Account F.B.O. Thermo National Industries, Inc. Plaintiff”; and
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall apply to the assessment for Tax Year 2015.

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 \$390,000 total tax assessment for the 2014 tax year for Block 446, Lot 3 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 Thermo National Industries, Inc. under Docket Nos.: 011510-2012, 011343-2013 and 011899-2014 and for the property known as 3651 S. Clinton Avenue and identified as Block 446, Lot 3, on the Borough of South Plainfield Tax Assessment Maps which affirms the assessments for Tax Years 2012 and 2013; which reduces the 2014 total tax assessment on the Property from \$440,000 to \$390,000; which provides that the Taxpayer has agreed to waive statutory interest provided the Stipulation of Settlement if filed within 45 days from the date thereof and the tax refund is received within 60 days from the date of entry of the Judgment; which further provides that any tax refund resulting from the settlement shall be made payable to "The Irwin Law Firm Attorney Trust Account F.B.O. Thermo National Industries, Inc. Plaintiff" and forwarded to counsel for Taxpayer within 60 days from the date of entry of the Judgment; and which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for Tax Year 2015.
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 Barletta			X				
Councilman Bengivenga			X				
Councilman Diana						X	
Councilman Richkus		x	X				
Councilman Rusnak			X				
Council President White	x		X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 15-300
AUTHORIZING THE NJ STATE CONTRACT PURCHASE OF RADIO RECEIVERS
FOR THE FIRE DEPARTMENT FROM MOTOROLA SOLUTIONS
IN AN AMOUNT NOT TO EXCEED \$56,120.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of Radio Receivers for the Fire Department in an amount not to exceed \$56,120.00 pursuant to NJ State Contract (83909).

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. Fire Department

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

RESOLUTION 15-301
AUTHORIZING THE NJ STATE CONTRACT PURCHASE OF
LABOR AND MISC. RADIO EQUIPMENT FOR THE FIRE DEPARTMENT
FROM PINNACLE WIRELESS IN AN AMOUNT NOT TO EXCEED \$19,104.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of Labor and Misc. Radio Equipment for the Fire Department in an amount not to exceed \$19,104.00 pursuant to NJ State Contract (83918).

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. Fire Department

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:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 15-302
AUTHORIZING THE NJ STATE CONTRACT PURCHASE OF
RADIOS AND ACCESSORIES FOR THE FIRE DEPARTMENT
FROM MOTOROLA SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$19,020.00**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of Radios and Accessories the Fire Department in an amount not to exceed \$19,020.00 pursuant to NJ State Contract (83909).

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. Fire Department

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:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2015-303
AUTHORIZING A BID AWARD TO NDP CONSTRUCTION FOR A COAH HOUSING
REHABILITATION “ZAHARAN” PROJECT FOR THE PROPERTY LOCATED AT 810 MAPLE
AVENUE IN AN AMOUNT NOT TO EXCEED \$13,685**

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

Authorization is hereby given to award a contract to SOLID ROCK CONSTRUCTION for a COAH housing rehabilitation “Zahran” project for the property located at 810 MAPLE AVENUE in the Borough of South Plainfield in an amount not to exceed \$13,685.00.

BE IT FURTHER RESOLVED, that payment may be made to NDP Construction upon the completion of said refurbishment project.

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:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2015-304
AUTHORIZING A BID AWARD TO NDP CONSTRUCTION FOR A COAH HOUSING
REHABILITATION “SCHOONOVER” PROJECT FOR THE PROPERTY LOCATED AT 131 PINE
STREET IN AN AMOUNT NOT TO EXCEED \$16,803**

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

Authorization is hereby given to award a contract to SOLID ROCK CONSTRUCTION for a COAH housing rehabilitation “SCHOONOVER” project for the property located at 131 PINE STREET in the Borough of South Plainfield in an amount not to exceed \$16,803.00.

BE IT FURTHER RESOLVED, that payment may be made to SOLID ROCK CONSTRUCTION upon the completion of said refurbishment project.

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:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2015-305
AUTHORIZING A BID AWARD TO YP CONSTRUCTION FOR A COAH HOUSING
REHABILITATION PROJECT FOR THE EGGERT PROPERTY LOCATED AT 107 CONKLIN STREET
IN AN AMOUNT NOT TO EXCEED \$17,880**

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

Authorization is hereby given to award a contract to YP CONSTRUCTION for a COAH housing rehabilitation project the EGGERT property located at 107 CONKLIN STREET in the Borough of South Plainfield in an amount not to exceed \$17,880.

BE IT FURTHER RESOLVED, that payment may be made to YP CONSTRUCTION upon the completion of said refurbishment project.

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2015-306
AUTHORIZING A BID AWARD TO YP CONSTRUCTION FOR A COAH HOUSING
REHABILITATION PROJECT FOR THE GREEN PROPERTY LOCATED AT 410 DELORES AVENUE
IN AN AMOUNT NOT TO EXCEED \$21,860

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

Authorization is hereby given to award a contract to YP CONSTRUCTION for a COAH housing rehabilitation project for the GREEN property located at 410 DELORES AVENUE in the Borough of South Plainfield in an amount not to exceed \$21,860.

BE IT FURTHER RESOLVED, that payment may be made to YP CONSTRUCTION upon the completion of said refurbishment project.

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2015-307
AUTHORIZING A BID AWARD TO NDP CONSTRUCTION FOR A COAH HOUSING
REHABILITATION PROJECT FOR THE NILLA PROPERTY LOCATED AT 119 FLORENCE PLACE
IN AN AMOUNT NOT TO EXCEED \$18,400

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

Authorization is hereby given to award a contract to NDP Construction for a COAH housing rehabilitation project for the NILLA property located at 119 FLORENCE PLACE in the Borough of South Plainfield in an amount not to exceed \$18,400.

BE IT FURTHER RESOLVED, that payment may be made to NDP CONSTRUCTION upon the completion of said refurbishment project.

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:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2015-308
AUTHORIZING THE TERMINATION OF EMPLOYMENT
OF JEFFREY HEINE.

WHEREAS, after receipt of all necessary approvals from the State of New Jersey, Jeffrey Heine was hired as a probationary police officer on August 4, 2014 and continues as such, and

WHEREAS, the New Jersey Division of Pensions and Benefits has reported that Jeffrey Heine does not meet its requirements, and is not eligible to be employed as a police officer due to its requirements concerning age and its interpretation of all laws and regulations regarding same; and

WHEREAS, Jeffrey Heine has advised the Borough that he is appealing the determination of the New Jersey Division of Pensions and Benefits; and

WHEREAS, Jeffrey Heine cannot perform the duties of a police officer at this time;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the employment of Jeffrey Heine shall be and is hereby terminated due to the determination of the New Jersey Division of Pensions and Benefits effective immediately;

BE IT FURTHER RESOLVED that in the event Jeffrey Heine obtains a determination prior to December 31, 2015 by the New Jersey Division of Pensions and Benefits reversing its decision and stating that Jeffrey Heine is eligible to be employed in the position of a police officer, the Borough shall re-hire Jeffrey Heine to the position of probationary police 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:	5	0			
Mayor Anesh – TIE ONLY							

CORRESPONDANCE

- Thank you note from Berkshire Hathaway
- Letter from Royal Coffee New York Inc.
- Health Advisory Board Minutes – 9/22/15
- Traffic Safety Advisory Commission Minutes – 7/22/15

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:	5	0			
Mayor Anesh – TIE ONLY							

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

Current Fund	5-01	312,930.39
Current Fund	4-01	0.00
Pool Utility	4-26	0.00
Pool Utility	5-26	556.49
Sewer Utility	4-07	0.00
Sewer Utility	5-07	3,177.83
Sewer Utility Capital	C-08	0.00
General Capital	C-04	2,527.28
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	21,475.00
Dog Trust	T-12	0.00
Treasurers Trust	T-13	17,160.44
Recreation Trust	T-14	0.00
TOTAL ALL FUNDS	5-01	\$357,827.43

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:	5	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Borough Attorney Rizzo, Esq. – reported progress.

Administrator Cullen – advised that in about two weeks from now the cement work will begin around the municipal complex in preparation for the forthcoming paving of which is cautiously estimated to begin on November 6th for milling, with a base coat on November 7th and paving on November 11th. All weather permitting.

Engineer Miller – was absent this evening.

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 – was absent this evening.

Councilman Rusnak – reported progress.

Councilman Bengivenga – reported progress.

Councilman Richkus - advised that on behalf of Councilman Diana who could not be present this evening, he wanted to thank everyone involved with doing the town-wide clean-up. At the Senior Center, the new treadmills are a big hit as well as the refurbished pool tables. With the PAL building, it was brought to his attention that the baby pool need some upgrades which would be nice to do utilizing Open Space Grant funding. We intend to put in a request to the County for this. Today was anti-bullying day at the schools which was a great presentation for all students. October 8th is the Domestic Violence Walk and Cultural Arts will begin Halloween window painting on October 24th.

Councilman Barletta – reported progress.

Council President White – reported progress.

Mayor Anesh – reported progress.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Darlene Cullen of 1457 Fox Place, Library Board President, advised that as of today, the Library is closed to everyone. All employees decided to take vacation time. An approximate estimate time frame for the closing is 2 to 3 weeks.

Ms. Debbie Boyle of Van Fleet, thanked the Shared Service Team for their consideration for the refurbishment to Jose Park. We will be seeking the support of the Borough Council on this project in the coming days. Tomorrow at 8a.m. the Taste of South Plainfield will be meeting. This Wednesday is National Walk & Bike to School/Work Day. The upcoming health fair will be giving out free flu shots. Trunk or Treat will be on October 25th at the High School from 2L00 p.m. to 3:30 p.m. the cost is \$5 per family.

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. Council President White made a motion to adjourn at 7:34 p.m., seconded by Councilman Rusnak and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk