

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
OCTOBER 19, 2015 7:02 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:02 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: Mischief Night and Halloween – October, 2015

Mayor Anesh read the aforementioned proclamation and Mayor Anesh advised that it will be posted on the municipal website.

Approve Council Minutes October 5, 2015 – Agenda
October 5, 2015 – Public

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

RESOLUTIONS

**RESOLUTION 15-310
AUTHORIZING A REFUND FOR AN OCTOBERFEST EVENT
AT THE SENIOR CENTER TO VARIOUS SENIORS FOR \$75.00 EACH**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the following refund(s) for an Octoberfest event at the Senior Center as follows:

Carolyn Poulakowski
12 Hollywood Drive
Woodbridge, NJ 07095
\$75.00 10/15/15

Margaret O’Grady
54 Pennsylvania Avenue
Carteret, NJ 07008
\$75.00 10/15/15

Lelia Parham
900 Trinity Street
South Plainfield, NJ 07080
\$75.00 10/15/15

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

**RESOLUTION 15-311
AUTHORIZING THE PART-TIME HIRING OF THOMAS ZAZZARA AS A LABORER FOR THE DPW
AT THE HOURLY RATE OF \$12.56
EFFECTIVE OCTOBER 20, 2015 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 authorizes the part-time hiring of Thomas Zazzara as Laborer for the DPW with an effective date of 10/20/15 at the hourly rate of pay of \$12.56 with no benefits.

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. Anne Daley, Benefits
5. DPW Supervisor
6. Thomas Zazzara

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							

**RESOLUTION 15-312
AUTHORIZING A ONE YEAR RENEWAL EXTENSION OF THE SHARED SERVICE
AGREEMENT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND THE PLAINFIELD
MUNICIPAL UTILITIES AUTHORITY (PUMA) FOR SOLID WASTE TYPE 13 SERVICES FOR THE
YEAR 2016 AS THE SAME RATE AS 2015**

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, New Jersey that they hereby authorize a one year renewal extension of the Shared Service Agreement between the Borough of South Plainfield and the Plainfield Municipal Utilities Authority (PUMA) for Solid Waste Type 13 services for the 2016 year at the same rate as in 2015.

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

1. DPW
2. Glenn Cullen, Chief Financial Officer

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		x	X				
Councilman Bengivenga							X
Councilman Diana			X				
Councilman Richkus	x		X				
Councilman Rusnak			X				
Council President White							X
		VOTE:	4	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2015-313
BOROUGH OF SOUTH PLAINFIELD
COUNTY OF MIDDLESEX
AUTHORIZING INSERTION OF ITEM OF REVENUE FOR BUDGET YEAR 2015 FOR THE SENIOR
CENTER IMPROVEMENTS COVERED UNDER THE 2012 CDBG GRANT #CD1251 AND
HANDICAPPED RAMPS COVERED UNDER CD1356**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of South Plainfield in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2015 in the total sum of \$22,203.32 which is now available from the County of Middlesex and is broken down as follows:

Senior Center Improvements	\$ 2,203.32
Handicapped Ramps	\$20,000.00
Total	\$22,203.32

BE IT FURTHER RESOLVED, that the like sum of \$22,203.32 is hereby appropriated under the aforementioned Grants;

BE IT FURTHER RESOLVED, that two copies of this Resolution shall be forwarded to the Director of the Division of Local Government Services, and one copy shall be forwarded to the Chief Financial Officer.

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							

**RESOLUTION 15-314
AUTHORIZING THE PURCHASE OF AN ICE MACHINE FOR THE SENIOR CENTER FROM E&A IN
AN AMOUNT NOT TO EXCEED \$2,203.32
PAID FOR THROUGH CDBG GRANT #CD1251**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase of an ice machine for the Senior Center from E&A of Plainfield, NJ in an amount not to exceed \$2,203.32 to be paid for utilizing CDBG Grant #CD1251 as referenced in resolution 2015-313.

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 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 2015-315
AUTHORIZING THE TRANSFER OF 2013 CDBG FUNDS IN THE AMOUNT OF \$20,000.00 AND
AUTHORIZES THE REQUEST OF SAID FUNDS
FROM THE COUNTY OF MIDDLESEX TO BE USED FOR
HANDICAPPED RAMPS

WHEREAS, the County reports the following balances in the 2013 Community Development Block Grant program in the following amounts:

CD1356 \$25,000.00 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 Installation of Handicapped Ramps;

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 \$20,000.00 from CD1356 Senior Center Improvements and hereby changes the use of purchase to the “Handicapped Ramps” and as such authorizes the request of said funds from the County of Middlesex.

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							

RESOLUTION 2015-316
AUTHORIZING A SHARED SERVICE AGREEMENT BETWEEN
THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY
AND THE BOROUGH OF SOUTH PLAINFIELD
FOR THE RECYCLING OF YARD WASTE MATERIAL
AT A RATE NOT TO EXCEED THE VARIABLE RATE STRUCTURE
ON A PER TON BASIS WITHIN SAID AGREEMENT

WHEREAS, the Borough of South Plainfield requires recycling and marketing services for yard waste materials; and

WHEREAS, municipalities which enter into a two (2) year agreement with the Middlesex County Improvement Authority (MCIA) for the recycling of yard waste are guaranteed a rate not to exceed \$28.88 per ton for leaves; \$33.00 per ton for grass clippings; and \$28.88 per ton for brush per ton commencing on September 1, 2015 and shall end on July 31, 2017; and

WHEREAS, in the event the municipality chooses to deliver yard waste directly to the contractor's site the rate is not to exceed \$28.88 per ton for leaves; \$33.00 per ton for grass clippings; and \$28.88 per ton for brush per ton commencing on September 1, 2015 and shall end on July 31, 2017; and

WHEREAS, the Borough of South Plainfield is desirous of entering into an agreement with the Middlesex County Improvement Authority after reviewing other alternatives,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield that the Mayor and Clerk be and are hereby authorized to enter into and execute a Yard Waste Recycling and Marketing Services agreement with the Middlesex County Improvement Authority under the terms and conditions as negotiated in the agreement.

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				
			6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 15-317

AUTHORIZING THE PART-TIME HIRING OF BARRY GALITZER AS TAI CHI INSTRUCTOR FOR THE SENIOR CENTER FOR THE HOURLY RATE OF \$25.00 EFFECTIVE OCTOBER 21, 2015

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the part time hiring of Barry Galitzer as Tai Chi Instructor for the Senior Center for the hourly rate of \$25.00 effective October 21, 2015.

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							

CORRESPONDANCE

- Zoning Board Minutes – September 1st & 15th, 2015
- Business Economic Development Advisory Group Minutes – June 3, 2015
- Environmental Commission Minutes – August 12, 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							

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

Current Fund	5-01	183,394.70
Current Fund	4-01	0.00
Pool Utility	4-26	0.00
Pool Utility	5-26	1,383.77
Sewer Utility	4-07	0.00
Sewer Utility	5-07	815.75
Sewer Utility Capital	C-08	0.00
General Capital	C-04	0.00
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	888.00
Dog Trust	T-12	4,151.93
Treasurers Trust	T-13	37,799.40
Recreation Trust	T-14	7,165.45
TOTAL ALL FUNDS	5-01	\$235,599.00

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:	6	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Borough Attorney Rizzo, Esq. – reported on the status of an OPRA request that he submitted to Middlesex County pertaining to Open Space Applications. The attorney for the County has advised that they are working on the request and hope to have it completed by this Friday.

Administrator Cullen – advised that the EPA completed their testing on field 4 ballfield. They did a fabulous job of refurbishing the area’s remediation. The project is now complete. Recently there was a complaint pertaining to Enrite Gas Station regarding the culvert area in front of them but their concerns have been addresses. Leaf bags are going out today and the Street Sweeper has been out and about receiving some compliments from residents.

Engineer Miller – reported that his office is about to submit a grant application request for 2016 road improvements and this year’s road improvements are near completion.

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., which is tomorrow evening.

Councilman Diana – wished all candidates well with their upcoming election and then reported progress.

Councilman Rusnak – advised that the shared service committee submitted a report pertaining to a grant application for Open Space funds for Jose Field. Mayor Anesh confirmed that he has received it and will be looking it over. Councilman Rusnak also echoed Councilman Diana’s well wishes for the upcoming election and then reported progress.

Councilman Bengivenga – advised that we recently put up new crosswalk signs around the school areas to assist in crossing children. The signs are in the middle part of the roadway and has helped to slow traffic down a bit in those areas.

Councilman Richkus - thanked Councilman Bengivenga for the placement of the crosswalk signs. Councilman Richkus went on to thank the DPW for repainting many of the crosswalk lines. On another note, the Cultural Arts Commission will begin their annual Halloween window painting on October 24th in which the windows will be judged on October 31st.

Councilman Barletta – reported progress.

Council President White – announced that ShopRite will be coming to South Plainfield in the Spring of 2016. This will avail some jobs to our community. The A&P will be transitioning over to the ACME and as a result will be shut down for a few days.

Mayor Anesh – reported progress.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

With no 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 7:20 p.m., seconded by Councilman Rusnak and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk