

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
JANUARY 19, 2016 7:10 P.M.  
PUBLIC MEETING**

**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:10 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 Richkus	X		
Councilman Rusnak	X		
Councilman White	X		
Councilman Wolak	X		
Council President Bengivenga	X		
Mayor Anesh	X		
<b>ALSO PRESENT</b>			
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.

**Presentation** – by the Elks Club to the Feeney Family for “Brianna’s Special Needs Trust” – Mayor Anesh called Mr. Peter Smith from the Elks Club forward. Mr. Smith than called up the Feeney family and presented them with a check for \$6,456.00 for Brianna’s Special Needs Trust. Everyone extended a round of applause and photos were taken by family, friends and media present.

**Presentation:** Transfer of Police Officer

**RESOLUTION 16-35A  
AUTHORIZING THE BOROUGH ADMINISTRATOR TO INITIATE THE INTERGOVERNMENTAL TRANSFER  
FOR POLICE OFFICER CHRISTOPHER BLATH**

**WHEREAS** the Borough Administrator and Civil Service Appointing Authority has communicated with the Borough of South Plainfield regarding a request for an Intergovernmental Transfer with a salary pursuant to the salary ordinance and/or the local PBA contract; and

**WHEREAS** the Borough of South Plainfield has a vacancy in the Police Department and Police Officer Christopher Blath has requested approval from the Governing Body to participate in this transfer to the Borough of South Plainfield Police Department through the NJ Civil Service Commission Intergovernmental Transfer process;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex and State of New Jersey does hereby authorize the Civil Service Appointing Authority to initiate the Intergovernmental Transfer process on behalf of the sending jurisdiction; and

**BE IT FURTHER RESOLVED** that this resolution is subject to formal approval of the Intergovernmental Transfer by the Borough of South Plainfield as the receiving jurisdiction and final approval by the NJ Civil Service Commission; and

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

1. Glenn Cullen, Administrator/CFO – South Plainfield
2. Amy Antonides, Municipal Clerk – South Plainfield
3. Police Officer Christopher Blath
4. Police Chief James Parker – South Plainfield
5. Anne Daley – Benefits
6. Carmela Sutor, Payroll – South Plainfield
7. Kean University Police Department
8. NJ Civil Service Commission

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

Council President Bengivenga read a brief bio on Officer Blath. Councilman Rusnak administered the oath of office to Officer Blath. Everyone extended a round of applause and photographs were taken by family, friends and media present.

Mayor Anesh called for a brief recess at 7:20 p.m.  
 Mayor Anesh called the meeting back to order on 7:22 p.m.

**Authorizing the Approval of Council Minutes:**

- December 21, 2015 – Agenda
- December 21, 2015 – Public
- December 21, 2015 – Executive

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

- January 2, 2016 – Reorganization

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

**ORDINANCE – FIRST READING BY TITLE** was read by Clerk Antonides by title for the following two Bond Ordinances #2047 and #2048:

**BOND ORDINANCE 2047**  
**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT AND A FIRE TRUCK FOR THE FIRE DEPARTMENT IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,377,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF. – was read by title by Clerk Antonides**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,450,000, and further including the aggregate sum of \$72,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,377,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the

estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of a ladder truck and apparatus, including all related costs and expenditures incidental thereto.	\$1,345,000	\$1,277,750	10 years
b) The acquisition of fire equipment and radios, including all related costs and expenditures incidental thereto.	\$105,000	\$99,750	5 years
<b>TOTAL:</b>	<b>\$1,450,000</b>	<b>\$1,377,500</b>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes (A0880683)

pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.63 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,377,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

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

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

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

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The

obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

Mayor Anesh set the public hearing for February 1, 2016 at approximately 7:00 p.m.

**Introduction of Ordinance #2047: January 19, 2016**

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

**BOND ORDINANCE 2048**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$2,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,872,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF. – was read by title by Clerk Antonides**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,300,000, including a grant from the State of New Jersey Department of Transportation in the amount of \$400,000 for the purpose in Section 3(c) (the "State Grant") and further including the aggregate sum of \$27,500 as the several down payments for the improvements or purposes required by the Local Bond Law. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the

improvement in Section 3(c) since the improvement is being partially funded by the State Grant (\$1,750,000). The amount of the down payment appropriated is 5% of the \$550,000 in costs of the improvements which are not to be funded by the above referenced State Grant. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,872,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) Environmental remediation at the former American Smelting and Refining Company site, Borough Hall, the Department of Public Works and other locations, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.	\$250,000	\$237,500	15 years
b) The acquisition of Police and Borough computer, Eticket and payroll systems, including all related costs and expenditures incidental thereto.	\$290,000	\$275,500	5 years
c) Improvements to various roads,			

including but not limited to Franklin Avenue, all as set forth on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto.	\$1,750,000 (includes a \$400,000 grant from the State of New Jersey Department of Transportation)	\$1,350,000	10 years
d) Improvements to gas pumps and piping, including all work and materials necessary therefor and incidental thereto.	<u>\$10,000</u>	<u>\$9,500</u>	15 years
TOTAL:	<u>\$2,300,000</u>	<u>\$1,872,500</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates

to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.92 years.

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

ordinance by \$1,872,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$490,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

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

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

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

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

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

Mayor Anesh set the public hearing for February 1, 2016 at approximately 7:00 p.m.

**Introduction of Ordinance #2048: January 19, 2016**

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

**RESOLUTIONS:**

**RESOLUTION 2016-36  
ACCEPTING THE RESIGNATION OF KRISTEN SEMON  
AS A MEMBER OF THE PUBLIC CELEBRATIONS COMMITTEE**

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

It hereby accepts the resignation of Kristen Semon as a volunteer member of the Public Celebrations Committee effective immediately.

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

1. Amy Antonides, Municipal Clerk
2. Public Celebrations Committee

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

**RESOLUTION 2016-37**  
**RESOLUTION AUTHORIZING SETTLEMENT OF 2015 TAX APPEAL FILED BY CLINTON 3500**  
**REALTY, LLC, FOR THE PROPERTY KNOWN AS**  
**3500 SOUTH CLINTON AVENUE AND IDENTIFIED AS BLOCK 467.02, LOT 2,**  
**ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, Clinton 3500 Realty, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 3500 South Clinton Avenue and identified as Block 467.02, Lot 2, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$1,370,200 for 2015; and

**WHEREAS**, Taxpayer filed an appeal of the 2015 tax assessment in the Tax Court of the State of New Jersey under Docket Number 006740-2015; and

**WHEREAS**, a proposed settlement of the aforesaid tax appeal 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 2015 Tax Year under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market value for the Property which was over assessed for Tax Year 2015; and

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

- The 2015 original assessment in the amount of \$1,370,200 shall be reduced to \$1,095,900 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2015;
- The 2016 tax assessment of the Property shall be set by the Tax Assessor at a total tax assessment of \$810,920 prior to the close of the 2016 tax assessment books;
- Taxpayer has agreed to waive statutory interest provided the tax refund is mailed within 60 days of the date of entry of the Tax Court Judgment;
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall not apply.
- Refunds regarding overpayments shall be made payable to “Greer Socca & Lau LLC, Attorney Trust Account” and forwarded to Jon Greer, Esq., at Greer Socca & Lau, LLC, 525 Route 73 North, Suite 309, Marlton, NJ 08053 within 60 days of the date of entry of the Tax Court 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 appeal 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 appeal and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeal 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 \$1,095,900 total tax assessment for the 2015 tax year for Block 467.02, Lot 2 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 appeal filed by Clinton 3500 Realty, LLC under Docket No.: 006740-2015 for the Property known as 3500 South Clinton Avenue and identified as Block 467.02, Lot 2 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2015 total tax assessment on the Property from \$1,370,200 to \$1,095,900; which provides that the 2016 tax assessment of the Property shall be set by the Tax Assessor at a total tax assessment of \$810,920 prior to the close of the 2016 tax assessment books; which provides that the Taxpayer has agreed to waive statutory interest on any refund or overpayment due provided the refund check is mailed within 60 days from the issuance of Judgment; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply; and which further provides that any refunds shall be mailed to Jon Greer Esq., at Greer Socca & Lau, LLC, 525 Route 73 North, Suite 309, Marlton, New Jersey 08053.
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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Richkus	x		X				
Councilman Rusnak			X				
Councilman White		x	X				
Councilman Wolak			X				
Council President Bengivenga			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION: 2016-38**

**AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$1,153.95 FOR KUNAL VIJAN OF 631 ENGLISH COURT**

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

Block: 528 Lot: 43 Qual: C0631  
 Green Tree c/o Corelogic  
 1 Corelogic Drive  
 Westlake, TX 76262  
 \$1,153.95

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

**RESOLUTION 2016-39**  
**RESOLUTION AUTHORIZING SETTLEMENT OF 2014 AND 2015 TAX APPEALS FILED BY FUSION FANTASIES, LLC, FOR THE PROPERTY KNOWN AS 124 CASE DRIVE AND IDENTIFIED AS BLOCK 254, LOT 1.02, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, Fusion Fantasies, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 124 Case Drive and identified as Block 254, Lot 1.02, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$1,205,400 for 2014 and 2015; and

**WHEREAS**, Taxpayer filed an appeal of the 2014 and 2015 tax assessments in the Tax Court of the State of New Jersey under Docket Numbers 006238-2014 and 005467-2015; 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 2014 and 2015 Tax Years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market value for the Property which was over assessed for Tax Years 2014 and 2015; and

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

- The 2014 original assessment in the amount of \$1,205,400 shall be reduced to \$990,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2014;
- The 2015 original assessment in the amount of \$1,205,400 shall be reduced to \$990,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2015;
- Taxpayer has agreed to waive statutory interest provided the tax refund is received within 60 days of the date of entry of the Tax Court Judgments;
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall not apply;
- Refunds regarding overpayments shall be made payable to “Fusion Fantasies, LLC, Plaintiff and Sitar Law Offices, LLC, Attorney Trust Account” and forwarded to Sitar Law Offices, LLC, 1481 Oak Tree Road, Iselin, New Jersey 08830 within 60 days of the date of entry of the Tax Court Judgments.

**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:

4. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$990,000 total tax assessment for the 2014 tax year for Block 254, Lot 1.02 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
5. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$990,000 total tax assessment for the 2015 tax year for Block 254, Lot 1.02 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
6. 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 Fusion Fantasies, LLC, under Docket Nos.: 006238-2014 and 005467-2015 for the Property known as 124 Case Drive and identified as Block 254, Lot 1.02 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2014 and 2015 total tax assessments on the Property from \$1,205,400 to \$990,000; which provides that the Taxpayer has agreed to waive statutory interest on any refund or overpayment due provided the refund check is received within 60 days from the issuance of Judgments; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply; and which further provides that any refunds shall be mailed to Sitar Law Offices, LLC, 1481 Oak Tree Road, Iselin, New Jersey 08830.
7. 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				
Councilman Richkus	x		X				
Councilman Rusnak			X				
Councilman White		x	X				
Councilman Wolak			X				
Council President Bengivenga			X				
		VOTE:	6	0			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION No. 2016-40**  
**AUTHORIZING MAJESTIC TOWING TO BE THE OFFICIAL POLICE TOWING OPERATOR FOR**  
**THE 2016 CALENDAR YEAR PURSUANT TO CHAPTER 434-11**  
**OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD**

**WHEREAS**, pursuant to Chapter 434-11 of the Code of the Borough of South Plainfield, the Police Department has sought proposals from various towing operators for the police vehicle towing for the 2016 calendar year and only one bid was received from:

Majestic Towing

**WHEREAS**, only one of the operators of towing/wrecking establishments in the Borough of South Plainfield have made application in accordance with Chapter 434-11 of the Code of the Borough of South Plainfield for renewal of the license to operate on the rotation towing/wrecker list for the year 2016; and

**WHEREAS**, after proper review of the renewal application and inspection of the facilities by the South Plainfield Police Department it was deemed that the proposal that had the lowest towing fees and that also met the requirements of the Code is:

Majestic Towing  
Towing- \$65.00 for hook-up  
If more than 5 miles away \$3.00 per mile, \$1.50 per mile to vehicle  
Jump Starts - \$65  
Lock Outs - \$65  
Tire Repairs - \$15.00 plus service fee  
Tire Changes: \$65

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the official towing operator for the South Plainfield Police Department be and hereby issued to Majestic Towing for the year 2016.

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

**RESOLUTION 2016-41  
ACCEPTING THE RETIREMENT OF RAYMOND MONTICCHIO FROM THE DPW EFFECTIVE  
NOVEMBER 1, 2016**

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

It hereby accepts the retirement of Robert Monticchio from the DPW effective November 1, 2016;

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

1. Len Miller, DPW
2. Carmela Sutor, Payroll
3. Anne Daley, Benefits
4. Amy Antonides, Municipal Clerk

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

**RESOLUTION: 2016-42  
AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$1,572.71 FOR THOMAS  
SMITH OF 3344 BANTA ROAD**

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

Block: 236 Lot: 18  
Dovenmuehle Mortgage Inc.  
1206 St. Charles Road  
Elgin, IL 60120  
\$1,572.71

**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				
Councilman Richkus	x		X				
Councilman Rusnak			X				
Councilman White		x	X				
Councilman Wolak			X				
Council President Bengivenga			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 16-43**  
**AUTHORIZING THE APPOINTMENTS OF TWO JUNIOR FIREFIGHTERS FOR THE SOUTH PLAINFIELD VOLUNTEER FIRE DEPARTMENT**

**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 appointment of:

**Jessica McGuinness – as Junior Firefighter**  
**239 Christopher Avenue**  
**South Plainfield, NJ 07080**

**La Juan – as Junior Firefighter**  
**311 March Place**  
**Plainfield, NJ 07060**

for the South Plainfield Volunteer Fire Department as recommended by Fire Chief Scalera.

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

1. Glenn Cullen, CFO
2. Carmela Sutor, Payroll
3. Anne Daley, Benefits
4. Amy Antonides, Municipal Clerk
5. Fire Chief Scalera

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

**RESOLUTION 16-44**  
**AUTHORIZING THE NJ STATE CONTRACT PURCHASE OF THREE PORTABLE RADIOS FOR THE FIRE OFFICIAL FROM MOTOROLA SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$8,393.25**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a NJ State Contract purchase of 3 portable radios for the Fire Department from Motorola Solutions in an amount not to exceed \$8,393.25 pursuant to NJ State Contract Numbers 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 Official

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

**RESOLUTION 16-45**  
**AUTHORIZING THE BOYLE MEMORIAL FOUNDATION TO VIDEOTAPE BOROUGH COUNCIL MEETINGS**

**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 a monthly fee with The Boyle Memorial Foundation for videotaping of the Borough Council meetings for 2016.

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

1. Glenn Cullen, CFO
2. John Abbruzzese, IT
3. The Boyle Memorial Foundation
4. Amy Antonides, Municipal Clerk

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

**RESOLUTION: 2016-46**

**AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$155,543.61  
PERTAINING TO 1001 DURHAM AVENUE IN SOUTH PLAINFIELD**

**WHEREAS**, the following list of taxpayers have filed appeals with the Tax Court of New Jersey and have received judgments reducing their assessments:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Arc Realty Ventures LLC	550	4.01	2014	\$85,363.12
By Northeast Realty 1001 Durham Avenue South Plainfield, NJ 07080			2013	\$70,180.49

**Make check payable to:**

The Davidson Legal Group LLC,  
Atty Trust Acct for  
Arc Realty Ventures LLC  
By Northeast Realty

**Total** **\$155,543.61**

**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				
Councilman Richkus	x		X				
Councilman Rusnak			X				
Councilman White		x	X				
Councilman Wolak			X				
Council President Bengivenga			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION: 2016.47**

**AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$5,615.00  
PERTAINING TO 3651 SOUTH CLINTON AVENUE IN SOUTH PLAINFIELD**

**WHEREAS**, the following list of taxpayers have filed appeals with the Tax Court of New Jersey and have received judgments reducing their assessments:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Thermo National Industries, Inc. 105 New Era Drive South Plainfield, NJ 07080	446	3	2015	\$2,848.50
			2014	\$2,766.50

**Make check payable to:**

The Irwin Law Firm  
Attorney Trust Account  
F.B.O. Thermo National Industries, Inc  
80 Main Street, Suite 410  
West Orange, NJ 07052

**Total** **\$5,615.00**

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

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

**RESOLUTION: 2016--48**

**AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$82,708.37  
PERTAINING TO 1001 DURHAM AVENUE IN SOUTH PLAINFIELD**

**WHEREAS**, the following list of taxpayers have filed appeals with the Tax Court of New Jersey and have received judgments reducing their assessments:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Arc Realty Ventures LLC % Onyx By Bergman Realty 1001 Durham Avenue South Plainfield, NJ 07080	550	4.01	2012	\$82,708.37

**Make check payable to:**

The Davidson Legal Group LLC,  
Atty Trust Acct for  
Arc Realty Ventures LLC  
% Onyx by Bergman Realty

**Total** **\$82,708.37**

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

**RESOLUTION: 2016-49**  
**AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$58,285.68**  
**PERTAINING TO 121 CORPORATE BOULEVARD**  
**IN SOUTH PLAINFIELD**

WHEREAS, the following list of taxpayers have filed appeals with the Tax Court of New Jersey and have received judgments reducing their assessments:

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Robert Bosch Corp. Corporate Boulevard South Plainfield, NJ 07080	528	46.19	2012	\$29,969.46
			2011	\$28,316.22

**Make check payable to:**  
Zipp & Tannenbaum, LLC  
Attorney Trust Fund for  
Robert Bosch Corp  
280 Raritan Center Parkway  
Edison, NJ 08837

**Total** **\$58,285.68**

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

**RESOLUTION: 2016-50**  
**AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$31,792.11**  
**PERTAINING TO 1001 DURHAM AVENUE IN SOUTH PLAINFIELD**

WHEREAS, the following list of taxpayers have filed appeals with the Tax Court of New Jersey and have received judgments reducing their assessments:

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<b><u>OWNER/ADDRESS</u></b>	<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>YEAR</u></b>	<b><u>AMOUNT</u></b>
Northeast Realty 1001 Durham Avenue South Plainfield, NJ 07080	550	4.01	2015	\$31,792.11

**Make check payable to:**

The Davidson Legal Group LLC,  
Atty Trust Acct for  
Northeast Realty

**Total** **\$31,792.11**

**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				
Councilman Richkus	x		X				
Councilman Rusnak			X				
Councilman White		x	X				
Councilman Wolak			X				
Council President Bengivenga			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 16-51**

**AUTHORIZING A SOLE SOURCE PROVIDER CONTRACT WITH TACTICAL PUBLIC SAFETY FOR MAINTENANCE FOR POLICE RADIO SYSTEM IN AN AMOUNT NOT TO EXCEED \$42,672.00 FROM 8/1/15 THROUGH 7/31/16**

**WHEREAS** the sole source vendor Tactical Public Safety has submitted an RFP to the Borough to provide maintenance services for the police radio system from August 1, 2015 through July 31, 2016; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the awarding of a contract for professional services without public advertising for bids and bidding therefore, provided that the resolution authorizing the contract and the contract itself be available for public inspection in the office of the Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality,

**WHEREAS** Tactical Public Safety Equipment maintains specialty software and equipment for the police radio system; and

**WHEREAS**, Tactical Public Safety is the only company authorized to maintain their proprietary equipment on behalf of the Borough of South Plainfield;

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a soul source provider contract with Tactical Public Safety to maintain the police radio system in an amount not to exceed \$42,672.00 which shall be applied to the municipal line item 5-01-25-250-000-204, and 6-01-25-250-000-204; and

**BE IT ALSO RESOLVED** that the Municipal Clerk shall publish a copy of this resolution of award, 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
3. Borough IT Department
4. Police Department

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

**RESOLUTION 16-52**

**AUTHORIZING 2015 APPROPRIATION TRANSFERS IN THE AMOUNT OF \$60,000.  
FOR THE CURRENT FUND PURSUANT TO N.J.S.A. 40A:4-58**

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

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

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

<b>Borough of South Plainfield</b>			
<b>Transfers</b>			
<b>2015</b>			
<b>CURRENT FUND</b>			
<b>FROM:</b>			<b>AMOUNT</b>
5-01-20-130-000-101	Finance	S&W	3,000.00
5-01-20-140-000-311	Computers	O&E	5,000.00
5-01-20-155-000-101	Legal	S&W	5,000.00
5-01-21-185-000-221	Zoning	O&E	3,000.00
5-01-22-195-001-101	Code Enforcement	S&W	4,000.00
5-01-23-210-000-655	Other Insurance	O&E	5,000.00
5-01-25-240-001-101	Police	S&W	15,000.00
5-01-26-290-003-102	Snow Removal	S&W	10,000.00
5-01-28-370-001-101	Recreation	S&W	2,000.00
5-01-31-465-001-565	Gasoline	O&E	5,000.00
5-01-26-310-000-101	Public Buildings & Grounds	S&W	3,000.00
<b>Total FROM:</b>			<b>60,000.00</b>
<b>TO:</b>			<b>AMOUNT</b>
5-01-25-240-003-241	Crossing Guards	O & E	10,000.00
5-01-23-220-000-611	Health	O & E	3,000.00
5-01-26-310-000-415	Public Buildings & Grounds	O & E	5,000.00
5-01-27-330-001-204	Board of Health	O & E	4,000.00
5-01-30-410-001-685	LOSAP	O & E	6,000.00
5-01-30-415-001-101	Accumulated Leave	O & E	30,000.00
5-01-31-440-001-541	Telephone	O & E	2,000.00
<b>Total TO:</b>			<b>60,000.00</b>

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

**RESOLUTION No. 2016-53**  
**AUTHORIZING CONSENT FOR ACCESS TO THE EPA FOR ACCESS TO BOROUGH RIGHT OF WAYS FOR THE INSTALLATION OF GROUNDWATER MONITORING WELLS AND PERIODIC SAMPLING AND MAINTENANCE OF SAID WELL**

**WHEREAS**, the United States Environmental Protection Agency initiated a remedy for Operable Unit 3 of the Cornell-Dublier Electronics Superfund Site and now requests access to Borough property in the Right of Way or the installation of a groundwater monitoring wells and periodic sampling and maintenance of said well;

**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 for the Mayor and/or Municipal Clerk to execute the Consent for Access to Property in the form as attached hereto as Exhibit A.

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

**RESOLUTION 2016-54**  
**AUTHORIZING A 2015 TEMPORARY BUDGET AMENDMENT OF \$170,000.00 IN THE CURRENT FUND**

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

**WHEREAS**, the date of this resolution is prior to the adoption of the FY 2016 Budget, and

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

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the temporary appropriations are hereby amended to add the following amounts and that a certified copy of this resolution is transmitted to the Chief Financial Officer.

**Borough of South Plainfield  
Temporary Budget Amendment  
CALENDAR YEAR 2016**

**CURRENT FUND**

			<b>AMOUNT</b>
6-01-23-210-000-655	Other Insurance	O&E	<b>25,000</b>
6-01-25-252-000-321	Emergency Management	O&E	<b>7,000</b>
6-01-26-290-003-102	Snow	S&W	<b>10,000</b>
6-01-26-290-003-321	Snow	O&E	<b>10,000</b>
6-01-36-472-000-675	SSI	Statutory	<b>31,000</b>
6-01-44-901-000-235	CIF	Capital	<b>87,000</b>
<b>Total CURRENT FUND</b>			<b>170,000</b>

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

**RESOLUTION 2016-55  
AUTHORIZING THE HIRING OF PART-TIME TELE-COMMUNICATOR OPERATORS  
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 Leslie Samayoa, Tia Taylor, Aisha Patel, Michael Canavan and William Bori as part-time Tele-Communicator Operators on a per diem basis with an effective date of January 20, 2016; 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
3. James Parker, Chief of Police
4. Carmela Sutor, Payroll

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

**RESOLUTION 16-56  
AUTHORIZING THE 2016 COMMUNITY POOL FEES**

**BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, New Jersey that at the recommendation of the Director of Recreation , authorization is hereby given to amend resolution 15-42 for the purpose of amending the fees for the establishment of the 2015 Community Pool Fees as follows:

**FEES:** The following Fees will be used during the 2015 Summer Pool Season:

<u>Resident</u>	<u>On or Before 4/30</u>	<u>After 4/30</u>
Family	\$315 & 10 passes	\$370 & 10 passes
Individual	\$180 & 10 passes	\$235 & 10 passes
Senior Citizen	\$70 & 10 passes	\$85 & 10 passes
<u>Nonresident</u>		
Family	\$575 & 10 passes	\$600 & 10 passes
Individual	\$300 & 10 passes	\$325 & 10 passes
Senior Citizen	\$140 & 10 passes	\$160 & 10 passes

**DAILY ADMISSION PASSES :** Everyone must provide proper identification

<b>Monday – Friday</b>	<b>Weekends/Holidays</b>			
	<b>Resident</b>	<b>Nonresident</b>	<b>Resident</b>	<b>Nonresident</b>
All ages before 5:00pm	\$ 12	\$25	\$15	\$30
All ages after 5:00pm	\$ 8	\$12	\$ 8	\$ 12
Groups – 20 or more*	\$ 8		\$ 8	

\*Must be pre-registered

A limited amount of passes will be sold daily

**IDENTIFICATION CARDS**

Photo identification cards are to be used by all members. They must be presented at Front Desk each time you enter the Complex. Any member allowing someone else to use their cards will forfeit their membership for the rest of the season. Adult cards are good for six years. Children cards are good for three years. **THE FEE FOR A REPLACEMENT CARD IS \$5.**

**RAIN CHECKS**

Rain checks will be issued to paid guests if the pool is closed by management before 2:30PM

**MEMBERSHIP**

**INDIVIDUAL** – Resident of South Plainfield age 12 or over. Applicants under 18 must have parental consent.

**FAMILY** – Any 2 Adults and their children residing at the family home in South Plainfield and can prove residency. Any subsequent adults residing in the home must obtain an individual membership. Children included under this membership are under 19 year’s old or full time college students (valid college ID required) or fully dependent (severe physical/mental disability) adults.

**SENIOR CITIZEN** – 55 years of age and older

**ALL CHILDREN UNDER 12 YEARS OF AGE MUST BE ACCOMPANIED BY A RESPONSIBLE MEMBER, AGE 18 OR OLDER. NO CHILD UNDER 12 SHALL BE LEFT ALONE AT THE FACILITY FOR ANY REASON.**

**FEES ARE NOT REFUNDABLE**

All picnics must be arranged through the managers at the pool.

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

1. Mr. Kevin Hughes, Recreation Director
2. Glenn Cullen, Chief Financial Officer

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

**RESOLUTION 16-58  
AUTHORIZING THE APPOINTMENT OF GINA McCONVILLE  
TO THE PUBLIC CELEBRATIONS COMMITTEE**

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

***GINA McCONVILLE***

is hereby appointed to the South Plainfield Public Celebrations Committee to fill the unexpired term of Kristen Semon to 12/31/2016.

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

**AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:**

- Recycling Monthly Report – November, 2015
- Board of Adjustment Minutes – December 1, 2015 & December 15, 2015
- Health Advisory Board Minutes – December 15, 2015
- Planning Board Minutes – October 27, 2015
- Environmental Commission Minutes – November 11, 2015

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Richkus			X				
Councilman Rusnak		x	X				
Councilman White	x		X				
Councilman Wolak			X				
Council President Bengivenga			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	183,788.74
Current Fund	5-01	333,944.77
Current Fund	6-01	443,870.84
Pool Utility	6-26	0.00
Pool Utility	5-26	0.00
Sewer Utility	6-07	17,937.49
Sewer Utility	6-07	3,391.82
Sewer Utility	5-07	28,250.84
Sewer Utility Capital	C-08	0.00
General Capital	C-04	21,775.68
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	16,664.43
Dog Trust	T-12	400.00
Treasurers Trust	T-13	24,159.70
Recreation Trust	T-14	9,995.05
<b>TOTAL ALL FUNDS</b>		<b>\$1,084,179.36</b>

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

**COUNCIL REPORTS:**

Borough Attorney Rizzo, Esq. – reported progress.

Administrator Cullen – advised that the 2015 surplus level will be increasing modestly over 2016.

Engineer Miller – reported progress.

Clerk Antonides – reported progress.

Councilman Wolak – advised that the second annual spelling bee will be at the Senior Center on February 2<sup>nd</sup> and went on to describe some of the various programs at the Senior Center.

Councilman White – reported that Sky Zone held their grand opening last Saturday of which was a big success and then went on to report progress.

Councilman Rusnak – congratulated Councilman Wolak for his very first council meeting. On another note Councilman Rusnak advised that budget meetings will begin soon.

Councilman Richkus - wished everyone a Happy New Year and thanked all the volunteers on all Boards, Committees and Commissions for their time. Councilman Richkus went on to thank the CFO and the Finance Committee for a good job with the surplus.

Councilman Barletta – advised that the forthcoming snow storm this weekend will be a first test for our new DPW Supervisor, Len. As a reminder to all residents, during this snow storm please keep vehicles off the roads during the snow storm.

Council President Bengivenga – congratulated the two junior firefighters appointed this evening. Council President Bengivenga advised that this year marks the 90<sup>th</sup> anniversary of our Borough and the 15<sup>th</sup> year anniversary of the 9/11 attacks. We will be planning events this year for both of these anniversary's.

Mayor Anesh – advised that he will be setting up a special committee pertaining to the next phase of the Hollywood Avenue project. On another note, Mayor Anesh advised that we will be bringing back a town History Day to South Plainfield this year.

**COMMENTS FROM THE PUBLIC:**

Mayor Anesh opened the floor for public comment.

Debbie Boyle of Van Fleet advised the dates and times of various events throughout the community.

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

**ADJOURNMENT**

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilman White made a motion to adjourn at 7:45 p.m., seconded by Councilman Richkus and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC - Municipal Clerk