

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
DECEMBER 5, 2016, 7:00 P.M.
AGENDA MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:00 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 Amy Antonides as follows:

COUNCIL	Present	Absent	Late
Councilwoman Faustini	X		
Councilman Richkus	X		
Councilman Rusnak		X	
Councilman White	X		
Councilman Wolak	X		
Council President Bengivenga	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Bill Robertson Esq.	X		
Engineer Miller	X		

Review of Agenda Items: Clerk Antonides reviewed all the items on the agenda for this evening advising that there will be a cancellation of resolution #16-384 and an addition of resolution #16-385. Councilman Richkus made a motion to remove #16-384 from the agenda, seconded by Councilman Wolak and unanimously carried by an all in favor. Councilwoman Faustini made a motion to add resolution #16-385 to the agenda, seconded by Councilman White and unanimously carried by an all in favor.

Mayor Anesh asked if the Council had any comments about the agenda this evening. Councilwoman Faustini sought clarification with ordinance 2070 asking if there will be any type of delay with emergent utility work that needs to be done. Mr. Miller responded that this ordinance will just charge the utility companies with the same rates that everyone else has to pay. There is never any hold-up for an emergent type of situation. There were no further comments from the Council.

Public Hearing:

Release of Performance Bond Posted by All Seasons Sports Academy, LLC for Public Improvements to Block 476, Lot 3, located at 2700 Hamilton Blvd. Mayor Anesh asked is anyone is present to represent this bond release tonight. No one was present from All Seasons Sports Academy. Mayor Anesh opened the floor for public hearing and with no comments made, closed the floor. Mayor Anesh advised this resolution is on the agenda for consideration this evening.

Release of Performance Bond Posted by Sandra Cassio for Public Improvements to Block 379, Lot 11, located on Delmore Avenue. Mayor Anesh asked is anyone is present to represent this bond release tonight. Mrs. Cassio was present. Mayor Anesh opened the floor for public hearing and with no comments made, closed the floor. Mayor Anesh advised this resolution is on the agenda for consideration this evening.

**RESOLUTION #16-367
AUTHORIZING A CLOSED SESSION MEETING**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council of the Borough of South Plainfield wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Borough Council to discuss certain matter(s) in private, and in this case for the purpose of the Borough Council to discuss the below matters all of which requires attorney-client privilege:

- Contractual – COAH Subordination
- Litigation – Block 282, Lot 51.02

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Plainfield that it will go into an Executive Session for the purpose of Borough Council to discuss the aforementioned matters all of which requires attorney-client privilege in this regard;

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Borough Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

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

PUBLIC COMMENT ON AGENDA ITEMS ONLY: Mayor Anesh opened the floor for public comments. With no public comments made, Mayor Anesh closed the floor from public comments.

ADJOURN AGENDA MEETING: With no further comments, Mayor Anesh asked for a motion to adjourn from the Agenda Meeting. Councilman White made a motion to adjourn from the Agenda Meeting at 7:08 p.m., seconded by Councilwoman Faustini and unanimously carried by an all in favor.

Respectfully Submitted By:

Amy Antonides

Amy Antonides, RMC/CMC/CMR