

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
DECEMBER 5, 2016 7:08 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:08 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
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	X		
Engineer Miller	X		

Flag Salute: was led by Mayor Anesh and Councilwoman Faustini 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.

Authorizing the Approval of Council Minutes:

- November 14, 2016 – Agenda
- November 14, 2016 - Public
- November 14, 2016 – Executive Session

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

ORDINANCE – SECOND READING BY TITLE was read by Clerk Antonides for Ordinances 2066. Mayor Anesh opened the floor for public hearing. With no comments from the public, Mayor Anesh closed the floor.

ORDINANCE No. 2066

AN ORDINANCE AMENDING ORDINANCE 2031 THAT PROVIDES FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2015 THROUGH 2018 FOR PART TIME AND SEASONAL HELP FOR BUILDING & RECREATION TO NOW INCLUDE PART TIME ELECTRICAL INSPECTOR

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

SECTION 1. The rates of compensation for each employee of the Borough of South Plainfield shall be on an annual basis as follows except where indicated. Such rates of pay shall be effective on January 1st of the years shown., * unless otherwise indicated.

POSITION (RET)	1.9% Increase Per Year				
	2014	2015	2016	2017	2018
Clerk	\$ 15.04	\$ 15.33	\$ 15.62	\$ 15.91	\$ 16.22
PT Building Inspector	\$ 37.31	\$ 38.02	\$ 38.74	\$ 39.48	\$ 40.23
PT Plumbing Sub-Code	\$ 34.20	\$ 34.85	\$ 35.51	\$ 36.19	\$ 36.87
Public Safety Telecommunicator	\$ 17.70	\$ 18.04	\$ 18.38	\$ 18.73	\$ 19.08
Building Maintenance Worker	\$ 21,079.00	\$ 21,479.50	\$ 21,887.61	\$ 22,303.48	\$ 22,727.24
Recreation Housekeeper	\$ 11,736.00	\$ 11,958.98	\$ 12,186.20	\$ 12,417.74	\$ 12,653.68
Recreation Attendant I	\$ 12.33	\$ 12.56	\$ 12.80	\$ 13.05	\$ 13.29
Recreation Attendant II	\$ 14.04	\$ 14.31	\$ 14.58	\$ 14.86	\$ 15.14
Recreation Attendant III	\$ 15.73	\$ 16.03	\$ 16.33	\$ 16.64	\$ 16.96
Recreation Attendant IV	\$ 16.84	\$ 17.16	\$ 17.49	\$ 17.82	\$ 18.16
Effective 1/1/15					

POSITION	2015	2016	2017	2018
Clean Neighborhood Program Aid	\$14.00	\$14.26	\$14.54	\$14.81
*Effective Date: August 1, 2015				

POSITION	2015	2016	2017	2018
PT ELECTRICAL INSPECTOR	n/a	\$35.51	\$36.19	\$36.87
*Effective Date: DECEMBER 5, 2016				

SECTION 2. INCONSISTENCY – All ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. EFFECTIVE DATE – This ordinance shall become effective after publication in accordance with the law.

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

ORDINANCE – SECOND READING BY TITLE was read by Clerk Antonides for Ordinances 2066. Mayor Anesh opened the floor for public hearing. With no comments from the public, Mayor Anesh closed the floor.

**ORDINANCE NO.2067
AN ORDINANCE AMENDING ARTICLE XI OF THE
BOROUGH ZONING ORDINANCE.**

WHEREAS, Article XI of the Borough Land Use Ordinance, titled “Non-Conforming Uses”, Section 1103 provides that a variance is not required of a pre-existing, non-conforming structure if the extension of the physical structure involved does not cause a violation of the requirements of the Zoning Ordinance, or does not further extend the variance previously granted; and

WHEREAS, the courts have declared that the power to allow expansion of non-conforming uses resides exclusively with boards of adjustment, and any ordinance purportedly permitting such an expansion is improper;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Section 1103 of Article XI, Non-Conforming Uses, shall be and is hereby deleted.

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

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilwoman Faustini			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							

ORDINANCE – FIRST READING BY TITLE was read by Clerk Antonides for Ordinances 2068, 2069 AND 2070. Mayor Anesh set the public hearing for December 19, 2016 at approximately 7:00 p.m.

ORDINANCE 2068

**AN ORDINANCE AMENDING ORDINANCE 2015 THAT PROVIDES FOR THE COMPENSATION OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF SUCH COMPENSATION TO NOW INCLUDE
A PART TIME QUALIFIED PURCHASING AGENT**

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that this ordinance shall amend ordinance 2015 to now include the following position to Section 1 thereof and the rates of compensation for each employee of the Borough of South Plainfield shall be on an annual basis as follows except where indicated. Such rates of pay shall be effective on January 1st of the years shown, except if otherwise noted.

POSITION	2015	2016	2017	2018
Purchasing Agent	N/A	N/A	\$3,500-\$7,500	\$3,500-\$7,500

SECTION 2. INCONSISTENCY- All ordinance or parts inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. EFFECTIVE DATE – This ordinance shall become effective after publication in accordance with the law.

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							

ORDINANCE NO.2069
AN ORDINANCE AMENDING CHAPTER 216, ARTICLE III, SECTION 216-7 ENTITLED
“MISCELLANEOUS FEES” OF THE
BOROUGH CODE OF THE BOROUGH OF SOUTH PLAINFIELD

WHEREAS, Chapter 216, Article III, Section 216-7 of the Borough Code, entitled “Miscellaneous Fees”, provides various fees charged by the Borough of South Plainfield; and

that a variance is not required of a pre-existing, non-conforming structure if the extension of the physical structure involved does not cause a violation of the requirements of the Zoning Ordinance, or does not further extend the variance previously granted; and

WHEREAS, a need exists to include under section 216-7 the following fee:

- Engineering Plot Plan Review/Inspection: \$1,000

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 216, Article III, Section 216-7, “Miscellaneous Fees”, shall be amended to add the aforementioned fee.

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

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

ORDINANCE NO. 2070
AN ORDINANCE AMENDING CHAPTER 409, OF THE CODE OF THE
BOROUGH OF SOUTH PLAINFIELD TITLED “STREETS AND SIDEWALKS,
ARTICLE III, EXCAVATIONS IN STREETS”.

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Code of the Borough, Chapter 409, entitled Streets and Sidewalks, Article III, Excavations in Streets, shall be and is hereby amended as follows:

SECTION 409-34, Public Utility Corporations, Subsection A, shall be and is hereby amended to delete from said provision reference to Section 409-33 and said provision shall now read as follows:

409-34(A) Nothing contained in this Article shall be construed as requiring the issuance of a permit for the performance of any work done by a public utility corporation under the provisions of its charter or franchise, nor shall Sections 409-15, 409-16, 409-19, and 409-30 be construed as applying to any public utility corporation.

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

Introduction of Ordinance #2070: December 5, 2016

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

RESOLUTIONS

**RESOLUTION 16-368
AUTHORIZING THE AGREEMENT BETWEEN THE MIDDLESEX COUNTY PROSECUTOR’S
OFFICE AND THE BOROUGH OF SOUTH PLAINFIELD
POLICE DEPARTMENT FOR SPECIALIZED INVESTIGATIVE
LAW ENFORCEMENT EQUIPMENT FUNDED BY THE COUNTY
OF MIDDLESEX ON AN AS-NEEDED BASIS AND ALSO AUTHORIZING THE MAYOR
AND POLICE CHIEF TO EXECUTE SAID AGREEMENT FOR 2017 YEAR**

WHEREAS, the United States Department of Homeland Security has heretofore established the Urban Area Security Initiative (UASI) which is a homeland security designation and is based upon the infrastructure and risks within the Counties and Municipalities I the State of New Jersey; and

WHEREAS, the Middlesex County Prosecutor’s Office has provided an opportunity to the Borough of South Plainfield for the purpose of utilizing specialized investigative equipment on an “as needed” basis to the South Plainfield Police Department; and

WHEREAS, the Governing Body of the Borough of South Plainfield wishes to enter into an inter-local agreement with the County of Middlesex in order to participate in this valuable program; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the Mayor and Police Chief to execute said Agreement for the 2017 year with the County of Middlesex; 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, Police Chief
4. Middlesex County Prosecutor’s Office

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

RESOLUTION 16-369
AUTHORIZING THE STATE CONTRACT PURCHASE OF A LI-POLYMER BATTERY
FOR THE POLICE DEPARTMENT FROM TACTICAL PUBLIC SAFETY
IN AN AMOUNT NOT TO EXCEED \$6,650.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the state contract purchase of a Li-Polymer Battery for Police Department from Tactical Public Safety in an amount not to exceed \$6,650.00 pursuant to state contract number A83932; 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, Police Chief

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

RESOLUTION 16-370
AUTHORIZING THE EXTRAORDINARY UNSPECIFIABLE SERVICES (EUS)
FROM TACTICAL PUBLIC SAFETY FOR ANNUAL MAINTENANCE SERVICES
FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$42,672.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the extraordinary unspecifiable services (EUS) from Tactical Public Safety, a NJ state contract vendor, for annual maintenance services for the Police Department in an amount not to exceed \$42,672.00; 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, Police Chief

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

**RESOLUTION 16-371
AUTHORIZING THE PURCHASE OF NEW BLEACHERS FOR THE PAL BUILDING FROM
BSN SPORTS IN AN AMOUNT NOT TO EXCEED \$3,149.98**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase of new bleachers for the PAL Building from BSN Sports in an amount not to exceed \$3,149.98; 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. Kevin Hughes, Recreation

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

**RESOLUTION 2016-372
RESOLUTION AUTHORIZING SETTLEMENT OF 2012, 2014, 2015 AND 2016 TAX APPEALS FILED
BY CF 220 RYAN STREET LLC, FOR THE PROPERTY KNOWN AS 220 RYAN STREET AND
IDENTIFIED AS BLOCK 477, LOT 5 ON THE BOROUGH OF SOUTH PLAINFIELD TAX
ASSESSMENT MAPS**

WHEREAS, CF 220 Ryan Street LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 220 Ryan Street and identified as Block 477, Lot 5 on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$296,400 for the years under appeal; and

WHEREAS, Taxpayer filed appeals of the 2012, 2014, 2015 and 2016 tax assessments in the Tax Court of the State of New Jersey under docket numbers 011376-2012, 012355-2014, 011406-2015 and 009233-2016; 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, 2014, 2015 and 2016 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, 2014, 2015 and 2016; and

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

- The 2012 tax appeal shall be withdrawn;
- The 2014 original assessment in the amount of \$296,400 shall be reduced to \$250,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2014;
- The 2015 original assessment in the amount of \$296,400 shall be reduced to \$250,000 and the

Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2015;

- The 2016 original assessment in the amount of \$296,400 shall be reduced to \$250,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2016;
- Taxpayer has agreed to waive statutory interest provided that the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment. The tax refund shall be made payable to “CF 220 Ryan Street LLC and Chiesa, Shahinian & Giantomasi, P.C., as attorneys”; and

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 \$250,000 total tax assessment for the 2014, 2015 and 2016 tax years for Block 477, Lot 5 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 CF 220 Ryan Street LLC under Docket Nos.: 011376-2012, 012355-2014, 011406-2015 and 009233-2016 and for the property known as 220 Ryan Street and identified as Block 477, Lot 5, on the Borough of South Plainfield Tax Assessment Maps which withdraws the appeal for Tax Year 2012; which reduces the 2014, 2015 and 2016 total tax assessments on the Property from \$296,400 to \$250,000; which provides that the Taxpayer has agreed to waive statutory interest provided the tax refund is paid within 60 days from the date of entry of the Judgment; and which further provides that any tax refund resulting from the settlement shall be made payable to “CF 220 Ryan Street LLC and Chiesa, Shahinian & Giantomasi, P.C., as attorneys” and forwarded to counsel for Taxpayer within 60 days from the date of entry of the Judgment.
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
Councilwoman Faustini			x				
Councilman Richkus	x		x				
Councilman Rusnak						x	
Councilman White		x	X				
Councilman Wolak			X				
Council President Bengivenga			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2016-373
RESOLUTION AUTHORIZING SETTLEMENT OF 2012, 2014, 2015 AND 2016 TAX APPEALS FILED
BY CF 240 RYAN STREET LLC, FOR THE PROPERTY KNOWN AS 240 RYAN STREET AND
IDENTIFIED AS BLOCK 477, LOT 9.01 ON THE BOROUGH OF SOUTH PLAINFIELD TAX
ASSESSMENT MAPS

WHEREAS, CF 240 Ryan Street LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 240 Ryan Street and identified as Block 477, Lot 9.01 on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$596,200 for the years under appeal; and

WHEREAS, Taxpayer filed appeals of the 2012, 2014, 2015 and 2016 tax assessments in the Tax Court of the State of New Jersey under docket numbers 011377-2012, 012353-2014, 011405-2015 and 009228-2016; 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, 2014, 2015 and 2016 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, 2014, 2015 and 2016; and

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

- The 2012 tax appeal shall be withdrawn;
- The 2014 original assessment in the amount of \$596,200 shall be reduced to \$475,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2014;
- The 2015 original assessment in the amount of \$596,200 shall be reduced to \$475,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2015;
- The 2016 original assessment in the amount of \$596,200 shall be reduced to \$475,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2016;
- Taxpayer has agreed to waive statutory interest provided that the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment. The tax refund shall be made payable to “CF 240 Ryan Street LLC and Chiesa, Shahinian & Giantomasi, P.C., as attorneys”; and

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 \$475,000 total tax assessment for the 2014, 2015 and 2016 tax years for Block 477, Lot 9.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
5. 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 CF 240 Ryan Street LLC under Docket Nos.: 011377-2012, 012353-2014, 011405-2015 and 009228-2016 and for the property known as 240 Ryan Street and identified as Block 477, Lot 9.01, on the Borough of South Plainfield Tax Assessment Maps which withdraws the appeal for Tax Year 2012; which reduces the 2014, 2015 and 2016 total tax assessments on the Property from \$596,200 to \$475,000; which provides that the Taxpayer has agreed to waive statutory interest provided the tax refund is paid within 60 days from the date of entry of the Judgment; and which further provides that any tax refund resulting from the settlement shall be made payable to “CF 240 Ryan Street LLC and Chiesa, Shahinian & Giantomasi, P.C., as attorneys” and forwarded to counsel for Taxpayer within 60 days from the date of entry of the Judgment.
6. 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
Councilwoman Faustini			x				
Councilman Richkus	x		x				
Councilman Rusnak						x	
Councilman White		x	x				
Councilman Wolak			x				
Council President Bengivenga			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2016-374

**RESOLUTION AUTHORIZING SETTLEMENT OF 2012, 2014, 2015 AND 2016 TAX APPEALS FILED
BY CF 260 RYAN STREET LLC, FOR THE PROPERTY KNOWN AS 260 RYAN STREET AND
IDENTIFIED AS BLOCK 477, LOT 13.01 ON THE BOROUGH OF SOUTH PLAINFIELD TAX
ASSESSMENT MAPS**

WHEREAS, CF 260 Ryan Street LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 260 Ryan Street and identified as Block 477, Lot 13.01 on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$812,000 for the years under appeal; and

WHEREAS, Taxpayer filed appeals of the 2012, 2014, 2015 and 2016 tax assessments in the Tax Court of the State of New Jersey under docket numbers 011378-2012, 012354-2014, 011403-2015 and 009231-2016; 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, 2014, 2015 and 2016 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, 2014, 2015 and 2016; and

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

- The 2012 tax appeal shall be withdrawn;
- The 2014 original assessment in the amount of \$812,000 shall be reduced to \$625,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2014;
- The 2015 original assessment in the amount of \$812,000 shall be reduced to \$625,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2015;
- The 2016 original assessment in the amount of \$812,000 shall be reduced to \$625,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2016;
- Taxpayer has agreed to waive statutory interest provided that the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment. The tax refund shall be made payable to “CF 260 Ryan Street LLC and Chiesa, Shahinian & Giantomasi, P.C., as attorneys”; and

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:

7. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$625,000 total tax assessment for the 2014, 2015 and 2016 tax years for Block 477, Lot 13.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
8. 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 CF 260 Ryan Street LLC under Docket Nos.: 011378-2012, 012354-2014, 011403-2015 and 009231-2016 and for the property known as 260 Ryan Street and identified as Block 477, Lot 13.01, on the Borough of South Plainfield Tax Assessment Maps which withdraws the appeal for Tax Year 2012; which reduces the 2014, 2015 and 2016 total tax assessments on the Property from \$812,000 to \$625,000; which provides that the Taxpayer has agreed to waive statutory interest provided the tax refund is paid within 60 days from the date of entry of the Judgment; and which further provides that any tax refund resulting from the settlement shall be made payable to "CF 260 Ryan Street LLC and Chiesa, Shahinian & Giantomasi, P.C., as attorneys" and forwarded to counsel for Taxpayer within 60 days from the date of entry of the Judgment.
9. 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
Councilwoman Faustini			x				
Councilman Richkus	x		x				
Councilman Rusnak						x	
Councilman White		x	x				
Councilman Wolak			x				
Council President Bengivenga			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 16-375

AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX AND THE BOROUGH OF SOUTH PLAINFIELD FOR AN OPEN SPACE AND FARMLAND PRESERVATION TRUST FUND MATCHING GRANT IN THE AMOUNT OF \$137,500 AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE SAME

WHEREAS, the Borough of South Plainfield applied to the County of Middlesex for Open Space and Farmland Preservation Trust Funding for sports lighting at Memorial Field in the Borough of South Plainfield; and

WHEREAS, the Middlesex County Board of Chosen Freeholders have approved and authorized an Open Space and Farmland Preservation Trust Grant to be awarded on a "reimbursement basis" to the Borough of South Plainfield in the amount of \$137,500 for said purpose;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the Mayor and Municipal Clerk to execute said Agreement; 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. Kevin Hughes, Recreation Director
4. Honorable Middlesex County Board of Chosen Freeholders
5. Ronald G. Rios, Freeholder Director

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

RESOLUTION #16-376
AUTHORIZING THE RELEASE OF A PERFORMANCE BOND POSTED BY
ALL SEASONS SPORTS ACADEMY, LLC FOR PUBLIC IMPROVEMENTS
TO BLOCK 476, LOT 3 AND ACCEPTANCE OF
THE MAINTENANCE BOND IN THE AMOUNT OF \$79,986.00

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from All Seasons Sports Academy, LLC for the improvements located at Block 476, Lot 3; and

WHEREAS, has submitted the Maintenance Bond in the amount of \$79,986.00; and

WHEREAS, the Borough Engineer has given approval of the form and content of the aforementioned Maintenance Bond.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at Block 476, Lot 3.

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

RESOLUTION #16-377
AUTHORIZING THE RELEASE OF A PERFORMANCE BOND POSTED
BY SANDRA CASSIO FOR PUBLIC IMPROVEMENTS TO
BLOCK 379, LOT 11 AND ACCEPTANCE OF
THE MAINTENANCE BOND IN THE AMOUNT OF \$3,041.10

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from Sandra Cassio for the improvements located at Block 379, Lot 11; and

WHEREAS, has submitted the Maintenance Bond in the amount of \$3,041.10; and

WHEREAS, the Borough Engineer has given approval of the form and content of the aforementioned Maintenance Bond.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at Block 379, Lot 11.

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

RESOLUTION 16-378
AUTHORIZING THE REFUND OF \$339.00 TO POWER HOME REMODELING GROUP
FOR A CANCELLED CONSTRUCTION
PERMIT FEE FOR WORK NOT PERFORMED

WHEREAS, the Construction Official confirms that work did not take place at 3138 Park Avenue in South Plainfield as originally planned and thus the applicant has requested a refund of their \$339.00 permit fee;

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 refund check(s) in the amount(s) of \$339.00 to the following:

**Power Home Remodeling Group
2501 Seaport Drive, First Floor
Chester, PA 19013**

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

RESOLUTION: 2016-379
**AUTHORIZING THE REFUND OF A TAX OVERPAYMENT IN THE AMOUNT OF \$278.18
PERTAINING TO 203 OAK MANOR PARKWAY IN SOUTH PLAINFIELD**

WHEREAS, the Tax Collector advises that the following taxpayers and/or their agents have overpaid their sewer and have requested refunds:

OWNER/ADDRESS

Block 230; Lot 7
Joshua Lozano
203 Oak Manor Parkway
South Plainfield, NJ 07080
\$278.18

MAKE CHECK PAYABLE TO:

Joshua Lozano
203 Oak Manor Parkway
South Plainfield, NJ 07080

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

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

RESOLUTION: 2016-380
**AUTHORIZING THE PUBLIC AUCTION BY THE POLICE DEPARTMENT
OF TWO ABANDONED VEHICLES**

WHEREAS, the South Plainfield Police Department in accordance with R.S. 39:10A-1, are in possession of abandoned vehicles due to the failure of the owners claiming such and are now desires of conducting a public auction in December 2016 at 11:00 a.m. at 2480 Plainfield Avenue, South Plainfield, New Jersey for the following abandoned vehicles:

YEAR	MAKE	MODEL	VIN#	STATUS	MIN. BID	*Location
1999	Ford	Expedition	1FMPU18L5XLB90423	Fair	\$825.00	1
1990	Honda	Accord	1HGCB7648LA000354	Fair	\$1,106.00	2
2000	Hyundai	Elantra	KMHJF35F3YU911487	Fair	\$1,395.00	2
2000	Chrysler	Sebring	3C3EL45H7YT258439	Fair	\$774.00	2
2006	Ford	Econoline	1FTNE24W06HA05758	Fair	\$1,632.00	3
1997	Honda motorcycle	CBR	JH2PC2507VM602962	Fair	\$1,635.00	3
2001	Volkswagon	Passat	WVWRH63B01P201924	Fair	\$1,466.00	3
2005	Nissan	Quest	5N1BV28U45N136652	Crash	\$1,000.00	3

*Location:

1=Sullivan's Auto Body-2210 Hamilton Blvd, South Plainfield

2=R&C Auto Body- 3330 Park Avenue, South Plainfield

3=Butrico's Auto Body- 2507 New Brunswick Avenue, South Plainfield

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the South Plainfield Police Department are hereby authorized to publicly advertise and auction the aforementioned vehicles deemed to be abandoned by their owner(s).

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

RESOLUTION 16-381

AUTHORIZING THE REMOVAL OF LINDA SISK AS PART-TIME HELP AT THE SENIOR CENTER AND REPLACING HER WITH THE HIRING OF SHARON CIULLO FOR THE SENIOR CENTER, PART TIME WITH NO BENEFITS, AT AN HOURLY RATE OF \$12.80 EFFECTIVE DECEMBER 6, 2016

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that based upon the recommendation of the Borough Administrator it hereby confirms the removal of Linda Sisk as part-time help at the Senior Center and replacing her with the hiring of Sharon Ciullo for the Senior Center, part time with no benefits, at an hourly rate of \$12.80 effective December 6, 2016;

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. Anne Daley, Benefits
4. Carmela Sutor, Payroll
5. Tree Olano, Senior Center

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

RESOLUTION 16-382
AUTHORIZING THE HIRING OF JOHN MCMANUS AS A
PART-TIME ELECTRICAL INSPECTOR WITH NO BENEFITS TO COVER ACCRUED TIME OFF
WITHIN THE BUILDING DEPARTMENT AND ANY URGENT OR EMERGENCY SITUATIONS UPON
THE APPROVAL OF THE BOROUGH ADMINISTRATOR

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that the Borough Council hereby authorizes the hiring of John McManus as part-time Electrical Inspector to cover accrued time off within the Building Department and any urgent or emergency situations upon the approval of the Borough Administrator with no benefits at a salary pursuant to ordinance with an effective date of December 5, 2016.

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. Anne Daley, Benefits
4. Dominic Demico, Building Inspector
5. Carmela Sutor, Payroll

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

RESOLUTION 16-383
AUTHORIZING 2016 APPROPRIATION TRANSFERS IN THE AMOUNT OF \$150,000.00
FOR THE CURRENT FUND AND \$500.00 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.

*See attached page

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

CURRENT FUND			
FROM:			AMOUNT
6-01-23-220-000-601	Health Insurance	O&E	100,000.00
6-01-20-100-000-101	Borough Admin	S&W	2,000.00
6-01-25-240-001-101	Police	S&W	29,000.00
6-01-25-260-000-209	Rescue Squad	O&E	5,000.00
6-01-26-290-001-101	Public Works Admin	S&W	3,000.00
6-01-26-315-000-101	Vehicle Maintenance	S&W	5,000.00
6-01-31-420-001-555	Electric	O&E	6,000.00
Total FROM:			150,000.00
TO:			AMOUNT
6-01-20-110-000-515	Executive	O & E	1,000.00
6-01-20-130-000-101	Finance	S&W	3,000.00
6-01-20-140-000-225	Computers	O & E	5,000.00
6-01-20-145-000-101	Collection of Taxes	S&W	5,000.00
6-01-20-150-000-101	Assessing	S&W	5,000.00
6-01-23-210-000-651	Other Insurance	O & E	5,000.00
6-01-25-240-001-401	Police	O & E	10,000.00
6-01-25-250-000-204	911	O & E	2,000.00
6-01-25-265-001-101	Fire Department	S&W	3,000.00
6-01-25-265-001-201	Fire Department	O & E	3,000.00
6-01-25-265-002-101	Fire Official	S&W	8,000.00
6-01-26-290-003-321	Snow	O & E	6,000.00
6-01-26-305-003-101	Recycling	S&W	2,000.00
6-01-26-305-003-235	Recycling	O & E	3,000.00
6-01-26-310-000-415	Public Buildings and Grounds	O & E	14,000.00
6-01-26-315-000-401	Vehicle Maintenance	O & E	3,000.00
6-01-28-370-001-235	Recreation	O & E	5,000.00
6-01-28-370-002-102	Senior Center	O & E	5,000.00
6-01-30-410-001-685	LOSAP	O & E	5,000.00
6-01-31-435-002-555	Street Lights	O & E	6,000.00
6-01-31-440-001-541	Telephone	O & E	8,000.00
6-01-31-445-001-581	Water	O & E	2,000.00
6-01-38-481-000-225	Tax Appeals	O & E	5,000.00
6-01-30-415-001-101	Accumulated Leave	O & E	31,000.00
6-01-44-901-000-235	Capital Improvement Fund	CIP	5,000.00
Total TO:			150,000.00
POOL UTILITY			
FROM:			AMOUNT
6-26-55-520-000-215	Pool O&E	O&E	500.00
Total FROM:			500.00
TO:			AMOUNT
6-26-55-902-000-801	Bond Principal	Debt	500.00
Total TO:			500.00

**RESOLUTION 2016-385
ACCEPTING THE RETIREMENT OF KENNETH CALDERONI
AS DPW HEAVY EQUIPMENT OPERATOR EFFECTIVE DECEMBER 31, 2016**

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

It hereby accepts the retirement of Kenneth Calderoni from the DPW as a Heavy Equipment Operator effective December 31, 2016 as the last date of service;

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

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

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

AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:

- Letter of appreciation from a resident for Diane Janus
- Health Advisory Board Minutes – November 15, 2016

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							

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

Current Fund	5-01	0.00
Current Fund	6-01	1,040,013.34
Pool Utility	6-26	2,014.00
Pool Utility	5-26	0.00
Sewer Utility	6-07	1,116,953.95
Sewer Utility	5-07	0.00
Sewer Utility Capital	C-08	0.00
General Capital	C-04	190,762.32
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	4,918.89
Dog Trust	T-12	3,858.33

Treasurers Trust	T-13	7,138.70
Recreation Trust	T-14	4,817.28
COAH		0.00
TOTAL ALL FUNDS		\$ 2,370,476.81

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

COUNCIL REPORTS:

Borough Attorney Robertson Esq. – reported progress

Administrator Cullen –

Engineer Miller – reported that the Franklin Avenue road improvement project is now complete for the most part but we will be doing some minor work to finish up entirely.

Clerk Antonides – reported progress.

Councilman Elect Dean – commented that he is glad to see ordinance 2068 on the agenda and that we are moving forward in the right direction.

Councilman Elect Vesce – concurred with Councilman Elect Dean and said he is glad we are moving in this direction.

Councilman Wolak – advised that he is happy to see resolution #16-375 on the agenda this evening and that we are working with the County.

Councilman White – reported progress.

Councilman Rusnak – was absent this evening.

Councilman Richkus - said he is happy to see that we will be purchasing new bleachers for the Pal.

Councilwoman Faustini – reported progress.

Council President Bengivenga – thanked everyone for their support with Ordinance 2070 and is looking forward to having it implemented.

Mayor Anesh – reported progress.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Debbie Boyle of Van Fleet expressed condolences to the Vargo family. Ms. Boyle questioned what a QPA is. Mr. Cullen explained. Ms. Boyle went on to say she is glad there will be lights on our turf field and congratulated Kenny Calderoni on his retirement.

Mr. Jason Risoli of 2529 Hamilton Blvd asked the council if they could look into considering an engine breaking ordinance on the truck routes and if adopted could put signs up in this regard. Council President Bengivenga recalls such an ordinance regarding jake breaking that we adopted from some time ago and said he will look into it. Mr. Risoli went on to inquire about the status of 100 Main Street whereas the owner is put in for a variance but they are taking down trees at present. Mr. Cullen said he will look into getting an update on that.

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

At 7:33 p.m. Mayor Anesh called for a recess from the public portion of the meeting to go into Executive Session advising that everyone is welcome to stay if they choose.

Upon return from Executive Session at 7:55 p.m., Mayor Anesh called the public meeting back to order.

Mayor Anesh announced that the result of this evenings executive session meeting has made necessary for the following resolution for consideration:

**RESOLUTION 2016-386
OF THE BOROUGH OF SOUTH PLAINFIELD AUTHORIZING SUBORDINATION
OF MORTGAGE FOR STEPHEN AND KELLY STASHKO
REFINANCE OF AFFORDABLE HOUSING UNIT.**

WHEREAS, the Borough of South Plainfield holds a second prepayment mortgage to repay the obligations of Stephen and Kelly Stashko, the owner of an affordable housing unit at 234 Fairmount Avenue, South Plainfield, New Jersey, Block 282, Lot 51.02 under the applicable Affordable Housing laws and ordinances; and

WHEREAS, said owner is refinancing the original loan for the purchase of the subject premises; and

WHEREAS, in order to effectuate the refinance of the premises, the mortgage of the Borough must be subordinated to the primary loan, and said subordination will not reduce the interests of the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that that the Mayor and Borough Clerk are hereby authorized to execute such documents as will permit the subordination of its interests set forth in a mortgage from Stephen and Kelly Stashko to the Borough of South Plainfield dated May 22, 2013, and recorded on March 13, 2014 in the office of the Middlesex County Register at Mortgage Book 15602, Page 0647, et seq., modified July 31, 2013 to \$12,640.00, recorded on October 28, 2014 at Mortgage Book 00214, Page 0246 to the mortgage to Annie Mac Home Mortgage, the refinancing lender.

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

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 7:59 p.m., seconded by Council President Bengivenga and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk