

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
APRIL 17, 2017, 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
Councilman Bengivenga		X	
Councilman Dean	X		
Councilwoman Faustini	X		
Councilman Vesce	X		
Councilman Wolak	X		
Council President White	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo Esq.	X		
Engineer Miller	X		

Review of Agenda Items: Clerk Antonides reviewed all the items on the agenda for this evening indicating that the minutes on the agenda are for April 3rd and not April 6th. Mayor Anesh asked if the Council had any comments about the agenda this evening. There were no comments.

**RESOLUTION #17-177
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 – Comcast
- Contractual – Middlesex Water Road Opening Fees

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
Councilman Bengivenga						x	
Councilman Dean			X				
Councilwoman Faustini		x	X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White	x		X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

PUBLIC COMMENT ON AGENDA ITEMS ONLY: Mayor Anesh opened the floor for public comments.

Mr. Jeff Seider inquired about Ordinance 2077 and Resolution 17-188 asking for the reasoning of this salary increase. Mayor Anesh explained that this was a matter that was brought to the Council's attention by an employee concerning their salary of which was a potential litigation issue and was then turned over to our labor attorney. Comparisons were looked at between that position and others within the County. It was a matter that has been discussed during many executive session meetings. The outcome at the recommendation of our labor attorney is this increase is something necessary that if challenged we would not likely win and therefore expend more money in attorney fees in vain. Mr. Rizzo concurred and said it was in fact a matter that has been discussed for months in consultation with the labor attorney. A survey was done as a comparison with other assessors and thus the existing salary was out of line. Though no one like this, it was at the recommendation of the labor counsel that this was the better course of action to take. Mr. Seider said he feels this is ridiculous and as far as another town's salary is concerned as he was once told; go work for that town. Mr. Seider said anyone who votes for this is ridiculous. Mayor Anesh said what is ridiculous are the potential legal costs to fight this. Our labor attorney said we will not prevail. There is a strong case here. If this employee sought punitive damages and/or back pay, you would be asking why we didn't settle. When you have a labor attorney telling you that you have no way to defend this present salary among some other factors, we don't have a good choice. Mayor Anesh reiterated that we do not like this, similar to the decision we had to make with our affordable housing obligation. In this case, there is a certainty that we would be paying a lot more should it go into litigation and we would end up in a worse position. Mayor Anesh said we are faced with a situation that we have to choose what is going to be in the best interest of our Borough, even though we don't like it. Mr. Seider said he doesn't like it. Mayor Anesh said he too doesn't like it. Mr. Seider said he would have taken his chances. Mayor Anesh said he doesn't think he would and hopes he wouldn't have, as it would be a rash decision. Mayor Anesh said that when your professional attorneys are telling you that you don't have a case and you cannot possibly win, then what is your rational to litigate. Mr. Seider said his reasoning is that you took a job and agreed to the salary. Mayor Anesh said he agrees with that, however, when the facts are laid out, this is the best possible decision for the Borough. Mr. Seider went on to inquire about a couple other salaries on the ordinance. Mr. Cullen and Mayor Anesh explained.

Darleen Cullen, Fox Place, said that she has a different opinion than that of Mr. Seider and applauds this council for recognizing that in 2017 females should be paid as much as their male counterparts.

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. Council President White made a motion to adjourn from the Agenda Meeting at 7:15 p.m., seconded by Councilman Wolak and unanimously carried by an all in favor.

Respectfully Submitted By:

Amy Antonides, RMC/CMC/CMR