

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
JUNE 19, 2017 7:05 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:05 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 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		

Flag Salute: was led by Mayor Anesh and Councilman Bengivenga 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:

June 5, 2017 – Agenda
June 5, 2017 - Public
June 5, 2017 – Executive

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		x	X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White	x		X				
		Vote:	6	00			
Mayor Anesh – TIE ONLY							

Presentation: Field of Honor Donation – Mayor Anesh called Hannah Rhoads forward who read a prepared speech and presented a donation check to Marge Ackerman for Social Services in the amount of \$5,110.35. Everyone extended a round of applause and photographs were taken by family and media present.

Proclamation: Amateur Radio Week - Mayor Anesh read the proclamation in full and presented it to the members present represented the Armature Radio Club. Everyone extended a round of applause and photographs were taken.

ORDINANCE – FIRST READING BY TITLE – was read by Clerk Antonides by title. Mayor Anesh set the public hearing for July 10, 2017 at approximately 7:00 p.m.

2080 AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FOR THE PROPERTY DESIGNATED AS BLOCK 282, LOT 51.02 ON THE BOROUGH OF SOUTH PLAINFIELD TAX MAP

WHEREAS, the Borough Council of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey, wishes to accept a Dedication Deed for Block 282, Lot 51.02 by Northeast Developers, Inc., for municipal purposes, specifically storm water drainage basin management; and

WHEREAS, the conveyance is being made due to a dispute having arisen between Northeast Developers, Inc. and the Borough of South Plainfield over ownership and responsibility for maintenance of the storm water drainage basin located on Lot 51.02; and

WHEREAS, Northeast Developers, Inc. has offered to dedicate Block 282, Lot 51.02 along with making a payment to the Borough in the amount of \$7,500.00 towards future maintenance costs; and

WHEREAS, both the Borough Attorney and Borough Engineer of the Borough of South Plainfield have reviewed the Dedication Deed and find it acceptable in all respects.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey, as follows:

1. The Borough hereby authorizes acceptance of the Dedication Deed and conveyance of Block 282, Lot 51.02 for dedication for storm water drainage basin management purposes as depicted on the attached legal description, and subject to and contingent upon the payment of \$7,500.00 by Northeast Developers, Inc.
2. The Mayor and Borough Clerk and all other proper officers and employees of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purpose of this Ordinance.
3. All Ordinances of the Borough of South Plainfield which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance. 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
Councilman Bengivenga			X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman Wolak		x	X				
Council President White	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS

RESOLUTION #2017-244

AUTHORIZING THE APPROVAL AND RENEWAL OF LIQUOR LICENSES FOR 2017 - 2018 AND AUTHORIZING THE MUNICIPAL CLERK TO ISSUE 2017-2018 LIQUOR LICENSES TO ALL LICENSEES THAT HAVE MET ALL STATE AND BOROUGH REQUIREMENTS AND HAVE PAID ALL APPROPRIATE FEES.

WHEREAS, applications for renewal of Liquor Licenses for the year 2017-2018 have been submitted; and

WHEREAS, no objections to said renewals have been filed; and

WHEREAS, the proper Borough fees have been paid by all applicants and the renewal retail licensee tax clearance certificate has been issued.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of the Borough of South Plainfield that the following licensees be granted renewals of their liquor licenses for the year commencing July 1, 2017 and expiring June 30, 2018:

License #	Type	License Name	Trade Name
1222-33-019-0006	Plenary Retail Consumption	Brinel LLC	Paulo's
1222-44-004-007	Plenary Retail Distribution	Wittys Liquors At Sth Plainfield LLC	Wittys Liquors
1222-31-028-001	Club License	South Plainfield Columbian Club	Knights of Columbus
1222-33-005-007	Plenary Retail Consumption	Konbrothers Inc.	Park Avenue Diner
1222-33-020-001	Plenary Retail Consumption	Polish National Home	Polish National Home
1222-44-006-005	Plenary Retail Distribution	Dhara & Reshma Inc.	Oak Tree Discount Wines/Spirits
1222-33-001-007	Plenary Retail Consumption	Nanking at Piscataway	Nanking
1222-32-009-005	Plenary Retail Consumption w/Broad Package Privilege	SRI Liquors Inc.	SRI Liquors
1222-33-018-004	Plenary Retail Consumption	Norman's Bar & Grill	KCS Korner
1222-33-016-012	Plenary Retail Consumption	Madhusudan LLC	Palace of Jaipur
1222-31-023-001	Club	Chaumont Post 243 American Legion	Chaumont Post 243 American Legion
1222-33-014-003	Plenary Retail Consumption	SGS Associates Inc.	Sals Spirit Shoppe

BE IT FURTHER RESOLVED that the Municipal Clerk is authorized to issue 2017-2018 liquor licenses to the above named licensees.

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2017-245

AUTHORIZING THE TERMINATION OF DAWN APOSTOL AS DEPUTY MUNICIPAL COURT ADMINISTRATOR EFFECTIVE JUNE 7, 2017

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, New Jersey, that it hereby authorizes the termination of Dawn Apostol as Deputy Court Administrator effective June 7, 2017; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded as follows:

1. Glenn Cullen, CFO/Administrator
2. Amy Antonides, Municipal Clerk
3. Karen Costantino, Court Administrator
4. Anne Daley, Benefits
5. Carmela Sutor, Payroll

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:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2017-246
AUTHORIZING THE BOROUGH OF SOUTH PLAINFIELD TO ENTER INTO A
COOPERATIVE PRICING AGREEMENT WITH THE EDUCATIONAL
SERVICES COMMISSION OF NEW JERSEY**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on June 19, 2017 the governing body of the Borough of South Plainfield, County of Middlesex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED that this Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of South Plainfield and that the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency of which shall be responsible for complying with the provisions of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey; and

BE IT FURTHER RESOLVED that this resolution shall take effective immediately upon passage.

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 17-247

AUTHORIZING THE PART-TIME HIRING OF JEAN F. SAPINI AT THE HOURLY RATE OF \$12.50, WITH NO BENEFITS, FOR THE POSITION OF GROUNDSKEEPER

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby authorizes the Borough to hire Jean F. Sapini on a part-time basis without benefits in the position of Groundskeeper, effective June 20, 2017 at the hourly rate of \$12.50:

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. Carmela Sutor, Payroll
4. Anne Daley, Benefits
5. Alice Tempel, Recycling/Environmental Specialist
6. Len Miller, DPW Superintendent

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION #17-248

AUTHORIZING THE RELEASE OF A PERFORMANCE BOND POSTED BY KEYS REALTY FOR PUBLIC IMPROVEMENTS TO BLOCK 367, LOT 4 AND ACCEPTANCE OF THE MAINTENANCE BOND IN THE AMOUNT OF \$3,375.00

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from Keys Realty for the improvements located at Block 367, Lot 4; and

WHEREAS, has submitted the Maintenance Bond in the amount of \$3,375.00; 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 367, Lot 4

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION #17-249
AUTHORIZING THE RELEASE OF A PERFORMANCE BOND POSTED BY
JSFS REAL ESTATE, LLC/ROYAL COFFEE NEW YORK, INC
FOR PUBLIC IMPROVEMENTS
TO BLOCK 528.01, LOT 45.07 AND ACCEPTANCE OF
THE MAINTENANCE BOND IN THE AMOUNT OF \$20,663.10

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from JSFS Real Estate, LLC/Royal Coffee New York Inc. for the improvements located at Block 528.01, Lot 45.07; and

WHEREAS, has submitted the Maintenance Bond in the amount of \$20,663.10; 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 528.01, Lot 45.07

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION: 2017-250

AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$38,892.07
PERTAINING TO 6 HOLLYWOOD COURT 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.

OWNER/ADDRESS

Bakshi Estates, LLC
1511 Park Avenue
South Plainfield, NJ 07080

BLOCK

390

LOT

5.03

YEAR

2016

AMOUNT

\$38,892.07

Make check payable to:

Saiber LLC,
Attorney Trust Account
18 Columbia Turnpike Suite 200
Florham Park, NJ 07932

Total

\$38,892.07

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
Councilman Bengivenga			X				
Councilman Dean			X				
Councilwoman Faustini	x		X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White		x	X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION: 201-251

AUTHORIZING THE REFUND AND CANCELLATION OF TAXES FOR 100% DISABLED VETERAN PERTAINING TO 113 MATIS STREET IN SOUTH PLAINFIELD

WHEREAS, property known as Lot 6, in Township Block 393 more commonly known as 113 Matis Street in South Plainfield, NJ is owned by **Walter & Diane Stayvas**; and

WHEREAS, **Walter Stayvas**, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A. 54:4-3.30, causing his property to be exempt from taxation at the local level commencing on **December 15, 2016** as verified by the Tax Assessor; and

WHEREAS, the Tax Bills for the four quarters of Calendar Year 2017 were generated from the 2016 Assessor’s Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with tax bills for 2017, while the property is correctly classified as being Tax Exempt for the same period;

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel and refund monies levied for the 1st quarter of 2017 in the amount of **\$1,762.11**; and

{A0961051.1}

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 2nd quarter of 2017; and

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 3rd and 4th quarters of 2017, as well as, the 1st and 2nd quarters of 2018, once the preliminary bills are determined.

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
Councilman Bengivenga			X				
Councilman Dean			X				
Councilwoman Faustini	x		X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White		x	X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 17-252
AUTHORIZING A REIMBURSEMENT FOR A BROKEN SPRINKLER HEAD
TO STACY FELOUCAS OF 262 SOUTH PLAINFIELD AVENUE
IN THE AMOUNT OF \$69.47 DUE TO SNOW PLOW DAMAGE

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a reimbursement for a broken sprinkler head to Stacy Feloucas of 262 South Plainfield Avenue in the amount of \$69.47 due to snow plow damage; 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. Len Miller, DPW Superintendent

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:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2017-253
AUTHORIZING THE HIRING OF JILLIAN MAHON
AS A SUBSTITUTE RECREATION HEAD COUNSELOR AT THE RATE OF \$24.13
PER HOUR EFFECTIVE JUNE 20, 2017 TO JULY 28, 2017**

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

Authorization is hereby given to hire Jillian Mahon as a substitute recreation Head Counselor (with teacher certificate) at the rate of \$24.13 per hour effective June 20, 2017 to July 28, 2017;and

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

1. Amy Antonides, Municipal Clerk
2. Kevin Hughes, Recreation Director

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:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 17-254
AUTHORIZING THE REAPPOINTMENT OF MARIO ABBRUZZESE, AS CODE ENFORCEMENT
OFFICER AT AN ANNUAL PART TIME SALARY OF \$15,000.00 WITH NO BENEFITS FOR A
TERM TO EXPIRE 6/30/2018**

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 re-appointment of Mario Abbruzzese as Code Enforcement Officer filling a one year term effective July 1, 2017 to Expire June 30, 2018; and

BE IT FURTHER RESOLVED that the salary for this position is an annual salary of \$15,000 per year and is contained within the Salary Ordinance of the Borough of South Plainfield; and

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

1. Amy Antonides, Municipal Clerk
2. Mario Abbruzzese, Code Enforcement Officer
3. Carmela Sutor, Payroll
4. Anne Daley, Benefits

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2017-255

RESOLUTION AUTHORIZING SETTLEMENT OF 2010, 2011, 2012, 2013, 2014 and 2015 TAX APPEALS FILED BY CRAGWOOD, LLC, FOR THE PROPERTY KNOWN AS 40 CRAGWOOD ROAD AND IDENTIFIED AS BLOCK 528.01, LOT 47, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, Cragwood, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 40 Cragwood Road and identified as Block 528.01, Lot 47, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$3,000,000 for 2010, 2011, 2012 and 2013; and

WHEREAS, the assessed value of the Property was set at \$4,515,000 for 2014 and 2015; and

WHEREAS, Taxpayer filed appeals of the 2010, 2011, 2012, 2013, 2014 and 2015 tax assessments in the Tax Court of the State of New Jersey under docket numbers 002728-2010, 004245-2011, 005956-2012, 003147-2013, 008126-2014 and 001619-2015; 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 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 the tax years under appeal; and

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

- The 2010 original assessment in the amount of \$3,000,000 shall be reduced to \$2,728,700 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2010;
- The 2011 original assessment in the amount of \$3,000,000 shall be reduced to \$2,737,500 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2011;

- The 2012 and 2013 tax assessments in the amount of \$3,000,000 shall be affirmed and remain unchanged;
- The 2014 and 2015 tax assessments in the amount of \$4,515,000 shall be affirmed and remain unchanged;
- Taxpayer has agreed to waive the application of N.J.S.A. 54:51A-8 (Freeze Act);
- 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 “Cragwood, LLC and Zipp, Tannenbaum & Caccavelli, LLC as Attorneys” and forwarded to counsel for Taxpayer within 60 days of the date of 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 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 \$2,728,700 total tax assessment for the 2010 tax year for Block 528.01, Lot 47 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$2,737,500 total tax assessment for the 2011 tax year for Block 528.01, Lot 47 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. 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 Cragwood, LLC under Docket Nos.: 002728-2010; 004245-2011, 005956-2012, 003147-2013, 008126-2014 and 001619-2015 for the property known as 40 Cragwood Road and identified as Block 528.01, Lot 47 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2010 total tax assessment on the Property from \$3,000,000 to \$2,728,700; which reduces the 2011 total tax assessment on the Property from \$3,000,000 to \$2,737,500; which provides that the 2012 and 2013 total tax assessments in the amount of \$3,000,000 shall be affirmed and remain unchanged; which provides that the 2014 and 2015 total tax assessments in the amount of \$4,515,000 shall be affirmed and remain unchanged; which provides that the Taxpayer has agreed to waive the application of N.J.S.A. 54:51A-8 (Freeze Act); which provides that the Taxpayer has agreed to waive statutory interest provided that the tax refund is paid within 60 days from the date of Judgment; and which further provides that any tax refunds resulting from the settlement shall be made payable to “Cragwood, LLC and Zipp, Tannenbaum & Caccavelli, LLC, as Attorneys” and forwarded to counsel for Taxpayer within 60 days of the date of Judgment.
4. 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
Councilman Bengivenga			X				
Councilman Dean			X				
Councilwoman Faustini	x		X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White		x	X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2017-256
RESOLUTION AUTHORIZING SETTLEMENT OF 2012 OMITTED ADDED AND
2013 ADDED ASSESSMENT TAX APPEALS FILED BY CRAGWOOD, LLC, FOR
THE PROPERTY KNOWN AS 40 CRAGWOOD ROAD AND IDENTIFIED AS
BLOCK 528.01, LOT 47, ON THE BOROUGH OF SOUTH PLAINFIELD
TAX ASSESSMENT MAPS

WHEREAS, Cragwood, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 40 Cragwood Road and identified as Block 528.01, Lot 47, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, Taxpayer filed appeals of its 2012 omitted added tax assessments and its 2013 added assessments in the Tax Court of the State of New Jersey under docket numbers 018458-2013, 018455-2013, 018456-2013 and 018457-2013; 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 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 the tax years under appeal; and

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

- The 2012, eight month prorated, omitted added assessment on the property in the amount of \$181,133 shall be affirmed and remain unchanged;
- The 2012, twelve month prorated, omitted added assessment on the property shall be reduced from \$1,243,300 to a two month prorated, omitted added assessment of \$207,216;
- The 2013, eight month prorated, added assessment on the property in the amount of \$181,133 shall be affirmed and remain unchanged;
- The 2013, twelve month, added assessment on the property in the amount of \$1,243,300 shall be affirmed and remain unchanged;
- 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 “Cragwood, LLC and Zipp, Tannenbaum & Caccavelli, LLC as Attorneys” and forwarded to counsel for Taxpayer within 60 days of the date of 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 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.

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

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 Cragwood, LLC under Docket Nos.: 018458-2013; 018455-2013, 018456-2013 and 018457-2013 for the property known as 40 Cragwood Road and identified as Block 528.01, Lot 47 on the Borough of South Plainfield Tax Assessment Maps which affirms the 2012, eight month prorated, omitted added assessment of \$181,133; which reduces the 2012, twelve month prorated, omitted added assessment from \$1,243,300 to a two month prorated, omitted added assessment of \$207,216; which affirms the 2013, eight month prorated, added assessment of \$181,133; which affirms the 2013, twelve month, added assessment of \$1,243,300; which provides that the Taxpayer has agreed to waive statutory interest provided that the tax refund is paid within 60 days from the date of Judgment; and which further provides that any tax refunds resulting from the settlement shall be made payable to “Cragwood, LLC and Zipp, Tannenbaum & Caccavelli, LLC, as Attorneys” and forwarded to counsel for Taxpayer within 60 days of the date of Judgment.

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
Councilman Bengivenga			X				
Councilman Dean			X				
Councilwoman Faustini	x		X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White		x	X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 17-257
AUTHORIZING THE PURCHASE OF FOAM UNDERLAYMENT FOR THE
TOP OF THE TILE FLOOR AT THE PAL FROM RESILITE SPORTS PRODUCTS INC.
IN AN AMOUNT NOT TO EXCEED \$10,906.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase foam underlayment for the top of the tile floor at the PAL from Resilite Sports Products Inc. in an amount not to exceed \$10,906.00; 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. Kevin Hughes, Recreation Director

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 17-258
AUTHORIZING THE PURCHASE OF FOUR WRESTLING MATS FOR THE PAL FROM
RESILITE SPORTS PRODUCTS INC. IN AN AMOUNT NOT TO EXCEED \$37,894.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase four wrestling mats for the PAL from Resilite Sports Products Inc. in an amount not to exceed \$37,894.00; 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. Kevin Hughes, Recreation Director

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 17-259
RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION FOR THE PURPOSE OF A TWO PART REFURBISHMENT TO THE COMMUNITY WADING POOL AT THE PAL IN THE AMOUNT OF \$12,320.00 PURSUANT TO N.J.S.A. 40A:4-46 TO PROVIDE FOR EXTRAORDINARY EXPENSES RESULTING FROM FINDINGS AND DETERMINATION THAT SUCH UPDATES ARE A NECESSITY

WHEREAS, it has been found necessary to make an emergency appropriation to meet certain expenses incurred or to be incurred as a result of the extraordinary findings and determination that the community wading pool is in dire need of refurbishment and as such requires the appropriation of funds of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey (the “Borough”), in the amount of an additional \$12,320.00; and

WHEREAS, N.J.S.A 40A:4-46 provides that it shall be lawful to make such appropriation and such appropriations shall be raised in full as a deferred charge in the subsequent year::

NOW, THEREFORE BE IT RESOLVED (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:

1. Pursuant to N.J.S.A. 40A:4-46, a special emergency appropriation is hereby made in the additional amount of \$12,320,
2. The appropriation set forth in Section 1 hereof shall be raised in the 2017 Current Fund Budget.
3. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
4. This resolution shall take effect immediately

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2017-260
AUTHORIZING THE SERVICES OF NAJARIAN ASSOCIATES FOR ENGINEERING ADMINISTRATION AND INSPECTION SERVICES FOR THE 2017 ROAD IMPROVEMENT PROGRAM IN AN AMOUNT NOT TO EXCEED \$26,000.00

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for Najarian Associates to perform administration and inspection services for the 2017 Road Improvement Program in the Borough of South Plainfield in an amount not to exceed \$26,000.00.

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded as follows:

1. Municipal Clerk
2. Chief Financial Officer
3. Najarian Associates

4.	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:	6	0			
Mayor Anesh – TIE ONLY								

**RESOLUTION 2017-261
AUTHORIZING AWARD OF BID TO STILO PAVING & EXCAVATING FOR
2017 ROAD IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$505,074.31
AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE CONTRACT FOR SAME**

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, State of New Jersey, that:

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:11, any expenditure of public funds in excess of \$17,500 requires municipalities without a QPA to advertise for proposals for delivery of said goods or services; and

WHEREAS, a need has been determined that roads are in need of resurfacing; and

WHEREAS bids were solicited and opened on Thursday, June 15, 2017 at 10:00 a.m. and the following picked-up bid packages from the Borough Engineer and submitted bids as follows:

Stilo Excavating	\$505,074.31
P&A Construction Corp.	\$546,710.90
Black Rock	\$574,764.46
Top Line Construction	\$584,462.61
JA Alexander	\$642,244.91

WHEREAS, the bids have been reviewed by the Borough Engineer and the Borough Attorney who has verified that the lowest qualified bidder is Stilo Excavating in the amount of \$505,074.31 and that the bid be accepted and a contract be awarded; and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available through capital funding;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract for the 2017 Road Improvements to Stilo Excavating in the amount of \$505,074.31.

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:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2017-262
AUTHORIZING AWARD OF BID TO STILO PAVING & EXCAVATING FOR
2017 CAPITAL T ROAD IMPROVEMENTS TO
LANE, MANNING AND RITTER AVENUES
IN AN AMOUNT NOT TO EXCEED \$339,231.52
AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE CONTRACT FOR SAME**

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, State of New Jersey, that:

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:11, any expenditure of public funds in excess of \$17,500 requires municipalities without a QPA to advertise for proposals for delivery of said goods or services; and

WHEREAS, a need has been determined that roads are in need of NJDOT Capital road improvements; and

WHEREAS bids were solicited and opened on Friday, June 16, 2017 at 10:00 a.m. and the following picked-up bid packages from the Borough Engineer and submitted bids as follows:

Stilo Excavating	\$339,231.52
Top Line Construction	\$432,389.09
P&A Construction Corp.	\$464,077.33
Black Rock Enterprises	\$469,706.06
Engineers Estimate	\$533,555.00

WHEREAS, the bids have been reviewed by the Borough Engineer and the Borough Attorney who has verified that the lowest qualified bidder is Stilo Excavating in the amount of \$339,231.52 and that the bid be accepted and a contract be awarded; and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available through capital funding;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract for the 2017 NJDOT Capital Road Improvements to Stilo Excavating in the amount of \$339,231.52.

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 17-263
AUTHORIZING THE SERVICES OF PETRIELLO LANDSCAPING FOR THE
INSTALLATION OF TREES ALONG FRANKLIN AVENUE
IN AN AMOUNT NOT TO EXCEED \$8,560.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Petriello Landscaping for the installation of trees along Franklin Avenue in an amount not to exceed \$8,560.00; 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. Kevin Hughes, Recreation Director
4. Alice Tempel, Environmental Specialist

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:	6	0			
Mayor Anesh – TIE ONLY							

AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:

- Environmental Commission Minutes – April 12, 2017
- Business Economic Development Advisory Group Minutes – March 1, 2017
- Zoning Board Adjust Minutes – April 18, 2017 and May 2, 2017

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		X	X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White	X		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

SOUTH PLAINFIELD BOROUGH
APPROVAL OF BILLS AND CLAIMS

Current Fund	7-01	231,844.59
Current Fund	6-01	0.00
Pool Utility	6-26	0.00
Pool Utility	7-26	20,341.89
Sewer Utility	6-07	0.00
Sewer Utility	7-07	2,421.91
Sewer Utility Capital	C-08	0.00
General Capital	C-04	26,561.92

Pool Capital	C-27	0.00
Election Account	E-18	14,075.00
Grant Fund	G-02	6,610.87
Dog Trust	T-12	227.40
Treasurers Trust	T-13	2,804.53
Recreation Trust	T-14	5,267.45
COAH		0.00
TOTAL ALL FUNDS		\$ 310,155.56

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman Wolak	X		X				
Council President White		X	X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Borough Attorney Rizzo Esq. – reported progress.

Administrator Cullen – advised that the Middlesex County pre-con meeting is scheduled for next week pertaining to the forthcoming traffic light placement at Oak Tree Road and Woodland Avenue. Mr. Cullen went on to say we are working on a remedy for the area near the New Brunswick Avenue rail road tracks as the area is becoming dangerous to motorists with traffic back-ups. Mr. Cullen congratulated the 2017 graduates. A letter will be going out regarding the new recycling schedule. Mayor Anesh interjected and encouraged everyone to use the My Waste App.

Engineer Miller – briefed everyone regarding the culvert failure that will need to have an emergent repair estimated to cost \$22,000.00 as it is not up to present day standards. Mr. Miller said the two bid awards tonight fell below the engineering estimates which was good to see.

Clerk Antonides – reported progress.

Councilman Dean – reported that he has been touching base regarding the new recycling change and it seems that the biggest issue as described by Alice Tempel was the schedule change itself. Councilman Dean also learned that they only collect #1 and #2 plastics. #3 and #7 go to the landfill. The next collection scheduled is on the 22nd and 23rd.

Councilwoman Faustini – advised that the community pool is open regular hours now. The membership is up about 10% this year and there has been a lot of positive feedback about the new changes at the pool. On another note, the Library will be putting up some new swings at Willow Park by the end of the month.

Councilman Bengivenga – said that regarding the road bids, we do strive to obtain the best service for the lowest amount. Asphalt for us is about \$69-\$70 a ton. We seem to be lucky enough to get the better rates than seen throughout most of New Jersey.

Councilman Vesce – Thanked Len, Glenn and Councilman Bengivenga for reporting on the road improvements and is glad to see these projects moving ahead. Alice Tempel has also placed a recording about the recycling schedule on the hot line.

Councilman Wolak – reminded everyone that the fire truck wet-down event is scheduled for this Saturday and everyone is welcome to attend and then went on to review the schedule for the day’s event.

Council President White – reported that Pino’s palate opened their sip-and-paint in Oak Park Commons. The ribbon cutting will be on June 23rd.

Mayor Anesh – reported progress

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Suzanne Lepore of Bullard Place reminded everyone that this Thursday is the Teen Dance Social at the Senior Center which starts at 7pm.

Debbie Boyle of Van Fleet thanked the Mayor and Council President for their support with project graduation. On another note press releases went out regarding this year Labor Day Parade. The theme this year will be “Happy 60th Birthday to the South Plainfield Parade”. Parade Marshalls and firework proposals are being sought. The National Night Out is scheduled for August 1st.

Mrs. Rhoads thanked Debbie Boyle for helping her daughter Hannah with use of the foundation and went on to thank Kristina at the DPW for all her help and guidance.

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

At 7:23 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 7:42 p.m., Mayor Anesh called the public meeting back to order saying the results of this evenings Executive Session resulted in no new additional items and called for a motion to adjourn.

ADJOURNMENT

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Council President White made a motion to adjourn at 7:43 p.m., seconded by Councilman Wolak and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk