

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
DECEMBER 4, 2017 7:01 P.M.  
PUBLIC MEETING**

**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:01 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		
<b>ALSO PRESENT</b>			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Bill Robertson Esq.	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.

**Proclamations** Clerk Antonides advised that there were no proclamations for this evening.

**Authorizing the Approval of Council Minutes:**

November 20, 2017 – Agenda  
November 20, 2017 - Public

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		x	X				
Councilman Dean	x		X				
Councilwoman Faustini							X
Councilman Vesce						X	
Councilman Wolak			X				
Council President White			X				
		<b>Vote:</b>	<b>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**ORDINANCE – SECOND READING BY TITLE** – was read by Clerk Antonides for the following Ordinance 2096. Mayor Anesh asked for council comments and no comments were made. Mayor Anesh then opened the floor for public hearing and with not comments from the public, closed the floor.

**2096**

**AN ORDINANCE AMENDING ORDINANCE 2083 FOR THE  
COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH  
PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH  
COMPENSATION FOR THE YEARS 2016 THROUGH 2018 TO NOW  
INCLUDE THE POSITIONS OF VIOLATIONS CLERK AND SPANISH  
INTERPRETING SERVICES**

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Dean			X				
Councilwoman Faustini	x		X				
Councilman Vesce						X	
Councilman Wolak		x	X				
Council President White			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**ORDINANCE – SECOND READING BY TITLE** – was read by Clerk Antonides for the following Ordinance 2097. Mayor Anesh asked for council comments and no comments were made. Mayor Anesh then opened the floor for public hearing and with not comments from the public, closed the floor.

**2097 AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING ORDINANCE 2088 WHICH AMENDED AND SUPPLEMENTED SECTION 540-51 OF THE BOROUGH ZONING ORDINANCE ENTITLED “MUD-MIXED USE DEVELOPMENT”**

COUNCIL	MOTION	2 <sup>ND</sup>	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:	4	0			
Mayor Anesh – TIE ONLY							

**ORDINANCE – SECOND READING BY TITLE** – was read by Clerk Antonides for the following Ordinance 2098. Mayor Anesh asked for council comments and no comments were made. Mayor Anesh then opened the floor for public hearing and with not comments from the public, closed the floor.

**2098 AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 504 OF THE BOROUGH CODE ENTITLED “AFFORDABLE HOUSING” TO ADDRESS THE REQUIRMENTS OF THE NEW JERSEY FAIR HOUSING ACT AND THE NEW JERSEY UNIFORM AFFORDABILITY CONTROLS AS THEY PERTAIN TO COMPLIANACE WITH MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS**

COUNCIL	MOTION	2 <sup>ND</sup>	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:	5	0			
Mayor Anesh – TIE ONLY							

**ORDINANCE – SECOND READING BY TITLE** – was read by Clerk Antonides for the following Ordinance 2099. Mayor Anesh asked for council comments and no comments were made. Mayor Anesh then opened the floor for public hearing and with not comments from the public, closed the floor.

**AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VII, ENTITLED “ZONE DISTRICT REGULATIONS,” OF THE BOROUGH OF SOUTH PLAINFIELD ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN AFFORDABLE HOUSING OVERLAY ZONE DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE BOROUGH OF SOUTH PLAINFIELD**

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga							x
Councilman Dean			X				
Councilwoman Faustini		x	X				
Councilman Vesce						X	
Councilman Wolak	x		X				
Council President White			X				
		VOTE:	4	0			
Mayor Anesh – TIE ONLY							

**ORDINANCE – FIRST READING BY TITLE** – was read by Clerk Antonides for the following Ordinance 2100. Mayor Anesh asked for council comments and no comments were made. Mayor Anesh set the public hearing for December 18, 2017 at approximately 7:00 p.m.

**ORDINANCE 2100**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$511,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$485,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$511,000, and further including the aggregate sum of \$26,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$485,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

Purpose	Appropriation & Estimated Cost	Estimated Maximum Amount of Bonds & Notes	Period of Usefulness
a) The acquisition of a garbage truck and related equipment,			

including all related costs and expenditures incidental thereto.	\$236,000	\$224,000	5 years
b) The acquisition of a mower and plow, including all related costs and expenditures incidental thereto.	\$62,000	\$59,000	15 years
c) The acquisition of a sport utility vehicle for Code Enforcement, including all related costs and expenditures incidental thereto.	\$29,000	\$27,500	5 years
d) The acquisition and installation of computer sonic walls, servers, software programs and related equipment, including all related costs and expenditures incidental thereto.	\$100,000	\$95,000	5 years
e) The acquisition of speed signs and messaging equipment for the Police Department, including all related costs and expenditures incidental thereto.	\$17,000	\$16,000	10 years
f) The acquisition of a pickup truck and emergency equipment for the Police Department, including all related costs and expenditures incidental thereto.	\$67,000	\$63,500	5 years
Total:	<u>\$511,000</u>	<u>\$485,000</u>	

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

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

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

adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 6.38 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$485,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$13,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

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

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

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

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

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

COUNCIL	MOTION	2 <sup>ND</sup>	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				
			5	0			
<b>Mayor Anesh – TIE ONLY</b>							

**ORDINANCE – FIRST READING BY TITLE** – was read by Clerk Antonides for the following Ordinance 2100. Mayor Anesh asked for council comments and no comments were made. Mayor Anesh set the public hearing for December 18, 2017 at approximately 7:00 p.m.

**ORDINANCE 2101**

**ORDINANCE REAPPROPRIATING \$150,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ENGINEERING, DESIGN AND BID FOR ROADWAY AND SEWER IMPROVEMENTS ON HADLEY ROAD, ORCHARD DRIVE, LONSDALE DRIVE, RANGER STREET AND LEDDEN TERRACE IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.**

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

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$150,000 of the proceeds of obligations originally made available pursuant to Bond Ordinance #2050 of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), finally adopted April 18, 2016, is no longer necessary for the purpose of the installation of a traffic light at the intersection of Oak Tree Road and Woodland Avenue, including, but not limited to, intersection widening and acquisition of easements and including all work and materials necessary therefor and incidental thereto, for which the obligations previously were authorized.

Section 2. The \$150,000 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the engineering, design and bid for roadway and sewer improvements on Hadley Road, Orchard Drive, Lonsdale Drive, Ranger Street and Ledden Terrace, including all work and materials necessary therefor and incidental thereto.

Section 3. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
			5	0			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTIONS**

**RESOLUTION: 2017-422**

**AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$16,441.27 PERTAINING TO 2500 HAMILTON BOULEVARD IN SOUTH PLAINFIELD**

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

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

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Sushmaa Realty, LLC 2500 Hamilton Boulevard	476	1.05	2016	\$5,342.66

South Plainfield, NJ 07080

2015 \$5,501.02  
2014 \$5,597.58

**Make check payable to:**

Michael A. Vespasiano  
Attorney Trust Account  
331 Main Street  
Chatham, NJ 07928

**Total**

**\$16,441.27**

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

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		x	X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce						X	
Councilman Wolak			X				
Council President White	x		X				
			5	0			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION #2017-423**

**AUTHORIZING RENEWAL OF A SHARED SERVICE CONTRACT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND COUNTY OF MIDDLESEX FOR PUBLIC HEALTH SERVICES FOR 2018 IN THE AMOUNT OF \$120,553.41 REPRESENTATIVE OF A 2% INCREASE**

**WHEREAS**, the Borough of South Plainfield and the County of Middlesex previously entered into a Shared Services Agreement for the Middlesex County Health Dept. to provide Municipal Health Services of a technical and professional nature; and

**WHEREAS**, both the Borough and the County wish to continue this Shared Service Agreement of which term is for one (1) year, January 1, 2018 through December 31, 2018; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given for the Mayor and Municipal Clerk to execute the Shared Services Agreement with Middlesex County to provide Municipal Health Services of a technical and professional nature for a one year (1) year period, January 1, 2018 through December 31, 2018 in the amount of \$120,553.41 representative of a 2% increase from 2017.

COUNCIL	MOTION	2 <sup>ND</sup>	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:	5	0			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2017-424**

**RESOLUTION AUTHORIZING SETTLEMENT OF 2013, 2014, 2015, 2016 and 2017 TAX APPEALS FILED BY SOUTHFIELD CROWN REALTY, NVITAK CAPITAL and TANZANITE REALTY LLC f/k/a SOUTHFIELD CROWN REALTY LLC, FOR THE PROPERTY KNOWN AS 1 CRAGWOOD ROAD AND IDENTIFIED AS BLOCK 528.01, LOT 45.08, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, Southfield Crown Realty, Nvitak Capital and Tanzanite Realty, LLC f/k/a Southfield Crown Realty, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 1 Cragwood Road and identified as Block 528.01, Lot 45.08, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$4,683,900 for 2013, 2014 and 2015, and

**WHEREAS**, the assessed value of the Property was set at \$3,683,900 for 2016 and 2017, and

**WHEREAS**, Taxpayer filed appeals of the 2013, 2014, 2015, 2016 and 2017 tax assessments in the Tax Court of the State of New Jersey under docket numbers 006773-2013, 007711-2014, 004133-2015, 001429-2016 and 001002-2017; 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 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 all 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 2013 assessment in the amount of \$4,683,900 shall be affirmed and remain unchanged;
- The 2014 original assessment in the amount of \$4,683,900 shall be reduced to \$3,833,900 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2014;
- The 2015 original assessment in the amount of \$4,683,900 shall be reduced to \$3,753,900 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2015;
- The 2016 tax assessment in the amount of \$3,683,900 shall be affirmed and remain unchanged;
- The 2017 tax assessment in the amount of \$3,683,900 shall be affirmed and remain unchanged;
- Taxpayer has agreed to waive statutory interest provided the subject refunds are paid within ninety (90) days from the date of the entry of Judgment;
- Refunds regarding over payments shall be made payable to “Southfield Crown Realty, Nvitak Capital and Tanzanite Realty, LLC f/k/a Southfield Crown Realty, LLC as Plaintiff and Blau & Blau, as Attorney for Plaintiff” and forwarded to Daniel R.Kanoff, Esq. c/o Blau & Blau, 223 Mountain Avenue, Springfield, NJ within 90 days from the date of the entry of Judgment; 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 reductions 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 \$3,833,900 total tax assessment for the 2014 tax year for Block 528.01, Lot 45.08 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 \$3,753,900 total tax assessment for the 2015 tax year for Block 528.01, Lot 45.08 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 Southfield Crown Realty, Nvitak Captial and Tanzanite Realty, LLC f/k/a Southfield Crown Realty, LLC under Docket Nos.: 006773-2013, 007711-2014; 004133-2015; 001429-2016 and 001002-2017, for the property known as 1 Cragwood Road and identified as Block 528.01, Lot 45.08, on the Borough of South Plainfield Tax Assessment Maps which affirms the total tax assessment of \$4,683,900 for the tax year 2013; which reduces the 2014 total tax assessment on the Property from \$4,683,900 to \$3,833,900; which reduces the 2015 total tax assessment on the Property from \$4,683,900 to \$3,753,900; which affirms the total tax assessment of \$3,683,900 for tax years 2016 and 2017; which further provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is paid within ninety (90) days from the issuance of Judgment; and which further provides that any refunds shall be made payable to “Southfield Crown Realty, Nvitak Capital and Tanzanite Realty, LLC f/k/a Southfield Crown Realty, LLC, Plaintiff and Blau & Blau, as Attorney” and forwarded to Daniel R. Kanoff, Esq. c/o Blau & Blau, 23 Mountain Avenue, Springfield, NJ within 90 days from the date of the entry 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 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2017-425  
MUNICIPAL/COUNTY RESOLUTION  
RESOLUTION AUTHORISING EXECUTION OF  
HAZARDOUS DISCHARGE SITE REMEDIATION FUND**

**Resolution supporting potential brownfield remediation  
at the Veteran’s Memorial Park,  
Borough of South Plainfield, Middlesex County**

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Governing Body has authorized the Planning Board to undertake a preliminary assessment and investigation to determine whether a portion of (*Veteran’s Memorial Park*) including (Block 260, Lot 15.02), at Church St and Kaine Ave, NJ 07080 (the “Property”) is an area in need of redevelopment according to the criteria set forth in N.J.S.A.40A:12A-5; and

WHEREAS, the Governing Body has determined that there has been, or it suspects that there has been, a discharge of hazardous substances or a hazardous waste on the Property; and

WHEREAS, the Borough of South Plainfield, is applying from the Hazardous Discharge Site Fund for funding for the investigation and cleanup of (*Veteran’s Memorial Park*) in order to determine the extent of any hazardous substance or hazardous waste;

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

- 1- That the Borough of South Plainfield is committed to the redevelopment of Veteran’s Memorial Park for the purpose of development and finds that a realistic opportunity exists for the redevelopment of Veteran’s Memorial Park within a three-year period after the completion of the remediation of this site either through the planned redevelopment project or through alternate redevelopment.
- 2- That the governing body does hereby approve and authorize the execution of the attached Hazardous Discharge Site Fund Application with the New Jersey Department of Environmental Protection.
- 3- That the Mayor or Borough Administrator be and is hereby authorized to execute said Hazardous Discharge Site Fund Application on behalf of the Borough of South Plainfield.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION NO. 17-426**

**RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD ENDORSING AND ADOPTING THE  
BOROUGH OF SOUTH PLAINFIELD 2017 REVISED SPENDING PLAN**

WHEREAS, on May 9, 2017, Honorable Arnold L. Natali Jr., P.J.Ch. signed an order on the fairness and preliminary compliance of the Borough of South Plainfield’s proposed draft summary Housing Element and Fair Share Plan (“draft Housing Plan”) and Settlement Agreement with the Fair Share Housing Center; and

**WHEREAS**, said order found the Borough of South Plainfield’s draft Housing Plan is constitutionally compliant and provides a fair and reasonable opportunity for South Plainfield to meet its affordable housing obligation; and

**WHEREAS**, pursuant to said order the Borough Council of the Borough of South Plainfield (the “Borough”) adopted a Resolution endorsing the Borough’s 2017 Housing Plan Element and Fair Share Plan (“Fair Share Plan”), as adopted by the Borough of South Plainfield Planning Board on September 5, 2017; and

**WHEREAS**, regulations adopted by the New Jersey Council on Affordable Housing (“COAH”) have consistently required a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan by COAH prior to spending any of the funds in its trust fund; and

**WHEREAS**, these regulations require a municipal Spending Plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance within four years of COAH’s approval of the Spending Plan, or in accordance with an implementation schedule approved by COAH;
9. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the Plan; and
10. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

**WHEREAS**, the Borough of South Plainfield prepared and adopted a Spending Plan on September 5, 2017 consistent with COAH’s longstanding rules and policies; and

**WHEREAS**, the Special Master has requested revisions to the Spending Plan; and

**WHEREAS**, the Borough of South Plainfield has prepared an amended Spending Plan to reflect requests by the Special Master; and

**WHEREAS**, because COAH is no longer a functioning administrative agency, it has announced that it will not approve any Spending Plan, including that of the Borough of South Plainfield; and

**WHEREAS**, the Borough of South Plainfield shall therefore seek review and approval of its adopted Spending Plan by the Special Master and approval by the Court; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, hereby adopts and endorses the amended Spending Plan attached hereto;

**BE IT FURTHER RESOLVED THAT** the Borough of South Plainfield hereby requests that the Special Master and/or the Court review and approve its amended Spending Plan.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 17-427**

**RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD ADOPTING THE “AFFIRMATIVE MARKETING PLAN” FOR THE BOROUGH OF SOUTH PLAINFIELD**

**WHEREAS**, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), the Borough of South Plainfield is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created within the Borough of South Plainfield are affirmatively marketed to low- and moderate-income households, particularly those living and/or working within Housing Region 3, the Housing Region encompassing the Borough of South Plainfield.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing Plan**

1. All affordable housing units in the Borough of South Plainfield shall be marketed in accordance with the provisions herein unless otherwise provided by law or regulation of the State of New Jersey.
2. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low- and moderate-income units, including those that are part of the Borough’s prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
3. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Borough of South Plainfield. All the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
4. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of South Plainfield, shall undertake all of the following strategies:
  - A. Publication of one advertisement in a newspaper of general circulation within the housing region.
  - B. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
  - C. At least one additional regional marketing strategy using one of the other sources listed below.
5. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units, which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of South Plainfield is located in Housing Region 3, consisting of Hunterdon, Middlesex and Somerset Counties.
6. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:

- A. All newspaper articles, announcements and requests for applications for low- and moderate-income units shall appear in at least one major circulation daily newspaper of regional circulation (throughout all of Region 3), or through a series of daily newspapers that reaches all of Region 3 residents. This may include but is not limited to the Star Ledger, the Home News Tribune, or the Courier News.
  - B. For new developments, the primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper(s) once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
  - C. The advertisement shall include a description of the:
    - (1) Street address(es) of the units;
    - (2) Directions to the units;
    - (3) Range of prices for the units;
    - (4) Numbers of bedrooms in units (bedroom mix);
    - (5) Maximum income permitted to qualify for the units;
    - (6) Location of applications;
    - (7) Business hours when interested households may obtain an application;
    - (8) Application fees, if any;
    - (9) Number of units currently available; and,
    - (10) Anticipated dates of availability.
  - D. Newspaper articles, announcements and information on where to request applications for low- and moderate-income housing shall also appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily within Middlesex County and the other two of which shall be circulated primarily outside of Middlesex County but within the housing region.
  - E. The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:
    - (1) WKXW (101.5 FM)
    - (2) WOR (710 AM)
    - (3) WCBS (880 AM)
    - (4) Comcast of Central New Jersey
    - (5) Cablevision of Raritan Valley
7. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
- A. Borough of South Plainfield Municipal Building
  - B. Borough of South Plainfield Web Site
  - C. Developer's Sales/Rental Offices
  - D. Middlesex County Administration Building
  - E. Hunterdon County Administration Building
  - F. Somerset County Administration Building

- G. Middlesex County Library (all branches)
- H. Hunterdon County Library (all branches)
- I. Somerset County Library (all branches)

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

- 8. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Hunterdon, Middlesex, and Somerset Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
  - A. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:
    - (1) Middlesex County Board of Realtors
    - (2) Hunterdon County Board of Realtors
    - (3) Somerset County Board of Realtors
  - B. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Middlesex, Hunterdon, and Somerset:
    - (1) Welfare or Social Service Board (via the Director)
    - (2) Rental Assistance Office (local office of DCA)
    - (3) Office on Aging
    - (4) Housing Authority (municipal or county)
    - (5) Community Action Agencies
    - (6) Community Development Departments
  - C. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of major employers within the region that are included on the list of community contact person(s) and/or organizations(s) in Hunterdon, Middlesex, and Somerset Counties that shall be developed, maintained and updated by the Administrative Agent.
  - D. Direct notification of the availability of affordable housing units in the Borough of South Plainfield (and copies of the application forms, shown in Attachment A) shall be sent to the offices of the: Fair Share Housing Center (Cherry Hill, NJ); Latino Action Network (Freehold, NJ); NAACP Metuchen (Edison) Branch Unit; NAACP Plainfield Branch Unit; NAACP Perth Amboy Branch Unit; and, NAACP New Brunswick Branch Unit.
- 9. The following is a listing of community contact person(s) and/or organizations in Middlesex, Hunterdon, and Somerset Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of low- and moderate- income units:
  - A. Cathedral Community Development Corporation, Inc., 205 Smith Street, PO Box 1277 Perth Amboy, NJ 08861
  - B. INFO LINE of Middlesex County, PO Box 159, Milltown, NJ 08850
  - C. Middlesex County Board of Social Services, 181 How Lane, New Brunswick NJ 08901
  - D. Middlesex County Board of Social Services, 252 Madison Avenue, Perth Amboy, NJ 08861
  - E. Department of Workforce Development, 506 Jersey Avenue, New Brunswick, NJ 08901
  - F. Middlesex County Vocational and Technical Schools, 112 Rues Lane, East Brunswick, NJ 08816
  - G. Middlesex County Vocational and Technical Adult Evening Schools, 457 High Street, Perth

Amboy, NJ 08861

- H. Middlesex County Vocational and Technical Adult Evening Schools, 21 Suttons Lane, Piscataway NJ 08854
- I. Perth Amboy Adult Education Center, 178 Barracks Street, Perth Amboy, NJ 08861
- J. Department of Labor and Workforce Development, One Stop Career Center, 339 Maple Street, 2<sup>nd</sup> Floor, Perth Amboy, NJ 08861.
- K. Perth Amboy Housing Authority, 881 Amboy Avenue, PO Box 390, Perth Amboy, NJ 08862
- L. Carteret Housing Authority, 96 Roosevelt Avenue, Carteret, NJ 07008
- M. Rahway Housing Authority, 165 East Grand Avenue, Rahway, NJ 07065
- N. Edison Housing Authority, Willard Dunham Drive, Edison, NJ 08837
- O. New Brunswick Housing Authority, PO Box 110, New Brunswick, NJ 08901
- P. Old Bridge Housing Authority, 1 Old Bridge Plaza, PO Box 700, Old Bridge, NJ 08857
- Q. South Amboy Housing Authority, 250 South Broadway, PO Box 817, South Amboy, NJ 08879
- R. Ozanam Housing Authority, 89 Truman Drive, Edison, NJ 08817
- S. Ozanam Shelter of New Brunswick, 20-22 Abel Street, New Brunswick NJ 08901
- T. St. John's Center, 24 Abeel Street, New Brunswick, NJ 08901
- U. Salvation Army, 433 State Street, Perth Amboy, NJ 088601
- V. Women Outreach Office, 96 Paterson Street, New Brunswick, NJ 08901
- W. Women Helping Women, 224 Main Street, Metuchen, NJ 08840
- X. Puerto Rican Action Board, PO Box 240, New Brunswick, NJ 08903
- Y. Women's Job Center, Displaced Homemaker Program, Middlesex Vocational and Technical School, 226 Easton Avenue, New Brunswick, NJ 08901
- Z. Catholic Charities, 271 Smith Street, Perth Amboy, NJ 08861
- AA. Jewish Family & Vocational Services, 515 Plainfield Avenue, Suite 201, Edison, NJ 08817
- BB. Housing Coalition of Central Jersey, 100 Bayard Street, 3<sup>rd</sup> Floor, New Brunswick, NJ 08901
- CC. New Jersey Department of Community Affairs, 506 Jersey Avenue, New Brunswick, NJ 08901
- DD. Division of Youth and Family Services, 301 Blair Road, 3<sup>rd</sup> Floor, Avenel, NJ 08901
- EE. Central Jersey Legal Services, Middlesex County Division, 313 State Street, Perth Amboy, NJ 08861
- FF. Borough of South Plainfield, Clerk's Office, 2480 Plainfield Avenue, South Plainfield, NJ 07080
- GG. Mr. Aaron, Acelero Learning, 142 Atkin's Avenue, Asbury Park, NJ 07712
- HH. Central New Jersey Maternal & Child Health Consortium, Inc., 2 King Arthur Court, Suite B, North Brunswick, NJ 08902
- II. Fish, Inc., 456 New Market Road, Piscataway, NJ 08854
- JJ. Elijah's Promise, 18 Nielson Street, New Brunswick, NJ 08901
- KK. American Red Cross of Central Jersey, 707 Alexander Road, Princeton, NJ 08540
- LL. The Salvation Army, 287 Handy Street, PO Box 269, New Brunswick, NJ 08901
- MM. Easter Seal Society of New Jersey, 1 Kimberly Road, East Brunswick, NJ 08816
- NN. Somerset County Coalition on Affordable Housing, 600 First Avenue, Suite 3, Raritan, NJ 08869

- OO. Brunswick and Raritan Housing Corporation, PO Box 11575, New Brunswick, NJ 08906
  - PP. Northwest New Jersey Community Action Program, Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865
  - QQ. Borough of South Plainfield Municipal Affordable Housing Liaison and Administrative Agent.
  - RR. Fair Share Housing Center, 510 Park Blvd., Cherry Hill, NJ 08002
  - SS. Latino Action Network, PO Box 943, Freehold NJ 07728
  - TT. NAACP Metuchen (Edison) Branch Unit, PO Box 86, Edison, NJ 08818
  - UU. NAACP Perth Amboy Branch Unit, PO Box 1219, Perth Amboy, NJ 08862
  - VV. NAACP New Brunswick Branch Unit, PO Box 235, New Brunswick, NJ 08901
  - WW. NAACP Plainfield Branch Unit, 1357 West 3rd Street, Plainfield, NJ 07060
10. A random selection method to select occupants of low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3 comprised of Middlesex, Hunterdon and Somerset Counties.
  11. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low- and moderate-income households; to place income eligible households in low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of low- and moderate-income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
  12. The Administrative Agent shall provide or direct qualified low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
  13. All developers/owners of low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
  14. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low-income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.
  15. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

COUNCIL	MOTION	2 <sup>ND</sup>	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:	4	0			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2017-428**

**AUTHORIZING AWARD OF A BID TO NEUMANN CONSTRUCTION FOR A COAH HOUSING REHABILITATION PROJECT FOR THE PROPERTY LOCATED AT 3114 PARK AVENUE (MILLER) IN AN AMOUNT NOT TO EXCEED \$20,350.00**

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

Authorization is hereby given to award a bid to Neumann Construction for a COAH housing rehabilitation project for the property located at 3114 Park Avenue owned by Edward and Deborah Miller in an amount to not exceed \$20,350.00; and

**BE IT FURTHER RESOLVED**, that payment may be made to Neumann Construction upon the completion of said refurbishment project.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2017-429**

**RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD,  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,  
AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE  
COUTY OF MIDDLESEX AND THE BOROUGH OF SOUTH PLAINFIELD.**

**WHEREAREAS**, the County of Middlesex and the Borough of South Plainfield wish to enter into Cooperation Agreements for federal fiscal years 2018, 2019, and 2020 to provide a means of conducting certain community development activities utilizing Community Development Block Grant (“CDBG”) funds, HOME Investment Partnerships funds, and ESG funds from the U.S. Department of Housing and Urban Development; and

**WHEREAREAS**, it has been determined that it is in the best interest of the Borough of South Plainfield to enter into an Agreement with the County of Middlesex for these Cooperation Agreements.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of South Plainfield, County of Middlesex, State of New Jersey, as follows:

1. That the governing body is hereby authorized to enter into an Agreement with the County of Middlesex for utilization of Community Development Block Grant (“CDBG”) funds, HOME Investment Partnerships funds, and ESG funds from the U.S. Department of Housing and Urban Development for federal fiscal years 2018, 2019, and 2020.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to the Agreement, and any other documents necessary to effectuate the terms of this resolution. Said Addendum shall be in a form acceptable to the Borough Attorney.
3. That this resolution shall become effective immediately.
4. That a copy of this Agreement referenced herein shall be kept on file and made available for public inspection at the Borough Clerk’s Office during normal business hours.

5. That a certified copy of this resolution, together with a copy of the Agreement, shall be forwarded to the County of Middlesex Board of Chosen Freeholders, and to Paul Buckley, Division Head, County of Middlesex Public Housing Agency, Division of Housing, Community Development and Social Services.

COUNCIL	MOTION	2 <sup>ND</sup>	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:	5	0			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION: 2017-430**

**AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$6,460.30 FOR R. KRISHNAN & L. RAMESH OF 1835 PLAINFIELD AVENUE.**

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

Block: 122 Lot: 7  
 R. Krishnan & L. Ramesh  
 1835 Plainfield Avenue  
 South Plainfield, NJ 07080  
 \$6,460.30

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

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

**RESOLUTION 17-431**

**AUTHORIZING THE MIDDLESEX REGIONAL SERVICE COMMISSION CO-OPERATIVE PURCHASE FOR A MESSAGE BOARD FROM DAKTRONICS IN AN AMOUNT NOT TO EXCEED \$25,001.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the Middlesex Regional Service Commission Co-Operative purchase for a message board from Daktronics in an amount not to exceed \$25,001.00 pursuant to Middlesex Regional Service Commission Co-Op Contract #AEPA 1FB#016-1; 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

COUNCIL	MOTION	2 <sup>ND</sup>	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:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 17-432**  
**AUTHORIZING THE SERVICES OF JW SALES ASSOCIATES, LLC**  
**TO INSTALL A MESSAGE BOARD AT THE PAL BUILDING**  
**IN AN AMOUNT NOT TO EXCEED \$6,770.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of JW Sales Associates LLC to install a message board at the Pal Building in an amount not to exceed \$6,770.00; 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

COUNCIL	MOTION	2 <sup>ND</sup>	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:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 17-433**  
**AUTHORIZING 2017 APPROPRIATION TRANSFERS IN THE AMOUNT OF**  
**\$90,000.00 FOR THE CURRENT FUND PURSUANT TO N.J.S.A. 40A:4-58**

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

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

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

<b>Borough of South Plainfield</b>			
<b>Transfers</b>			
<b>2017</b>			
<b>CURRENT FUND</b>			
<b>FROM:</b>			<b>AMOUNT</b>
7-01-20-165-000-101	Engineering	S&W	4,000.00
7-01-23-220-000-621	Health Insurance	O&E	80,000.00
7-01-26-290-001-101	Public Works Admin	S&W	3,000.00
7-01-32-465-001-545	Landfill	O&E	3,000.00
<b>Total FROM:</b>			<b>90,000.00</b>
<b>TO:</b>			<b>AMOUNT</b>
7-01-20-120-000-103	Clerk	S&W	5,000.00
7-01-20-130-000-101	Administration	S&W	2,000.00
7-01-20-140-000-311	Computers	O & E	10,000.00
7-01-22-195-001-101	Code	S&W	1,000.00
7-01-22-195-001-519	Code	O & E	1,000.00
7-01-23-210-000-655	Other Insurance	O & E	4,000.00
7-01-25-240-001-255	Police	O & E	2,000.00
7-01-25-250-000-101	911	S&W	2,000.00
7-01-25-260-000-101	Rescue Squad	S&W	3,000.00
7-01-25-265-002-101	Fire Official	S&W	2,000.00
7-01-26-290-002-101	Road Repairs & Maintenance	S&W	5,000.00
7-01-26-305-003-101	Recycling	S&W	1,000.00
7-01-26-310-000-404	Public Buildings & Grounds	O & E	2,000.00
7-01-27-335-001-101	Environmental	S&W	1,000.00
7-01-28-370-002-102	Office on Aging	S&W	1,000.00
7-01-31-440-001-541	Telephone	O & E	3,000.00
7-01-31-465-001-565	Gasoline	O & E	5,000.00
7-01-43-490-000-101	Court	S&W	2,000.00
7-01-36-472-000-675	SSI	Statutory	25,000.00
7-01-36-475-000-683	PFRS	Statutory	8,000.00
7-01-44-901-000-235	Capital	Capital	5,000.00
<b>Total TO:</b>			<b>90,000.00</b>

COUNCIL	MOTION	2 <sup>ND</sup>	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:	5	0			
Mayor Anesh – TIE ONLY							

**AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:**

- Zoning Board Minutes – October 17, 2017
- Planning Board Minutes – October 24, 2017
- Recycling Monthly Report – October, 2017

COUNCIL	MOTION	2 <sup>ND</sup>	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:	5	0			
Mayor Anesh – TIE ONLY							

**PAYMENT OF BILLS**

Current Fund	7-01	499,934.88
Current Fund	6-01	0.00
Pool Utility	6-26	0.00
Pool Utility	7-26	30.00
Sewer Utility	6-07	0.00
Sewer Utility	7-07	1,020,489.32
Sewer Utility Capital	C-08	0.00
General Capital	C-04	404,467.86
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	6,534.85
Dog Trust	T-12	4,213.33
Treasurers Trust	T-13	3,451.00
Recreation Trust	T-14	3,789.50
<b>TOTAL ALL FUNDS</b>		<b>\$1,942,910.74</b>

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Dean		x	X				
Councilwoman Faustini			X				
Councilman Vesce						X	
Councilman Wolak			X				
Council President White	x		X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

## **COUNCIL REPORTS:**

Borough Attorney Robertson Esq. – reported progress.

Administrator Cullen – explained the repurposing of Ordinance 2101 emphasizing it is not newly borrowed money but a modification of the current ordinance to enable us to do the sewer repairs.

Engineer Miller – advised that we still have a couple of roads to pave and we hope to complete them by the end of next week.

Clerk Antonides – reported progress.

Councilman Dean – inquired about the status of the speed humps. Mr. Miller said they are working on them and it should be done within the next couple of weeks. Councilman Dean thanked the Public Celebrations Committee and Cultural Arts for putting on a great job with the caroling event.

Councilwoman Faustini – on behalf of the Library thanked the South Plainfield Police Department for their help with creating a special needs data base at the Library. Councilwoman Faustini said she echo's Councilman Dean's comments regarding the caroling event thanking both Cultural Arts and Public Celebrations. It was a lot of fun.

Councilman Bengivenga – reminded everyone that tomorrow is the Mayor's Wellness 2<sup>nd</sup> annual drug awareness conference at 7:00 p.m. at the Senior Center and went on to report progress. It is an important issue to bring awareness forward.

Councilman Vesce – was absent this evening.

Councilman Wolak – reported progress.

Council President White – reported progress.

Mayor Anesh – reported progress.

## **COMMENTS FROM THE PUBLIC:**

Mayor Anesh opened the floor for public comment.

Mr. Bill Sesselberg of Oakland Avenue expressed his concerns for the poor road conditions left after the water company's work, especially on Maple Avenue. Mr. Miller said that he will be meeting with them this Wednesday. The trenches are on the list for repair. We are working on developing a list of the roads that need to be resurfaced for next year. Mr. Sesselberg also expressed concern for the lack of notification regarding water being shut off. Mayor Anesh said that is concerning. Mr. Cullen said there were others who complained about the same thing.

Roberto Sayers congratulated those who participated in the caroling event and then questioned what equipment does ordinance 2100 entail. Mayor Anesh responded. Mr. Sayers then asked what the Mayor's Wellness event tomorrow entails. Mayor Anesh gave an overview of the program.

Debbie Boyle of Van Fleet described the Mayor's Wellness event for tomorrow evening and then thanked Public Celebrations and Cultural Arts for the caroling event.

Nancy Grennier reminded everyone of the forthcoming Business Association annual breakfast and handed at invitations.

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

At 7:31 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 7:59 p.m., Mayor Anesh called the public meeting back to order saying the results of this evenings Executive Session resulted in the addition of the following three resolutions of which Councilwoman Faustini made a motion to add to the agenda, seconded by Council President White. Mayor Anesh opened the floor again for public comment and with no comments from the public, closed the floor.

**RESOLUTION 17-434  
AUTHORIZING THE FULL TIME HIRING OF SEAN CULLEN, JOSEPH PELLEGRINO AND KEVIN CRILLEY AS LABORER II WITH THE DPW**

**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 full time hiring of Sean Cullen, Joseph Pellegrino and Kevin Crilley with benefits as Laborer II for the DPW effective December 5, 2017 at a salary pursuant to the salary ordinance for such; and

**FURTHERMORE, BE IT RESOLVED** that Sean Cullen, Joseph Pellegrino and Kevin Crilley shall obtain a Commercial Driver License (CDL) in their first year of full time employment to then be advanced to Laborer III in their second year of said employment; 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. Carmela Sutor, Payroll
4. Anne Daley, Benefits
5. Len Miller, DPW Superintendent

COUNCIL	MOTION	2 <sup>ND</sup>	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				
<b>VOTE:</b>			<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 17-435  
AUTHORIZING THE PART-TIME HIRING OF JOHN POLIZZANO FOR THE DPW  
WITH NO BENEFITS**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby authorizes the Borough to hire John Polizzano on a part-time basis without benefits for the DPW effective December 5, 2017 at the hourly rate pursuant to the salary ordinance for such.

**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. Len Miller, DPW Superintendent

COUNCIL	MOTION	2 <sup>ND</sup>	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:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 17-436  
AUTHORIZING THE PROMOTION OF JEFFREY PRYOR  
AS LABORER II WITH THE DPW**

**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 promotion Jeffrey Pryor to Laborer II for the DPW effective December 5, 2017 at a salary pursuant to the salary ordinance for such; and

**FURTHERMORE, BE IT RESOLVED** that Jeffrey Pryor shall obtain a Commercial Driver License (CDL) within one (1) year of this promotion; 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. Carmela Sutor, Payroll
4. Anne Daley, Benefits
5. Len Miller, DPW Superintendent

COUNCIL	MOTION	2 <sup>ND</sup>	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:	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. Council President White made a motion to adjourn at 7:32 p.m., seconded by Councilman Bengivenga and unanimously carried. The meeting was adjourned.

Submitted By:

\_\_\_\_\_  
Amy Antonides, RMC/CMC/CMR  
Municipal Clerk