

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
February 20, 2018, 2018 7:07 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:07 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 Dean	X		
Councilwoman Faustini	X		
Councilman Vesce	X		
Councilman White	X		
Councilman Wolak	X		
Council President Bengivenga		x	
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	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.

Proclamation: Mayor Anesh read the Black History Month Proclamation in full and invited Paul Carlisle forward to accept it. Everyone extended a round of applause and photographs were taken by family, friends and media present.

Authorizing the Approval of Council Minutes:

February 5, 2018 – Agenda
February 5, 2018 – Public
February 5, 2018 – Executive

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

ORDINANCE – SECOND READING BY TITLE – was read by Clerk Antonides for the following Ordinance 2104. Mayor Anesh asked for council comments and no comments were made. Mayor Anesh Opened the floor for public hearing and with no comments from the public closed the floor.

ORDINANCE 2104

AN ORDINANCE UPDATING THE PERFORMANCE AND MAINTENANCE GUARANTEE SECTIONS OF THE BOROUGH'S DEVELOPMENT REVIEW CODE TO COMPLY WITH STATUTORY UPDATES TO THE MUNICIPAL LAND USE LAW

WHEREAS the Municipal Land Use Law (N.J.S.A. 40:55D -1 et seq.) delegates to municipalities the power to zone and regulate development and that statute is amended from time to time by the state legislature; and

WHEREAS the provisions regarding performance guarantees, maintenance guarantees and establishing a safety and security obligation were recently amended by the legislature and the Borough now likewise amends its Development Review Code to comply with the revisions to the statute.

NOW, THEREFORE, BE IT ORDAINED THAT the following provisions of Chapter 515 Development Review, Article VIII Subdivision Regulations of the Borough Code shall be amended and supplemented as follows:

Section 515-49 Improvements.

I. (5) Street Trees

- (a) At least two street trees shall be planted on each lot a minimum of 15 feet inside the curb line and a minimum of 40 feet between trees. The minimum caliper of the trees shall be two inches. The minimum height shall be 12 feet.

Section 515-51 Performance guarantee; safety and stability guarantee; escrow fee for inspections.

- A. No final plat or minor subdivision deed shall be approved by any municipal agency or zoning permit issued unless the developer has filed with the Borough a performance guarantee assuring the installation and maintenance of certain on-tract improvements and which meets with the approval of the Borough Engineer and Attorney as to sufficiency, form and execution or unless the required improvements have been installed and approved and a sufficient maintenance guarantee has been posted. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance guarantee to another governmental agency, no performance guarantee shall be required by the municipality for such utilities or improvements.
 - (1) Should a successive developer request a permit update under the State Uniform Construction Code for the purpose of updating the name and address of the owner of property on a construction permit, as a condition of such permit update, the new owner shall provide replacement performance guarantees, safety and stability guarantees and or maintenance guarantees as applicable to the then current stage of development.
- B. Such performance guarantee shall cover the cost of the installation of the improvements set forth in Section 515-49 of this article deemed necessary and appropriate, and are to be dedicated to the municipality, including streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments as shown on the final map and required by the Map Filing Law P.L. 1960, c.141 (N.J.S.A. 46:26B-1, et seq.), water mains, sanitary sewers or other means of sewage disposal, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by

the preceding improvements as well as privately- owned perimeter buffer landscaping as required by ordinance or imposed as a condition of approval for each section or phase of development.

- (1) At the developer's option a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.
- (2) In the event that a developer shall seek a temporary certificate of occupancy for a development, unit, lot, building or phase of development, as a condition of the issuance thereof the developer shall furnish a separate guarantee referred to herein as "temporary certificate of occupancy guarantee" in compliance with the provisions of N.J.S.A. 40:55D-53(1)(c), et seq. The municipal official designated to administer this provisions of this section is the Borough Engineer.

(No change to paragraphs C through E.)

F. Safety and stabilization guarantee.

The developer shall furnish to the municipality a safety and stabilization guarantee to be available to the municipality for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition in compliance with the provisions of N.J.S.A. 40:55D-53(1)(d), et seq.

- (1) At the developer's option the safety and stabilization guarantee may be provided as a separate guarantee or as a line item in the performance guarantee.
 - (2) The amount of the safety and stabilization guarantee shall be as follows; for bonded improvements in an amount not exceeding \$100,000 the guarantee shall be \$5,000. The amount of the safety and stabilization guarantee for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of all the bonded improvements, or applicable phase or stage of development, as follows: \$5,000 for the first \$100,000 of bonded improvements plus 2.5% of bonded improvement costs in excess of \$100,000 up to \$1,000,000 plus 1% of bonded improvements costs in excess of \$1,000,000.
- G. When all or substantially all of the-required improvements have been completed, the obligor shall notify the governing body in writing by certified mail addressed care of the Borough Clerk, of the completion of the improvements and shall send a copy thereof to the Borough Engineer. The obligor shall simultaneously therewith submit to the Borough Engineer as built drawings, in ink, on tracing cloth, to such scale as required by the Borough Engineer, accurately showing the location, profile, size and appurtenances of all storm drains, catch basins, sanitary sewers, and water mains and utilities, including service connections, constructed within the subdivision or site. The obligor shall also submit a certification by an Engineer to the placement and installation of monuments.
- H. The Borough Engineer shall then inspect all of the improvements and shall file a report in writing with the governing body, and the obligor, within 45 days, which report shall be detailed and shall indicate either approval, partial approval or rejection of said improvements. If said improvements or any portion thereof shall not be approved or shall be rejected by the borough Engineer, said report shall contain a statement of the reasons for such non-approval or rejection. Where said report indicates partial approval of said improvements, it shall indicate the costs of the improvements for which approval is rejected or withheld.

- I. The governing body, by resolution, shall either, approve, partially approve or reject the improvements, after a public hearing has been held, on the basis of the report of the Borough Engineer. The resolution shall be adopted within 45 days of receipt of the report from the Engineer. Prior to the public hearing, the obligor shall publish a notice in the newspaper and notify all property owners in and within 200 feet of the development, by certified mail, return receipt requested, of the date time and place of hearing, which notice shall be served not later than 10 days prior to the date of the hearing set forth in the notice. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee to the extent of such partial approval, except that a portion adequately sufficient to secure provision of the improvements not yet approved shall be maintained as provided for by N.J.S.A. 40:55D-53, et seq. Newspaper notification and notification of property owners within 200 feet by certified mail shall not be required where the amount of the performance guarantee is \$500 or less. An executed copy of the adopted resolution of the governing body shall be provided to the obligor.
- J. Failure of the governing body to adopt such resolution within 45 days of receipt of the report from the engineer shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall entitle the obligor to petition the Superior Court for an order compelling such approval.
- K. If any portion of the required improvements shall not be approved or shall be rejected by the governing body, the obligor shall cause the same to be completed, and the appropriate portion of performance guarantees and safety and stabilization guarantees shall be retained by the Borough as provided for in N.J.S.A. 40:55D-53, et seq. Upon completion of the remaining improvements the same procedure of notification as outlined herein shall be followed.
- M. The obligor shall reimburse the municipality for reasonable inspection fees paid to the Borough Engineer for the forgoing inspections and improvements, pursuant to N.J.S.A. 40:55D-53(3) (h), et seq. The obligor shall post inspection fees, in escrow, in the amount determined as follows: the greater of \$500 or 5% of the bonded improvements subject to the performance guarantee under the applicable statute. Further, the escrow fee shall not exceed 5% of the costs of private site improvements that are not subject to the performance guarantee.
 - (1) if the municipality determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to N.J.S.A. 40:55D-53, is insufficient to cover the costs of additional required inspections, the municipality may require the developer to deposit additional funds in escrow provided the municipality delivers to the developer a written inspection escrow deposit request, signed by the municipal engineer, which; informs the developer of the need for the additional inspections, details the items undertakings that require inspection, estimates the time required for those inspections and estimates the cost for performing those inspections.

Section 515-52 Certification of improvements; maintenance guarantee.

- A. Upon final acceptance of the improvements by the governing body consistent with the procedures as outlined above in § 515-51, and before the release of the performance guarantee, the developer shall post a maintenance guarantee with the Borough in the amount of 15% of the costs of the installation of the improvements which are being released. The developer shall also post a maintenance guarantee in an amount not to exceed 15% of the costs of the installation of the following private site improvements; stormwater management basins, inflow and water quality structures within the basins, and the outflow pipes and structures of the stormwater system if any. Said maintenance guarantee(s) to run for a period of two years after final acceptance of the improvements if such are dedicate to the public or the date of approval by the engineer if private improvements. In the event that other governmental agencies or

public utilities automatically will own the utilities to be installed or the improvements are covered by a maintenance guarantee to another governmental agency, no maintenance guarantee shall be required by the municipality for such utilities or improvements.

BE IT FURTHER ORDAINED THAT the provisions of Chapter 515 Development Review, Article IX Site Plan Regulations shall be amended as follows:

Section 515-66 Performance guarantees, safety and stability guarantee, maintenance guarantee and escrow deposit for inspections.

The furnishing, amount, time period and method of release of any performance guarantee, safety and stability guarantee, maintenance guarantee and escrow deposit for inspections shall follow the procedures set forth in § 515-51 and 515-52 of this Chapter.

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

ORDINANCE – SECOND READING BY TITLE – was read by Clerk Antonides for the following Ordinance 2105. Mayor Anesh asked for council comments and no comments were made. Mayor Anesh Opened the floor for public hearing and with no comments from the public closed the floor.

**ORDINANCE NO.2105
AN ORDINANCE AMENDING THE BOROUGH CODE
RE: PERSONNEL POLICIES.**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Code of the Borough be amended to add Chapter 78, Article III as follows:

ARTICLE III: Application for Employment.

78-6 – APPLICATION.

An application form for employment must be completed by each person applying for a position with the Borough of South Plainfield. This completed application will be referred to the department head of the department having the particular opening.

78-7 – INTERVIEW.

If an interview is deemed appropriate by the department head of the department having a particular opening, within that department head’s discretion, the department head or their designee will conduct a such interview with each applicant and apprise the candidate of the Borough Personnel Policies, conditions of employment, salary range and benefits, and the duties of the position. If the position under consideration is that for a department head, the Borough Administrator will be responsible for the interview in place of the department head.

78-8 – INVESTIGATION.

If the department head, or Borough Administrator as the case may be, following the interview, concludes that the candidate meets the requirements for the position, the department head or Administrator will conduct a background check or direct that such background check be conducted, conduct a reference investigation, and check all previous employment. If such information is favorable, in the case of the department head, they shall recommend hiring to the Administrator. In the case of the Administrator, if such information is favorable, the Borough Administrator may arrange for an interview with the Administration and Finance Committee of the Borough Council.

78-9 – POLICE OFFICER POSITION EXCEPTED.

If the applicant is applying for a position as police officer, all procedures shall be in accordance with the Borough's contract with the applicable police officer's union.

78-10 – EXAMINATION.

For any position, except seasonal employment positions, if the application is for a position of public works worker, or for any position that may involve driving or operating any type of motor vehicle owned or leased by the Borough, or in the course of business for the Borough, upon adoption by the Borough Council of a resolution authorizing the hiring of the applicant conditioned upon the applicant completing a physical examination, the department head shall arrange a physical examination for the applicant at the Borough's expense to include testing for use of prohibited drugs or misuse of alcohol. In the event that an applicant tests positive, or otherwise fails the examination, the Borough will not hire or rehire the applicant at that point in time. This does not preclude the Borough from hiring the applicant at a later date, provided that the applicant can show proof that he or she has satisfactorily completed a rehabilitation program approved by a substance abuse professional or otherwise remedied the condition which caused the applicant to be deemed unfit for the position. In such case, prior to being hired, the applicant will submit to another test at the Borough's expense. In the event that an applicant refuses to submit to such physical examination and testing, they shall be disqualified from being considered for employment. In the event an applicant fails to attend a scheduled appointment for the examination and testing and does not provide a reason or excuse deemed valid in their sole discretion of the department head of the department having the particular opening, they shall be disqualified from consideration of employment. In the event an applicant does not attend a scheduled examination and testing and provides an excuse deemed valid by the department head in their sole discretion, the examination and testing must be rescheduled within 48 hours of the original scheduled appointment. Failure to attend a rescheduled examination will be considered as a refusal, and the applicant will be disqualified for consideration of employment. No reason or excuse will be accepted for a second missed appointment.

For seasonal employment, which shall be defined as employment for 120 days a year or less with the Borough, this section shall not apply except that the applicant shall be required to submit to testing for use of prohibited drugs or misuse of alcohol. In the event of an emergency, the Borough Administrator may waive the need for a pre-employment drug test for emergent or seasonal employees.

78-11 – SUCCESSFUL COMPLETION OF HIRING PROCEDURES.

Following the successful completion of the foregoing procedures, the Borough Administrator will notify the department head to advise the candidate of the starting date, and report to the office of the Administrator to complete the necessary employment formalities.

As Amended:

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

ORDINANCE – FIRST READING BY TITLE – was read by Clerk Antonides for the following Ordinance 2106. Mayor Anesh asked for council comments and no comments were made. Mayor Anesh set the public hearing for March 5, 2018 at approx.. 7:00 p.m.

BOND ORDINANCE #2106

**ORDINANCE AMENDING IN ITS ENTIRETY
ORDINANCE NUMBERED 2101 OF THE BOROUGH
OF SOUTH PLAINFIELD, IN THE COUNTY OF
MIDDLESEX, NEW JERSEY, FINALLY ADOPTED
DECEMBER 18, 2017, IN ORDER TO INCLUDE RISOLI
TERRACE AND OTHER VARIOUS ROADS**

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 One. Ordinance numbered 2101 of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the “Borough”), finally adopted December 18, 2017, is hereby amended in its entirety to include Risoli Terrace and other various roads to read as follows:

“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 LEDDEN TERRACE, RISOLI TERRACE AND OTHER VARIOUS

ROADS 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, Ledden Terrace, Risoli Terrace and other various roads listed on the 2017/2018 road list contained in the Borough Clerk's office, 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."

Section Two. 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 Three. 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 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White	x		X				
Councilman Wolak		x	X				
Council President Bengivenga						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS

RESOLUTION 2018-87

AUTHORIZING APPLICATION TO THE MIDDLESEX COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR A 2018 COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE PURPOSE OF IMPROVEMENTS

WHEREAS, the Borough of South Plainfield wishes to apply to Middlesex County Housing and Community Development Agency for discretionary aid; and

WHEREAS, the Borough’s Citizen Advisory Committee met to discuss possible uses of the 2018 CDBG funding; and

WHEREAS, the Governing Body of the Borough of South Plainfield held a public hearing on February 20, 2018 to elicit input from Borough residents on the best uses for the 2018 CDBG;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of South Plainfield do hereby make application to Middlesex County Housing and Community Development for discretionary aid to be used for the following proposed uses:

Senior Center Salary	\$12,500
My Senior Center Database	\$15,000
Other Senior Exercise Equipment	\$10,000
Various ADA Ramps throughout Boro	\$23,823
TOTAL	\$61,323

BE IT FURTHER RESOLVED that a certified copy of this resolution will be forwarded to the Director of the Middlesex County Housing and Community Development Agency.

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

TABLED
RESOLUTION #18-88
AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY
MUY BRANDS, LLC FOR PUBLIC IMPROVEMENTS TO
BLOCK 528, LOT 46.04 AND ACCEPTANCE
OF THE MAINTENANCE BOND IN THE AMOUNT OF \$41,311.69

RESOLUTION #18-89
AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY
RYAN 100 HOLDINGS LLC FOR PUBLIC IMPROVEMENTS TO
BLOCK 477, LOT 1 AND ACCEPTANCE
OF THE MAINTENANCE BOND IN THE AMOUNT OF \$10,525.00

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from Ryan 100 Holdings, LLC for public improvements located at Block 477, Lot 1; and

WHEREAS, has submitted the Maintenance Bond in the amount of \$10,525.00; 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 477, Lot 1.

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

RESOLUTION #18-90
AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY
150 DURHAM REALTY LLC FOR PUBLIC IMPROVEMENTS TO
BLOCK 541, LOT 13 AND ACCEPTANCE
OF THE MAINTENANCE BOND IN THE AMOUNT OF \$12,717.00

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from 150 Durham Realty, LLC for public improvements located at Block 541, Lot 13; and

WHEREAS, has submitted the Maintenance Bond in the amount of \$12,717.00; 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 541, Lot 13.

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

**RESOLUTION 2018-91
RESOLUTION AUTHORIZING SETTLEMENT OF 2015, 2016 and 2017 TAX APPEALS FILED BY RCJ,
INC. FOR THE PROPERTY KNOWN AS
2313-2325 PLAINFIELD AVENUE AND IDENTIFIED AS
BLOCK 188, LOT 57, ON THE BOROUGH OF SOUTH PLAINFIELD
TAX ASSESSMENT MAPS**

WHEREAS, RCJ, Inc., (hereinafter referred to as “Taxpayer”) is the owner of the property known as 2313-2325 Plainfield Avenue and identified as Block 188, Lot 57, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$1,355,000 for the Tax Year 2015 and \$1,360,000 for Tax Years 2016 and 2017; and

WHEREAS, Taxpayer filed appeals of the 2015, 2016 and 2017 tax assessments in the Tax Court of the State of New Jersey under Docket Numbers 006926-2015, 004795-2016 and 004955-2017; 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 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 2015 tax appeal shall be withdrawn by Taxpayer;
- The 2016 tax appeal shall be withdrawn by Taxpayer;
- The 2017 original assessment in the amount of \$1,360,000 shall be reduced to \$900,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2017;

- Taxpayer has agreed to waive statutory interest provided that the tax overpayment refund is paid within 60 days of the date of entry of the Tax Court Judgment;
- Refunds regarding overpayments shall be made payable to “Michael A. Vespasiano, Attorney Trust Account” within 60 days of the date of entry of the Tax Court Judgment.
- As an integral part of the settlement, the parties agree that the 2018 total tax assessment shall be set on-the-books by the Tax Assessor at \$800,000.

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 \$900,000 total tax assessment for the 2017 tax year for Block 188, Lot 57 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.

2. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by RCJ, Inc. under Docket Nos.: 006926-2015, 004795-2016 and 004955-2017 for the Property known as 2313-2325 Plainfield Avenue and identified as Block 188, Lot 57 on the Borough of South Plainfield Tax Assessment Maps which withdraws the tax appeals for Tax Years 2015 and 2016; which reduces the 2017 total tax assessment on the Property from \$1,360,000 to \$900,000; which provides that the Taxpayer has agreed to waive statutory interest on any refund or overpayment due provided the refund check is paid within 60 days from the issuance of Judgment; which further provides that the refund check shall be made payable to “Michael A. Vespasiano, Attorney Trust Account” and forwarded to Michael A. Vespasiano, Esq., 331 Main Street, Chatham, NJ 07928 within 60 days of the date of entry of the Tax Court Judgment; and which also provides that as an integral part of the settlement, the parties agree that the 2018 total tax assessment shall be set on-the-books by the assessor at \$800,000.

3. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

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

RESOLUTION 2018-92

RESOLUTION AUTHORIZING SETTLEMENT OF 2015, 2016 AND 2017 TAX APPEALS FILED BY MINGIONE LIMITED PARTNERSHIP, FOR THE PROPERTY KNOWN AS 2700 CLINTON AVENUE AND IDENTIFIED AS BLOCK 450, LOT 4 ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, Mingione Limited Partnership. (hereinafter referred to as “Taxpayer”) is the owner of the property known as 2700 Clinton Avenue and identified as Block 450, Lot 4 on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$737,000 for the tax years under appeal; and

WHEREAS, Taxpayer filed appeals of the 2015, 2016 and 2017 tax assessments in the Tax Court of the State of New Jersey under docket numbers 011139-2015; 010446-2016 and 010449-2017; 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 Tax Years 2015, 2016 and 2017; and

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

- The 2015 tax appeal shall be withdrawn;
- The 2016 original assessment in the amount of \$737,000 shall be reduced to \$568,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2016;
- Taxpayer has agreed to waive statutory interest. The tax refund shall be made payable to “Mingione Limited Partnership c/o Valerie Hofer, Esq., Trust Account”; and
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall apply to the assessment for Tax Years 2017 and 2018.

WHEREAS, the Borough of South Plainfield Tax Assessor agrees that it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

WHEREAS, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

WHEREAS, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto; and

WHEREAS, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer’s request for tax assessment reduction; and

WHEREAS, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment reduction to the Borough Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Borough.

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

4. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$568,000 total tax assessment for the 2016 tax year for Block 450, Lot 4 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
5. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by Mingione under Docket Nos.: 011139-2015, 010446-2016 and 010449-2017 and for the property known as 2700 Clinton Avenue and identified as Block 450, Lot 4, on the Borough of South Plainfield Tax Assessment Maps which withdraws the 2015 tax appeal; which reduces the 2016 total tax assessment on the Property from \$737,000 to \$568,000; which provides that the Taxpayer has agreed to waive statutory interest; which further provides that any tax refund resulting from the settlement shall be made payable to “Mingione Limited Partnership c/o Valerie Hofer, Esq. Trust Account”; and which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act)

shall apply to the assessment for Tax Years 2017 and 2018.

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

**RESOLUTION 18-93
AUTHORIZING A \$90 FIRE INSPECTION OVERPAYMENT REFUND
TO TRADITIONS CONDO ASSOCIATION AND ADLER DEVELOPMENT**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the following fire inspection fee overpayment refund(s) to:

Traditions Condo Association
100 Coppola Drive
South Plainfield, NJ 07080
\$90.00

Adler Development
Attn: Grace Toth
160 Raritan Center Pkwy
Edison, NJ 08837
\$90.00

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of South Plainfield that the Finance Office hereby has approval to release the aforementioned refund(s).

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

**RESOLUTION 2018-94
AUTHORIZING THE SERVICES OF NAJARIAN ASSOCIATES FOR ENGINEERING ADMINISTRATION AND
INSPECTION SERVICES FOR DRAINAGE AND REPAIRS ON RISOLI TERRACE IN AN AMOUNT NOT TO EXCEED
\$22,000.00**

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for Najarian Associates to perform engineering administration and inspection services for drainage and repairs on Risoli Terrace in the Borough of South Plainfield in an amount not to exceed \$22,000.00.

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

- Municipal Clerk
- Chief Financial Officer
- Najarian Associates

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

RESOLUTION 18-95
AUTHORIZING THE PURCHASE OF A SCANNER FROM
JOY AUTOMOTIVE IN AN AMOUNT NOT TO EXCEED \$3,491.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase of a scanner from Joy Automotive in an amount not to exceed \$3,491.00; 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 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		X	X				
Councilman Wolak	X		X				
Council President Bengivenga						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 18-96
AUTHORIZING THE SERVICES OF JEN ELECTRIC TO REPLACE LOOP DETECTION WITH 4 CAMERAS AT
SAMPTON-PLAINFIELD-LOWDEN SIGNAL
IN AN AMOUNT NOT TO EXCEED \$22,780.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Jen Electric to replace loop detection with 4 cameras at Sampton-Plainfield- Lowden signal in an amount not to exceed \$22,780.00; 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 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Councilman Wolak	x		X				
Council President Bengivenga						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 18-97

AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$3,074.40 FOR S. SILVERMAN & J. FIORE OF 7 STACEY COURT

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

Block: 78 Lot: 13.01
Wells Fargo Bank NA
WFRETS-Attn: Financial Support
P.O. Box 10335
Des Moines, IA 50306-0335
\$3,074.40

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

RESOLUTION 18-98

AUTHORIZING THE PURCHASE OF HOT PATCH FOR THE DPW FROM TRAP ROCK INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$5,000.00

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 purchase of hot patch from Trap Rock Industries in an amount not to exceed \$5,000.00; 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. Len Miller, DPW

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

RESOLUTION: 18-99

AUTHORIZING THE REFUND OF A SEWER OVERPAYMENT IN THE AMOUNT OF \$2,075.43 PERTAINING TO 1251 WEST 7TH STREET IN SOUTH PLAINFIELD

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

OWNER/ADDRESS

{A0961100.1}

Block 8; Lot 1
 Account # 198-2
 Levin Properties, LP
 1251 West 7th Street
 South Plainfield, NJ 07080
\$2,075.43

MAKE CHECK PAYABLE TO:

Levin Properties c/o Hunan Wok
 P.O. Box 326
 Plainfield, NJ 07061

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

**RESOLUTION 18-100
 AUTHORIZING THE SERVICES OF SONNENFELD & TROCCHIA
 FOR ARCHITECTURAL SERVICES ASSOCIATED WITH AN ADDITION
 TO THE PAL BUILDING IN AN AMOUNT NOT TO EXCEED \$10,000.00**

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 services of Sonnenfeld & Trocchia in an amount not to exceed \$10,000.00; 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 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Councilman Wolak	x		X				
Council President Bengivenga						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION: 18-101

AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$2,377.54 FOR RAM INVESTMENTS, LLC OF 129 SOUTH 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: 267 Lot: 17
 Valley National Bank
 Comm Mtg Escrow-Ivan Rodriguez
 1720 Route 23 North
 Wayne, NJ 07470
 \$2,377.54

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

**RESOLUTION 18-102
 AUTHORIZING THE FULL TIME HIRING OF ROBERT EGGERT AND MICHAEL SZEMAN
 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 Robert Eggert and Michael Szeman with benefits in accordance with the current contract as Laborer II for the DPW conditioned upon their passing a physical examination and drug test, at a salary pursuant to the salary ordinance for such; and

FURTHERMORE, BE IT RESOLVED that Robert Eggert and Michael Szeman 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 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Councilman Wolak	x		X				
Council President Bengivenga						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 18-103
AUTHORIZING THE NJ STATE CONTRACT PURCHASE OF PORTABLE RADIOS
FOR THE FIRE DEPARTMENT FROM MOTOROLA SOLUTIONS
IN AN AMOUNT NOT TO EXCEED \$19,362.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the NJ State Contract purchase of portable radios for the Fire Department from Motorola Solutions in an amount not to exceed \$19,362.00 pursuant to NJ State Contract number 83909; 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. Joe Abbruzzese, Fire Official

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

RESOLUTION 18-104
AUTHORIZING THE NEW JERSEY PASSAIC VALLEY
CO-OPERATIVE PURCHASE OF TWO PUMP REPLACEMENTS FOR CEDARBROOK PUMP STATION FROM
PUMPING SERVICES INC .
IN AN AMOUNT NOT TO EXCEED \$14,980.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the NJ Passaic Valley Co-Operative purchase of two pump replacement for Cedarbrook Pump Station from Pumping Services Inc. in an amount not to exceed \$14,980.00; 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. Len Miller, DPW Superintendent

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

RESOLUTION 2018-105
AUTHORIZING A 2018 TEMPORARY BUDGET AMENDMENT
OF \$2,141,270.00 IN THE CURRENT FUND AND \$95,000.00 IN THE SEWER UTILITY

WHEREAS, N.J.S.A. 40a:4-19 Local Budget Act provides that where any contracts, commitments or payments are to be made prior to the final adoption of the budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is prior to the adoption of the FY 2018 Budget, and

WHEREAS, the temporary budget set forth on the attached page does not exceed twenty-six and one quarter percent of the total appropriations in the previous year's budget (exclusive of any appropriations made for Debt Service, Capital Improvements Fund and Public Assistance).

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the temporary appropriations are hereby amended to add the following amounts and that a certified copy of this resolution is transmitted to the Chief Financial Officer.

CURRENT FUND			AMOUNT
8-01-20-130-000-102	Financial Administration	S&W	15,000
8-01-20-145-000-101	Tax Collection	S&W	10,000
8-01-23-220-000-621	Health Benefits	O&E	200,000
8-01-25-260-000-209	First Aid	O&E	10,000
8-01-26-290-003-321	Snow	O&E	5,000
8-01-27-330-001-235	Board of Health	O&E	30,000
8-01-28-370-001-321	Recreation	O&E	5,000
8-01-28-370-002-102	Office on Aging	S&W	20,000
8-01-28-370-002-236	Office on Aging	O&E	5,000
8-01-31-440-001-541	Telephone	O&E	20,000
8-01-36-472-000-675	SSI	Statutory	55,000
8-01-25-240-001-401	Police	O&E	25,000
Total CURRENT FUND			400,000

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

RESOLUTION 18-106
AUTHORIZING THE PURCHASE OF 4 SPEED SIGN/MESSAGE BOARDS AND BATTERIES FROM TAPCO FOR THE
POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$16,869.80

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase of 4 speed sign/message boards and batteries from TAPCO for the Police Department in an amount not to exceed \$16,869.80; 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 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Councilman Wolak	x		X				
Council President Bengivenga						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2018-107

AUTHORIZING THE HIRING OF GABRIELLA DiMURA AS A PART-TIME TELE-COMMUNICATOR OPERATOR FOR THE POLICE DEPARTMENT DISPATCH ON A PER DIEM BASIS WITH NO BENEFITS AT THE TRAINING RATE OF \$20.38 PER HOUR AND THE PER DIEM RATE OF \$28.53 PER HOUR EFFECTIVE FEBRUARY 21, 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 part-time per diem hiring of Gabriella DiMura as Tele-Communicator Operators with an effective date of February 21, 2018 at the hourly training rate of \$20.38 and the per diem hourly rate of \$28.53; and

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. James Parker, Chief of Police
4. Carmela Sutor, Payroll

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

AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:

- Zoning Board Reorganization Minutes – January 16, 2018
- Zoning Board Minutes – January 16, 2018 (regular meeting)
- Environmental Commission Minutes – December 13, 2017
- Environmental Commission Monthly Report – January, 2018

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

PAYMENT OF BILLS

Current Fund	8-01	235,333.32
Current Fund	7-01	93,699.51
Pool Utility	7-26	0.00
Pool Utility	8-26	0.00
Sewer Utility	7-07	12,572.12
Sewer Utility	8-07	9,448.55
Sewer Utility Capital	C-08	0.00
General Capital	C-04	39,750.25
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	5,639.73
Dog Trust	T-12	78.30
Treasurers Trust	T-13	1,520.21
Recreation Trust	T-14	5,175.99
TOTAL ALL FUNDS		\$403,217.98

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

COUNCIL REPORTS:

Borough Attorney Rizzo Esq. – reported that the \$6,000.00 payment has been received pertaining to the Cochran mortgage.

Administrator Cullen – advised that the Borough will be refinancing approximately \$5.5 million of debt and as such there will be a couple resolutions on for the next meeting in this regard. We are looking at selling the bonds on March 28th with the closing on April 1st. Mayor Anesh asked what permanently financing our debt means to us. Mr. Cullen explained that it will speed up our pay down schedule and utilize the lowest interest rates as possible before such rates increase as predicted. It’s a very good time to lock in with some good rates for the Borough.

Engineer Miller – reported that we have been assisting Edison behind the Motorola site on Runyon Street with their broken sewer line whereas a pipe broke and was running into the street. They are temporarily tying into one of our sewer lines and we will be able to monitor how much flow goes into our system. So far as a result of this no problems have been reported to date.

Clerk Antonides –reported progress.

Councilman Vesce – questioned the status of the agreement between the County, South Plainfield and Piscataway for the intersection of New Durham and Stelton saying he is unaware of it as it occurred long before his time on Council. What is South Plainfield’s intentions with this? Mayor Anesh said he thinks the contract goes back to 2003. Mr. Rizzo agreed. Mayor Anesh said this is a situation where they are looking to take a portion of the road removing nearly all of the parking of the business establishment; Pizza Hut. Obviously, the owners are dead set against it. We have asked Paul to reach out to them to see what else we can do as well as reach out to the County to see if there is a possible way of changing the design plan. Mr. Rizzo said he will provide a status report of this situation to update the entire Council as this project has sat dormant for approximately ten years, then all of a sudden, it’s become

a priority. Mr. Rizzo said his concern has always been with the contract. The County controls the contract yet the town is responsible for all the costs. Piscataway has a very minimal taking. So a memo will be forthcoming to bring you all up to date.

Councilman Wolak – said our thoughts and prayers go out to all those who have suffered from the recent school shooting and then went on to report progress.

Councilman White – reported progress.

Councilman Dean – reported progress.

Councilwoman Faustini – said it's an honor and pleasure to announce that a goal that Mayor Anesh had in his State of the Borough Address is going to come to fruition. Last year working with the recreation commission we began to explore a plan to implement an inclusive playground for South Plainfield's parks. Over the last couple months, after the research of many we sought to pin down the appropriate location for that playground. On Tuesday, February 13th the South Plainfield Library Board voted unanimously to cover the costs of an inclusive playground to be installed at Willow Park. The cost is approximately \$150,000.00. Councilwoman Faustini said it is her belief that any child with any ability level, needs and talents, along with their caregivers should have the joy of playing and laughing with others. Each child should experience the wind blowing through their hair, a trip down the slide, a ride on a swing, as play is a very important for a child's brain development, helping with social and motor skills, problem solving, and language development, to name a few things. Inclusive playgrounds are for ALL children. This playground will compliment all the special programs that are evolving at the Library. Thank you is not a big enough word to the Library Board for their progressive thinking. Thank you to all involved with helping to bring this project forward.

Council President Bengivenga – was absent this evening.

Mayor Anesh – reported progress.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Darleen Cullen of Fox Place said she is happy to see the Library Board take the lead on the inclusive playground project and thanked all involved in its planning.

Debbie Boyle of Van Fleet reported on various upcoming events throughout town.

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

At 7:36 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 7:52 p.m., Mayor Anesh called the public meeting back to order saying the results of this evenings Executive Session did not result in the addition any further items of business.

ADJOURNMENT

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilman Vesce made a motion to adjourn at 7:52 p.m., seconded by Councilman Wolak and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk