### SOUTH PLAINFIELD BOROUGH BOROUGH COUNCIL MEETING MINUTES MARCH 5, 2018, 2018 7:07 P.M. PUBLIC MEETING

<u>CALL TO ORDER:</u> Mayor Anesh called the meeting to order at 7:26 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 Councilman Dean led the invocation.

<u>Public Comment:</u> Mayor Anesh opened the floor for public comment on agenda items only. With no comments from the public, Mayor Anesh closed the floor.

**Proclamation:** Elks – 150<sup>th</sup> Anniversary

Youth Art Month - March, 2018

Read Across America Month in South Plainfield – March, 2018

Honoring Donna Graham Barnes & Ed Barnes

Mayor Anesh read all aforementioned proclamations in full. Everyone extended a round of applause and photographs were taken by family, friends and media present.

### **Authorizing the Approval of Council Minutes:**

February 20, 2018 – Agenda February 20, 2018 – Public February 20, 2018 – Executive

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 2106. 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.

### **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 orough 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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce						X	
Councilman White		X	X				
Councilman Wolak			X				
Council President Bengivenga	X		X				
		VOTE:	5	0			
Mayor Anesh - TIE ONLY							

**ORDINANCE – FIRST READING BY TITLE** – was read by Clerk Antonides for the following Ordinance 2107. Mayor Anesh asked for council comments and no comments were made. Mayor Anesh set the public hearing for March 19, 2018 at approx.. 7:00 p.m.

#### **BOND ORDINANCE 2107**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$410,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$389,000 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 \$410,000, and further including the aggregate sum of \$21,000 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 \$389,000 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:

<u>Purpose</u>	Appropriation & Estimated Cost	Estimated Maximum Amount of Bonds & Notes	Period of <u>Usefulness</u>
a) The acquisition of software and key card access, including all related costs and expenditures incidental thereto.	\$18,000	\$17,075	5 years
b) The acquisition of computers, training software and sport utility vehicles for the Police Department, including all related costs and expenditures incidental thereto.	\$224,500	\$213,000	5 years
c) The acquisition of life safety equipment and ice safety equipment for the Fire Department, including all related costs and expenditures incidental thereto.	\$35,000	\$33,210	5 years
d) The acquisition of a computer aided dispatch system for the Rescue Squad, including all related costs and expenditures incidental thereto.	\$18,000	\$17,075	5 years
e) The acquisition of vehicle lifts and environmental cleanup for the Department of Public Works, including all related costs and expenditures incidental thereto.	\$114,500	\$108,640	15 years
Total:	\$ <u>410,000</u>	\$ <u>389,000</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 7.79 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 \$389,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$50,000 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.

Introduction of Ordinance #2107: March 5, 2018

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

#### RESOLUTIONS

# RESOLUTION #18-109 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

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from MUY Brands, LLC for public improvements located at Block 528, Lot 46.04; and

WHEREAS, has submitted the Maintenance Bond in the amount of \$41,311.69; and

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

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at Block 528, Lot 46.04.

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				
Council President Bengivenga	X		X				
		5	0				
Mayor Anesh – TIE ONLY							

# RESOLUTION #18-110 AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY KRYSTOPICK SUBDIVISION FOR PUBLIC IMPROVEMENTS TO BLOCK 380, LOT 4.01 AND ACCEPTANCE OF THE MAINTENANCE BOND IN THE AMOUNT OF \$5,559.00

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from Krystopick Subdivision for public improvements located at Block 380, Lot 4.01; and

WHEREAS, has submitted the Maintenance Bond in the amount of \$5,559.00; 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 380, Lot 4.01.

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				
Council President Bengivenga	X		X				
		5	0				
Mayor Anesh – TIE ONLY							

### **RESOLUTION #18-111**

## AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY GTG BUILDERS FOR PUBLIC IMPROVEMENTS TO BLOCK 81, LOT 19.03 AND ACCEPTANCE OF THE MAINTENANCE BOND IN THE AMOUNT OF \$4,851.00

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from GTG Builders for public improvements located at Block 81, Lot 19.03; and

WHEREAS, has submitted the Maintenance Bond in the amount of \$4,851.00; 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 81, Lot 19.03.

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				
Council President Bengivenga	X		X				
			5	0			
Mayor Anesh – TIE ONLY							

### RESOLUTION 18-112 AUTHORIZING THE APPOINTMENT OF MICHAEL CHEVALIER JR. AS FIREFIGHTER FOR THE SOUTH PLAINFIELD VOLUNTEER FIRE DEPARTMENT

**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 appointment of:

Michael J. Chevalier, Jr. 1125 Cherry Street South Plainfield, NJ 07080

for the South Plainfield Volunteer Fire Department as recommended by Fire Chief Scalera.

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

- 1. Glenn Cullen, CFO
- 2. Carmela Sutor, Payroll
- 3. Anne Daley, Benefits
- 4. Amy Antonides, Municipal Clerk
- 5. Fire Chief Scalera

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				
Council President Bengivenga	X		X				
	VOTE:	5	0				
Mayor Anesh – TIE ONLY							

### RESOLUTION 2018-113 AUTHORIZING THE APPOINTMENT OF ANDREW NGUYEN AS A VOLUNTEER SUB-REGISTRAR WITH NO COMPENSATION

**WHEREAS** a need has arisen for the position of a Sub-Registrar in the Borough of South Plainfield, in the County of Middlesex, State of New Jersey, to assist the Registrar with certain aspects of the duties of vital statistics;

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that it hereby appoints Andrew Nguyen, as a volunteer Sub-Registrar with no compensation or benefits for the South Plainfield Office of Vital Statics, with an effective date of March 6, 2018;

**BE ITALSO RESOLVED** that Andrew Nguyen is to attend the next available Registrar CMR training class, presently scheduled for March 26, 2018 and shall submit the Oath of Office for Sub-Registrar to the State of New Jersey Office of the Registrar upon authorization of said appointment pursuant to statute; and

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

- Harriet Wagner, Registrar of Vital Statistics
- Amy Antonides, Municipal Clerk
- Andrew Nguyen
- Vincent Arrisi, New Jersey State Registrar of Vital Statistics
- Damon Koslow, Acting Deputy State Registrar

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

## RESOLUTION 2018-114 ACCEPTING THE RETIREMENT OF SCHANNA MACDONALD AS SENIOR RECORDS CLERK FOR THE POLICE DEPARTMENT EFFECTIVE AUGUST 1, 2018

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

It hereby accepts the retirement of Schanna MacDonald as Senior Records Clerk for the Police Department effective August 1, 2018;

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

- 1. Schanna MacDonald, Police Department
- 2. James Parker, Chief of Police
- 3. Amy Antonides, Municipal Clerk
- 4. Anne Daley, Benefits
- 5. 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				
Council President Bengivenga	X		X				
		VOTE:	5	0			
Mayor Anesh - TIE ONLY							

## RESOLUTION 2018-115 AUTHORIZING THE ENDORSEMENT OF THE ANNUAL NATIONAL NIGHT OUT EVENT SPONSORED BY THE SOUTH PLAINFIELD POLICE CHIEF, JAMES PARKER AND THE LOCAL PBA 100

**WHEREAS**, National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer and more caring places to live; and

**WHEREAS**, National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community that brings together both police and neighbors under positive circumstances; and

**WHEREAS**, National Night Out is sponsored by South Plainfield Police Chief, James Parker, and the Local PBA 100 and is scheduled to be celebrated in the Borough of South Plainfield on Tuesday, August 7, 2018 behind the Municipal Building, and Library between the hours of 6:00 p.m. and 9:00 p.m.; and

**WHEREAS,** the South Plainfield Police Chief, James Parker, and the Local PBA 100 may also designate the assistance from various committees and organizations, such as, but not limited to, the South Plainfield Public Celebrations Committee and the South Plainfield Library;

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield hereby endorses the annual National Night Out event sponsored by the South Plainfield Police Chief and the Local PBA 100 and furthermore a copy of this resolution be forwarded to the following:

- 1. James Parker, Chief of Police
- 2. Local PBA 100
- 3. Amy Antonides, Municipal Clerk

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

### **RESOLUTION: 2018-116**

### AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$2,297.02 FOR ANDREW CZERWINSKI OF 522 EAST FAIRVIEW AVENUE

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

Block: 90 Lot: 4 Andrew Czerwinski 522 East Fairview Avenue South Plainfield, NJ 07080 \$2,297.02

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

### RESOLUTION 18-117 AUTHORIZING THE REFUND OF A SENIOR CENTER SECURITY DEPOSIT IN THE AMOUNT OF \$100.00 TO DONNA TELLER OF 718 CEDARBROOK AVENUE

**BE IT RESOLVED,** by the Borough Council of the Borough of South Plainfield that it hereby authorizes the following refund(s) to senior(s):

Donna Teller 718 Cedarbrook Avenue South Plainfield, NJ 07080 \$100.00 – security deposit

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

### AUTHORIZING THE PURCHASE OF REAR CARGO STORAGE FOR THE NEW TRAFFIC SAFETY VEHICLE FROM A&K EQUIPMENT COMPANY IN AN AMOUNT NOT TO EXCEED \$3,495.00

**BE IT RESOLVED,** by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase of rear cargo storage for the new Traffic Safety Vehicle from A&K Equipment Company in an amount not to exceed \$3,495.00; 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 Dean			X				
Councilwoman Faustini			X				
Councilman Vesce						X	
Councilman White		X	X				
Councilman Wolak			X				
Council President Bengivenga	X		X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

#### **RESOLUTION 18-119**

### AUTHORIZING THE NJ STATE CONTRACT PURCHASE OF EQUIPMENT AND INSTALLATION SERVICES FROM EAST COAST EMERGENCY LIGHTING IN AN AMOUNT NOT TO EXCEED \$11,914.68

**BE IT RESOLVED,** by the Borough Council of the Borough of South Plainfield that it hereby authorizes the NJ State Contract purchase of equipment and installation services from East Coast Lighting in an amount not to exceed \$11,914.68 pursuant to NJ State Contract number 81336, 81327, 81338; 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				
Council President Bengivenga	X		X				
		VOTE:	5	0			
Mayor Anesh - TIE ONLY							

### **RESOLUTION 2018-120**

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$5,200,000 IN PRINCIPAL AMOUNT.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AS FOLLOWS:

Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$5,200,000 (the "Bonds").

The principal amount of the Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Bond Ordinance Number	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$300,000	#1937	Providing for various road and storm sewer improvements, finally adopted July 25, 2011.	10 years
\$36,736	#1938	Providing for road improvements for New Market Avenue Phase II, finally adopted August 15, 2011.	10 years
\$171,200	#1966	Providing for various capital improvements, finally adopted June 18, 2012.	8 years
\$261,553	#1974	Providing for various capital improvements, finally adopted December 17, 2012.	7.84 years
\$467,368	#1980	Providing for road improvements, finally adopted February 19, 2013	10 years
\$542,819	#1985	Providing for various capital improvements, finally adopted March 18, 2013.	11.94 years
\$154,074	#1991	Providing for various capital improvements, finally adopted August 12, 2013.	19.41 years

Principal Amount of Bonds	Bond Ordinance Number	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$366,000	#2001	Providing for various capital improvements, finally adopted May 5, 2014.	11.19 years
\$375,000	#2008	Providing for the acquisition of various vehicles, finally adopted December 15, 2014.	5 years
\$985,000	#2013	Providing for various road improvements, finally adopted February 2, 2015.	10 years
\$285,000	#2020	Providing for various road improvements, finally adopted May 4, 2015.	10 years
\$292,500	#2023	Providing for the acquisition of equipment, finally adopted July 13, 2015.	14.66 years
\$195,000	#2035	Providing for various capital improvements, finally adopted September 8, 2015.	11.58 years
\$767,750	#2047	Providing for the acquisition of equipment and a fire truck, finally adopted February 1, 2016.	9.63 years

The following matters are hereby determined with respect to the combined issue of Bonds:

The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 10.29 years.

The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

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

None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to

the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

This resolution shall take effect immediately.

I) 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				
Council President Bengivenga	X		X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

#### **RESOLUTION 2018-121**

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$5,580,000 GENERAL OBLIGATION BONDS, SERIES 2018 CONSISTING OF \$5,200,000 GENERAL IMPROVEMENT BONDS AND \$380,000 POOL UTILITY BONDS OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AND PROVIDING FOR THEIR SALE.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AS FOLLOWS:

Section 1. The \$5,200,000 General Improvement Bonds of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") referred to and described in the resolution adopted by the Borough Council pursuant to the Local Bond Law of the State of New Jersey on March 5, 2018, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Borough of South Plainfield, in the County of Middlesex, New Jersey Into a Single Issue of Bonds Aggregating \$5,200,000 in Principal Amount," shall be issued as "General Improvement Bonds" (the "General Improvement Bonds"). The General Improvement Bonds shall mature in the principal amounts on April 1 as follows:

<u>Year</u>	Principal Amount	<u>Year</u>	Principal Amount
2019	\$350,000	2024	\$550,000
2020	375,000	2025	600,000
2021	400.000	2026	650.000

<u>Year</u>	Principal Amount	<u>Year</u>	Principal Amount
2022	425,000	2027	675,000
2023	475,000	2028	700,000

Section 2. The \$380,000 Pool Utility Bonds of the Borough referred to and described in Bond Ordinance #2011 of the Borough, finally adopted January 20, 2015, and duly published as required by law, shall be issued as "Pool Utility Bonds" (the "Pool Utility Bonds" and, together with the General Improvement Bonds, the "Bonds"). The Pool Utility Bonds shall mature in the principal amounts on April 1 as follows:

<u>Year</u>	Principal Amount	<u>Year</u>	Principal Amount
2019	\$20,000	2027	\$25,000
2020	20,000	2028	25,000
2021	20,000	2029	30,000
2022	20,000	2030	30,000
2023	25,000	2031	30,000
2024	25,000	2032	30,000
2025	25,000	2033	30,000
2026	25,000		

Section 3. The Bonds shall be subject to redemption prior to their stated maturity in accordance with the Notice of Sale attached hereto as Exhibit A.

Section 4. The General Improvement Bonds shall be ten in number, with one certificate being issued for each year of maturity, and shall be numbered GIB-1 to GIB-10, inclusive. The Pool Utility Bonds shall be fifteen in number, with one certificate being issued for each year of maturity, and shall be numbered PUB-1 to PUB-15.

Section 5. The Bonds shall be dated their date of issuance and shall bear interest payable semiannually on the first day of April and October in each year until maturity, commencing on October 1, 2018, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Full Notice of Sale authorized and defined herein.

Section 6. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 7.	The Bonds shall be substantially in the follo	owing form with such additions, deletions and omissions
as may be necessary	for the Borough to market the Bonds and/or	in accordance with the requirements of the Securities
Depository (as defined	d herein):	
	[Form of Bond begins or	n next page]
REGISTERED NUMBER A		REGISTERED \$
		<b>-</b>
	UNITED STATES OF AMERIC STATE OF NEW JERSEY	CA CALLERY CONTRACTOR
	BOROUGH OF SOUTH PLAINF	ELD
	В	<u> </u>
	*******	****
REGISTERED OWN	ER:	
PRINCIPAL AMOUN	Т:	
DATED DATE:		
MATURITY DATE:		
RATE OF INTEREST	Γ PER ANNUM:	
INTEREST PAYMEN	IT DATES:	
INITIAL INTEREST F	PAYMENT DATE:	
RECORD DATES:		

BOROUGH OF SOUTH PLAINFIELD, a body politic and corporate of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to the REGISTERED OWNER, or registered assigns, on the MATURITY DATE, upon presentation and surrender of this bond, the PRINCIPAL AMOUNT, and to pay interest on such sum from the DATED DATE until it matures at the RATE OF INTEREST PER ANNUM specified above semiannually on the INTEREST PAYMENT DATES in each year until maturity, commencing on the INITIAL INTEREST PAYMENT DATE. Principal of and interest due on this bond will be paid to the REGISTERED OWNER by the Borough or its designated paying agent and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the RECORD DATES next preceding the respective INTEREST PAYMENT DATES (the "Record Dates"). The principal of and interest on this bond are payable in lawful money of the United States of America.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company ("DTC"). DTC shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue maturing prior to April 1, 2026, are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after April 1, 2026 are redeemable at the option of the Borough in whole or in part

CUSIP NUMBER:

on any date on or after April 1, 2025 at 100% of the principal amount outstanding (the "Redemption Price") plus interest accrued to the date of redemption upon notice as required herein.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed Bond Registrar. Any failure of the securities depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Borough; the bonds to be redeemed having the same maturity shall be selected by the securities depository in accordance with its regulations.

So long as Cede & Co., as nominee of DTC, is the registered owner of the Bonds, the Borough shall send redemption notices only to Cede & Co.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.

$\sim$				
C.				

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the BOROUGH OF SOUTH PLAINFIELD has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk, and this bond to be dated the Dated Date as specified above.

### **BOROUGH OF SOUTH PLAINFIELD**

ATTEST:	:		Ву_	[	executed upon issuance]	Mayor
By <u>[exe</u>	ecuted upon issuance] rk	Ву	[executed upon issu		nce] Chief Financial Officer	

Section 8. In each of the General Improvement Bonds the following language should be inserted in the places indicated by the corresponding letter in form of the General Improvement Bonds.

[End of Form of Bond]

- A. GI-\_\_.
- B. GENERAL IMPROVEMENT BOND
- C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Borough adopted March 5, 2018, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Borough of South Plainfield, in the County of Middlesex, New Jersey Into a Single Issue of Bonds Aggregating \$5,200,000 in Principal Amount," and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law.
- Section 9. In each of the Pool Utility Bonds the following language should be inserted in the places indicated by the corresponding letter in form of the Pool Utility Bonds.
  - A. PUB- .
  - B. POOL UTILITY BOND
- C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, Bond Ordinance #2011 of the Borough finally adopted January 20, 2015, and entitled, "Bond Ordinance Providing for Various Pool Improvements n and by the Borough of South Plainfield, in the County of Middlesex, New Jersey Appropriating \$399,000 Therefor and Authorizing the Issuance of \$380,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof," in all respects duly approved and published as required by law.
- Section 10. (a) The Bonds shall be sold on March 28, 2018, or such other date as determined by the Chief Financial Officer, or such other date as determined by the Chief Financial Officer, via the "PARITY Electronic Bid System" ("PARITY") upon the terms and the conditions set forth and described in the Full Notice of Sale for the Bonds set forth in Exhibit A attached hereto (together with such modifications as are necessary to comply with applicable State and federal law and regulations, the "Full Notice of Sale"). The Full Notice of Sale shall be posted on Munihub. McManimon, Scotland & Baumann, LLC is hereby directed to arrange for the publication of the Short Notice of Sale set forth in Exhibit B attached

hereto (the "Short Notice of Sale") in <u>The South Plainfield Observer</u> (or another authorized Borough newspaper). McManimon, Scotland & Baumann, LLC, is hereby directed to arrange for the publication of the Summary Notice of Sale set forth in <u>Exhibit C</u> attached hereto (the "Summary Notice of Sale") in <u>The Bond Buyer</u>, a financial newspaper published and circulating in the City of New York, New York. The publications authorized herein shall run not less than seven days prior to the date of sale of the Bonds.

(b) Pursuant to N.J.S.A. 40A:2-34, the Borough hereby designates the Chief Financial Officer to sell and to award the Bonds in accordance with the Full Notice of Sale, and such Chief Financial Officer shall report in writing the results of the sale to this Borough Council as required by law. The Chief Financial Officer is hereby authorized and directed, consistent with the terms of the Full Notice of Sale, to retain the good faith deposit of the successful bidder and to immediately return such good faith deposits, whether by wire or check, to the unsuccessful bidders.

Section 11. The Full Notice of Sale shall be substantially in the form attached hereto as <u>Exhibit A</u> with additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of The Depository Trust Company and Parity. The Short Notice of Sale shall be substantially in the form attached hereto as <u>Exhibit B</u> with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of The Depository Trust Company and Parity. The Summary Notice of Sale shall be substantially in the form attached hereto as <u>Exhibit C</u> with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds in accordance with the requirements of The Depository Trust Company and Parity.

Section 12. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date.

Section 13. The law firm of McManimon, Scotland & Baumann, LLC is authorized to arrange for the printing of the Bonds and is authorized to arrange for the printing of the Official Statement to be prepared by McManimon, Scotland & Baumann, LLC, the Borough's municipal advisor and Borough officials. The Mayor and the Chief Financial Officer are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Borough by the Chief Financial Officer or by the Mayor. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds.

Section 14. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the

Bonds, if necessary.

Section 15. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York (the "Securities Depository"), as may be necessary in order to provide that the Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

Section 16. In the event that the securities depository may determine to discontinue providing its service with respect to the Bonds or is removed by the Borough and if no successor securities depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 17. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

- On or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31 of the year in which the Bonds are issued, to the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access Data Port (the "MSRB"), annual financial information with respect to the Borough consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Borough and certain financial information and operating data consisting of (i) the Borough and overlapping indebtedness including a schedule of outstanding debt issued by the Borough, (ii) property valuation information, and (iii) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the MSRB;
- (b) in a timely manner not in excess of ten business days after the occurrence of the event, to the MSRB notice of any of the following events with respect to the Bonds (herein "Material Events"):
  - (1) Principal and interest payment delinquencies;
  - (2) Non-payment related defaults, if material;

- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material:
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.
- (c) In a timely manner to the MSRB notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution.
- (d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.
- (e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.
- (f) In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this certificate, the Borough shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 18. This resolution shall take effect immediately.

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				
Council President Bengivenga	X		X				
	VOTE:	5	0				
Mayor Anesh – TIE ONLY							

## RESOLUTION 2018-122 AUTHORIZING A 2018 TEMPORARY BUDGET AMENDMENT OF \$850,000 IN THE CURRENT FUND AND \$1,000,000 IN THE SEWER UTILITY AND \$40,000 IN THE POOL 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
8-01-20-100-000-101	Administration	S&W	15,000
8-01-23-210-000-655	Other Insurance	O&E	25,000
8-01-23-220-000-621	Health Benefits	O&E	275,000
8-01-25-240-003-241	Crossing Guards	O&E	20,000
8-01-25-265-002-101	Fire Official	S&W	50,000
8-01-25-265-003-581	Fire Service Charges	O&E	125,000
8-01-27-330-001-101	Board of Health	S&W	5,000
8-01-27-335-001-101	Environmental	S&W	3,000
8-01-27-335-001-515	Environmental	O&E	500
8-01-28-370-001-101	Recreation	S&W	10,000
8-01-28-370-001-321	Recreation	O&E	5,000
8-01-28-370-002-102	Office on Aging	S&W	15,000
8-01-29-390-000-235	Library	O&E	225,000
8-01-36-472-000-675	SSI	Statutory	51,500
8-01-44-901-000-235	Capital Improvement Fund	Capital	25,000
Total CURRENT FUND			850,000
SEWER UTILITY			
			AMOUNT
8-07-55-515-001-585	Other Expenses	O&E	980,000
8-07-55-901-000-235	Capital Improvement Fund	Capital	20,000
SEWER UTILITY			1,000,000
POOL UTILITY			
			AMOUNT
8-26-55-520-000-101	S&W	S&W	18,000
8-26-55-520-000-215	Other Expenses	O&E	22,000
POOL UTILITY			40,000

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

### RESOLUTION 18-123 AUTHORIZING 2017 APPROPRIATION TRANSFERS IN THE AMOUNT OF \$45,000.00 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>CURRENT FUND</b>			
FROM:			AMOUNT
7-01-23-210-000-651	Other Insurance	O&E	5,000.00
7-01-23-220-000-621	Health Insurance	O&E	10,000.00
7-01-25-265-002-101	Fire Official	S&W	3,000.00
7-01-26-290-002-435	Road Repairs & Maintenance	O&E	10,000.00
7-01-26-315-000-101	Vehicle Maintenance	S&W	2,500.00
7-01-31-420-001-555	Electric	O&E	5,500.00
7-01-31-435-002-555	Street Lights	O&E	5,500.00
7-01-32-465-001-545	Landfill	O&E	3,500.00
Total FROM:			45,000.00
TO:			AMOUNT
7-01-26-290-003-321	Snow	O&E	10,000.00
7-01-30-410-001-685	LOSAP	O&E	2,000.00
7-01-30-415-001-101	Accumulated Leave	O&E	20,000.00
7-01-36-475-000-683	PFRS	Statutory	7,000.00
7-01-38-481-000-225	Tax Appeals	O&E	6,000.00
Total TO:			45,000.00

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

#### **RESOLUTION 2018-124**

### AUTHORIZING THE TRANSFER OF 2015 CDBG FUNDS IN THE AMOUNT OF \$2,376.00 AND AUTHORIZES THE REQUEST OF SAID FUNDS FROM THE COUNTY OF MIDDLESEX TO BE USED FOR SENIOR CENTER EQUIPMENT

**WHEREAS**, the County reports the following balances in the 2015 Community Development Block Grant program in the following amounts:

CD1597 ...... \$3,449.80 ADA RAMPS

WHEREAS, one of these amounts are surplus and are not needed for their original purpose; and

**WHEREAS**, funds are needed for the purchase of Exercise Equipment in the South Plainfield Senior Center;

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, and State of New Jersey that it hereby approves the transfer of County grant funds in the amount of \$2,376.00 from CD1597 Senior Center ADA Improvements and hereby changes the use of purchase for "Exercise Equipment" and as such authorizes the request of said funds from the County of Middlesex.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
ouncilman Dean			X				
ouncilwoman Faustini			X				
ouncilman Vesce						X	
ouncilman White		X	X				
ouncilman Wolak			X				
ouncil President Bengivenga	X		X				
	VOTE:	5	0				
ayor Anesh – TIE ONLY							

### RESOLUTION 2018-125 AUTHORIZING THE PART-TIME HIRING OF ADRIANA BAYONE, WITHOUT BENEFITS, FOR THE MUNICIPAL COURT OFFICE EFFECTIVE MARCH 6, 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 authorizes the Borough to hire Adriana Bayone on a part-time hourly basis without benefits to assist in the Municipal Court Office at the hourly rate of \$13.22 and also to assist the Court with Spanish interpretation at the hourly rate of \$1.02 effective March 6, 2018:

### **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. Karen Costantino, Court Administrator
- 4. Carmela Sutor, Payroll
- 5. Anne Daley, Benefits

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

### **RESOLUTION 18-126**

### AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL VARIOUS AGED OUTSTANDING BALANCES WITHIN THE GRANT FUND

WHEREAS, it is necessary to formally cancel aged outstanding balances; and

WHEREAS, the Governing Body of the Borough of South Plainfield, in the County of Middlesex and State of New Jersey hereby grant authorization to the Chief Financial Officer to cancel various aged outstanding balances within the Grand Fund;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that the various aged outstanding balances in the Grant Fund be cancelled totaling \$9,263.64 in Grants Receivable, \$10,185.49 in Grants Appropriated and a net of \$921.85 to Surplus.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUS
ouncilman Dean			X				
ouncilwoman Faustini			X				
ouncilman Vesce						X	
ouncilman White		X	X				
ouncilman Wolak			X				
ouncil President Bengivenga	X		X				
	VOTE:	5	0				
ayor Anesh – TIE ONLY							

# RESOLUTION 18-127 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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce						X	
Councilman White		X	X				
Councilman Wolak			X				
Council President Bengivenga	X		X				
		VOTE:	5	0	·		
Mayor Anesh - TIE ONLY							

### **RESOLUTION 18-128**

AUTHORIZING THE SERVICES OF PANZARELLA CONTRACTING INC. FOR NEW MARKET AVENUE ROAD REPAIRS IN AN AMOUNT NOT TO EXCEED \$17,280.00 BASED UPON \$96.00 PER SQUARE YARD

**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 Panzarella Contracting Inc. for New Market Avenue road repairs in an amount not to exceed \$17,250.00 based upon \$96.00 per square yard; 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				
Council President Bengivenga	X		X				
	VOTE:	5	0				
Mayor Anesh - TIE ONLY							

#### **RESOLUTION 18-129**

### AUTHORIZING THE EMERGENCY SERVICES OF ROBERT HUNT PLUMBING & HEATING FOR EMERGENCY REPAIR WORK AT THE PAL DUE TO A WATER PIPE BREAK IN AN AMOUNT NOT TO EXCEED \$8,122.50

**BE IT RESOLVED,** by the Borough Council of the Borough of South Plainfield that it hereby authorizes the emergency services of Robert Hunt Plumbing & Heating for emergency repair work at the PAL Building due to a water pipe break during extreme winter weather conditions in an amount not to exceed \$8,122.50; and

**BE IT FURTHER RESOLVED** that a secondary vendor price quotation could not be obtained during the extreme emergent conditions that resulted in water flooding the Municipal PAL Building due to a water pipe break and that Robert Hunt Plumbing & Heating were available immediately to repair said emergency;

### **NOW THEREFORE, BE IT 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 Dean			X				
Councilwoman Faustini			X				
Councilman Vesce						X	
Councilman White		X	X				
Councilman Wolak			X				
Council President Bengivenga	X		X				
	VOTE:	5	0				
Mayor Anesh – TIE ONLY							

## RESOLUTION NO. 2018-130 A RESOLUTION APPROVING THE PLACEMENT OF UP TO TEN STORAGE CONTAINERS ON PROPERTY KNOWN AS 3480 SOUTH CLINTON AVENUE.

**WHEREAS,** an application was made by Summit Paper Company for permission to place up to ten (10) trailers/storage containers on property known as 3480 South Clinton Avenue in the Borough, also known as Lot 1.01, Block 146.02 on the Tax Map of the Borough; and

WHEREAS, Summit Paper Company further requested a waiver or reduction in the licensing fee for trailers/storage containers; and

WHEREAS, Chapter 439 of the Code of the Borough provides that the maximum number of permitted trailers or storage containers used as outdoor storage facilities shall be limited to no more than two (2) per acre of land (Section 439-3), and an initial registration and licensing fee of \$500.00 per trailer/storage container shall be paid at the time of application for a permit and thereafter said licenses shall be annually renewable at a cost of \$250.00 per trailer/storage container (Section 439-5). Said Chapter further provides that the Governing Body may permit an increase in the number of trailers/storage containers per acre upon application for a waiver of the density requirement based upon a finding of hardship or special circumstances (Section 439-3); and

**WHEREAS,** the subject property consists of 1.45 acres and is located in an M-3 Zone. Summit Paper Company is a tenant on said property which is owned by Fidelco; and

WHEREAS, a hearing was held on the application of Summit Paper Company on March 5, 2018 and Mr. Shahbaz Raheem appeared on behalf of Summit Paper Company. Mr. Shahbaz is a principal of said company. Mr. Shahbaz advised that the company was awarded a contract by New York City for the supply of toilet tissue for a period of five (5) years, which contract can be extended an additional five (5) years. The contract requires Summit Paper Company to maintain 15% of anticipated annual supplies on site and Summit Paper Company estimates that up to ten (10) trailers/storage containers will be necessary to comply with such obligation; and

**WHEREAS**, the trailers/storage containers shall not be stacked or "piggy-backed". The property is in an industrial area and if permission is granted, it will not be a detriment to the surrounding neighborhood; and

**WHEREAS,** Summit Paper Company agreed to the planting or placement of landscaping as a buffer along the property which abuts Century Avenue, and further agreed to paint all trailers/storage containers so that they will be uniform in color. The Governing Body did not require any particular color, but requires that the trailers be uniform in color; and

**WHEREAS**, the Governing Body took notice that there are a number of properties with multiple trailers/storage containers, in excess of two (2) per acre within the Borough and numerous property owners have not applied for nor paid for permits for such; and

WHEREAS, the Governing Body believes that the license fee of \$500.00 per trailer to be excessive;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey does hereby permit and approve the placement of up to a maximum of ten (10) trailers/storage containers on the property known as 3480 South Clinton Avenue and a reduction in the license fee to \$50.00 per trailer/storage container, such permission conditioned upon the following:

- 1. Summit Paper Company shall plant or install landscaping to provide a buffer along the property line on Century Avenue to shield the trailers/storage containers from view from Century Avenue;
  - 2. All trailers/storage containers shall be the same color;

- 3. Trailers/storage containers shall each be placed on the ground, and there shall be no stacking of piggy-backing of the trailers/storage containers; and
  - 4. All other provisions of Chapter 439 regarding trailers and storage containers shall be in full force and effect.

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

### **AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:**

- Recycling Monthly Report January, 2018
- Business Economic Advisory Group Minutes 9/6/17 and 10/12/17
- 2018 Middlesex County Proposed Resurfacing Program
- Planning Board Minutes December 12, 2017 & January 9, 2018

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				
Council President Bengivenga	X		X				
	VOTE:	5	0				
Mayor Anesh – TIE ONLY							

### **PAYMENT OF BILLS**

Current Fund	8-01	268,988.85
Current Fund	7-01	4,213.24
Pool Utility	7-26	0.00
Pool Utility	8-26	0.00
Sewer Utility	7-07	1,786.90
Sewer Utility	8-07	15,530.08
Sewer Utility Capital	C-08	0.00
General Capital	C-04	81,954.40
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	500.00
Dog Trust	T-12	7,656.66
Treasurers Trust	T-13	825.00
Recreation Trust	T-14	0.00
TOTAL ALL FUNDS		\$381,455.13

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

{A0961100.1}

#### **COUNCIL REPORTS:**

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

Administrator Cullen — advised that resolution 18-129 on tonight's agenda will be reimbursed through our Joint Insurance Fund and thanked Hunt for being able to quickly make it to our PAL building to make the emergent repairs. We will be receiving a \$881,000 DOT grant soon for the Hadley Road Improvements but we are just waiting on some paperwork. We believe this to be one of the largest DOT grant awards ever seen in South Plainfield. Our Auditors are working on our 2017 audit at present and to conclude, we anticipate introducing our 2018 municipal budget on April 2<sup>nd</sup>.

Engineer Miller – reported that we have a bid opening scheduled for March 27th for the Hadley Road Phase I program.

Clerk Antonides -reported progress.

Councilman Vesce – was absent this evening.

<u>Councilman Wolak</u> – said that the Dr. Seuss event was a great time and a lot of fun and then went on to say how much talent was at the Cultural Arts Talent Show.

<u>Councilman White</u> – reported progress.

Councilman Dean - congratulated the South Plainfield High School Wrestling Team and then went on to report progress.

<u>Councilwoman Faustini</u> – advised that March 25<sup>th</sup> will be the annual Easter Egg Hunt at the Pal which is open to South Plainfield residents only. You must register first for this event. A path will be created at the Dog Park that will go to Pony Tail Park. We are hoping it will be ready by opening day. On another note, two young men have donated a large fish tank to the Senior Center.

<u>Council President Bengivenga</u> – cautioned residents to be safe this Wednesday with the predicted snow storm in sight and then reminded everyone to set their clocks ahead this Saturday night. The Holy Savior Fish Dinner will be held March 16<sup>th</sup> and 23<sup>rd</sup>.

Mayor Anesh – reported progress.

#### **COMMENTS FROM THE PUBLIC:**

Mayor Anesh opened the floor for public comment.

Suzanne Lepore of Bullard Place asked when Wooland Road will be open again. Mr. Cullen said in about a week, weather permitting. Ms. Lepore then inquired about Resolution 18-125 and Mr. Cullen responded. Ms. Lepore advised that this year's Talent Show was the biggest one ever and the next event will be on March 10<sup>th</sup> for the Chinese New Year at the Senior Center.

Debbie Boyle of Van Fleet reported on various upcoming events throughout town and said the Talent Show was recorded if anyone wishes to view it.

Nancy Grennier thanked Mayor Anesh for attending Career Day.

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

### <u>ADJOURNMENT</u>

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilman White made a motion to adjourn at 8:00 p.m., seconded by Council President Bengivenga and unanimously carried. The meeting was adjourned.

Submitted By:	
Amy Antonides, RMC/CMC/CMR Municipal Clerk	