

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
AUGUST 13, 2018, 2018 7:03 P.M.  
PUBLIC MEETING**

**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:03 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		
<b>ALSO PRESENT</b>			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller	X		

**Flag Salute:** was led by Mayor Anesh and Councilman Vesce led the invocation.

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

**Authorizing the Approval of Council Minutes:**

- July 23, 2018 – Agenda
- June 23, 2018 – Public
- June 23, 2018 – Executive

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

**Presentation** – Mayor Anesh called all members present from the Library Board forward and presented them with a plaque thanking them for all their outstanding achievements that the Library has done for the community. Everyone extended a round of applause and photos were taken by media present.

**ORDINANCE NO. 2116  
AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF  
SOUTH PLAINFIELD TO ADD CHAPTER 334 TITLED  
“VACANT AND ABANDONED RESIDENTIAL PROPERTIES”.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Code of the Borough be amended to add Chapter 334 titled “Vacant and Abandoned Residential Properties” as follows:

SECTION 334-1 – PURPOSE.

The purpose of this Article is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance and condition of vacant and abandoned properties by establishing standards governing facilities and conditions of said facilities and fixing penalties for the violation of this Article.

#### SECTION 334-2 – DEFINITIONS.

As used in this Article, the following terms shall have the meanings indicated:

**Enforcement Officer:** The Borough Enforcement Officer shall be the Property Maintenance Official who shall be responsible for the enforcement of provisions of this Article. Nothing herein shall preclude any Borough employee engaged in the enforcement of laws and ordinances from enforcing the provisions hereof.

**Exterior of Premises:** Those portions of a residential structure or accessory structure on residential property which are exposed to public view and the surrounding open space.

**Nuisances and Hazards:** The following shall be considered nuisances and hazards for the purposes of this Article:

- A. Any residential structure or accessory structure in disrepair by reason of deteriorating conditions or storm damage;
- B. Out of service swimming pools in disrepair by reason of deteriorating conditions or storm damage;
- C. Dead, rotting or diseased trees;
- D. Loose or overhanging tree limbs;
- E. Accumulated junk, litter or debris;
- F. Accumulated hazardous, noxious, or unhealthy substances or materials;
- G. Overgrown or neglected lawns, bushes, trees, shrubbery and landscaping;
- H. Accumulation of newspapers, circulars, flyers or mail on the property; or
- I. Sidewalks in disrepair by reason of deteriorating conditions or damage.

**Responsible Party:** The title owner of a vacant and abandoned property or a creditor responsible for the maintenance of a property pursuant to N.J.S.A. 46:10B-51.

**Street Address:** An address at which a natural person who is the responsible person or an authorized agent actually resides or actively uses for business purposes, and shall include a street name or rural delivery route.

**Vacant and Abandoned Residential Property:** Any improved residential property which is not typically occupied by a title owner, title owner's family member, title owner's relative or a tenant of the title owner, and at which at least two of the following conditions exist at the property:

- A. Overgrown or neglected vegetation;
- B. Accumulation of newspapers, circulars, flyers or mail on the property;
- C. Disconnected gas, electric or water utility services to the property;
- D. Accumulation of hazardous, noxious or unhealthy substances or materials on the property;
- E. Accumulation of junk, litter, trash or debris on the property;
- F. Absence of window treatments, such as blinds, curtains or shutters;
- G. Absence of furnishings and personal items;
- H. Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- I. Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- J. Doors to the property that are smashed through, broken off, unhinged or continuously unlocked;
- K. A risk to the health, safety or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or physical destruction or deterioration of the property;
- L. An uncorrected violation of a municipal building, housing or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- M. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected and in danger of freezing;
- N. A written statement written by mortgagee expressing their clear intent of all mortgagors to abandon the property; and
- O. Any other reasonable indicia of abandonment.

**Yard:** An open space extending between the closest point of any building and a lot line or street line, excluding those portions of the yard that are critical areas subject to conservation restrictions.

## SECTION 334-3 – REGISTRATION OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES.

A. Registration. The responsible party for a vacant and abandoned residential property shall file a Certificate of Registration with the Borough Clerk within 30 days after receipt of notice pursuant to Section 334-6, that the property has been determined to be vacant and abandoned, or within 30 days after the responsible party assumes ownership of responsibility for a property already determined to be vacant and abandoned, whichever is later. A Certificate of Registration shall remain valid for one year from the date of issuance and shall be renewed on an annual basis if the property remains vacant and abandoned.

B. Form of Certificate of Registration. The Certificate of Registration shall be filed on forms prescribed by the Borough Clerk, and shall contain:

1. The name, street address and telephone number of the person who resides or maintains an office within the State and who is either the responsible party or an authorized agent designated by the responsible party to receive notices and complaints of property maintenance and code violations on behalf of the responsible party;
2. The name, street address and telephone number of the person responsible for maintaining the property, if different; and
3. A certificate from a licensed insurance provider evidencing that liability insurance coverage on a vacant and abandoned residential property as required by Section 334-4.

C. Certificate of Registration Amendments. A responsible party for a vacant and abandoned residential property shall file an Amended Certificate of Registration within 30 days after any change in the information required to be included thereon.

D. Certificate of Registration Fees. The following fees for a Certificate of Registration shall be paid by the responsible party:

1. For the initial Registration Fee - \$350.00;
2. For annual renewals of the Registration Fee where there are no outstanding property maintenance or code violations at the time of renewal - \$350.00;
3. For annual renewal of the Registration Fee where there are outstanding property maintenance or code violations at the time of renewal - \$1,000.00.

## SECTION 334-4 – SECURITY; NOTIFICATION; LIABILITY INSURANCE.

Within 30 days after the property has been determined to be vacant and abandoned and until the property is reoccupied, the responsible party for a vacant and abandoned residential property shall:

- A. Enclose and secure the property against unauthorized entry;
- B. Post a sign affixed to the outside of the property and visible to the public indicating the name, address and telephone number of the responsible party, and the authorized agent designated by the responsible party for the purposes of receiving service of process, and the person responsible for maintaining the property if different from the responsible party or authorized agent; and
- C. Acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property.

## SECTION 334-5 – MAINTENANCE STANDARDS FOR VACANT AND ABANDONED RESIDENTIAL PROPERTIES.

Vacant and abandoned residential properties shall be maintained in accordance with the following standards:

- A. The property shall be kept free of all nuisances and hazards, litter and debris;
- B. The property shall be kept free of accumulations of water, vegetation or other matter which might serve as a source of food or as a harboring or breeding place of infestation;
- C. Grass in the yard area shall be cut and maintained so as to prevent the grass from growing to seed or exceeding 12 inches in height;
- D. The exterior of every structure or accessory structure or other improvement on the premises shall be kept in good repair and all exposed surfaces shall be protected against weathering or deterioration by a protective coating appropriate for the particular material involved as needed;
- E. The exterior of the buildings shall be free of loose material that may create a hazard by falling on persons utilizing the premises;
- F. All exterior walls, roofs, windows, window frames, doors, door frames, sky lights, foundations and other parts of the structure shall be maintained to keep water from entering the structure and to prevent excessive drafts or heat loss during cold or inclement weather, and to provide a barrier against infestation. Damaged or badly worn materials shall be repaired or replaced and places showing signs of rot, leakage or deterioration or corrosion shall be treated or restored to prevent weathering or seepage;

G. Leaders and drain pipes shall be securely fastened to the building and maintained in good condition free of leaks and free of obstructions and shall direct stormwater into draining systems or away from the foundation walls of the structure.

**SECTION 334-6 – NOTICE OF VACANCY AND ABANDONMENT.**

Upon determination of the enforcement officer that a residential property is vacant and abandoned, the enforcement officer shall notify the responsible party by personal services, registered mail or posting of notice in a noticeable place on the property of the determination and the requirements of this Article.

**SECTION 334-7 – NOTICE OF VIOLATION.**

The enforcement officer upon determination of any violation of the provision of this Article, or any other applicable ordinances, statute or regulations, shall serve a notice of such violation on a responsible party by personal service, registered mail or posting of notice in a noticeable place on the property. The notice shall advised the responsible party of the violation and the obligation to remedy the same within ten days from the date of the notice. If the violation is not remedied to the satisfaction of the enforcement officer within said ten days, the enforcement officer may issue a summons to the responsible party and request the Governing Body to adopt a resolution authorizing the municipality to abate the violation and place the property in compliance with the provisions of this Article and any other applicable ordinances, statutes or regulations at the responsible party’s sole cost and expense and impose a lien on the property for all costs and fees associated therewith.

**SECTION 334-8 – ABATEMENT BY MUNICIPALITY; COSTS AS LIEN.**

Upon adoption of a resolution by the Governing Body, the municipality may abate any nuisance, hazard or violation and place the property in compliance with the provisions of this Article and any other applicable ordinances, statutes or regulations. The enforcement officer shall certify the costs thereof to the Governing Body. The Governing Body shall review the certificate of costs and, if found acceptable, authorize a lien to be placed against the property. The amount of the lien shall be added to the taxes to be assessed and levied upon the property. The amount of the lien shall also bear interest at the same rate as taxes and be collected in the same manner as any other taxes assessed and levied upon the property.

**SECTION 334-9 – VIOLATIONS AND PENALTIES.**

Any person or entity that violates any provision of this Article shall, upon conviction thereof, be punished by a fine of not less than \$500.00 or more than \$2,000.00. Each day that a violation continues shall constitute an additional, separate and distinct offense. Any penalty imposed pursuant to this Section shall be recoverable by a summary proceeding under the Penalty Enforcement Law (N.J.S.A. 2A:58-10, et seq.). The Superior Court, Law Division, or the Municipal Court of the Borough shall have jurisdiction to enforce such penalty.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
			6	0			
<b>Mayor Anesh – TIE ONLY</b>							

**BOND ORDINANCE 2117**

**BOND ORDINANCE AMENDING SECTION 3(A) OF BOND ORDINANCE NUMBERED 2103 OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, FINALLY ADOPTED FEBRUARY 5, 2018, IN ORDER TO REVISE THE 2018 ROAD LIST REFERENCED IN SECTION 3(A) TO INCLUDE ADDITIONAL ROADS AND SIDEWALKS**

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. Section 3(a) of Bond Ordinance numbered 2103 of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), finally adopted February 5, 2018, is hereby amended in order to revise the 2018 road list referenced in Section 3(a) to include Geary Drive, Lee Place, Robert Place and sidewalks on Park Avenue near East Fairview Drive.

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

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Dean		x	X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White	x		X				
Councilman Wolak			X				
Council President Bengivenga			X				
			6	0			
<b>Mayor Anesh – TIE ONLY</b>							

## RESOLUTIONS

### RESOLUTION: 2018-309

**AMENDING RESOLUTION 18-304 THAT AUTHORIZED THE EXTENSION OF THE GRACE PERIOD FOR THE 2018 THIRD QUARTER REAL ESTATE TAXES IN SOUTH PLAINFIELD TO AUGUST 31<sup>ST</sup> TO NOW EXTEND THE GRACE PERIOD TO SEPTEMBER 4<sup>TH</sup>**

**WHEREAS**, municipalities are required to charge interest on delinquent tax payments under the provisions of R.S. 54:4-66 and R.S. 54:4-67; and

**WHEREAS**, municipalities are also allowed to grant a grace period during which time interest will not be charged on delinquent tax payments; and

**WHEREAS**, the Taxpayers of the Borough of South Plainfield are entitled to a grace period wherein interest will not be charged; and

**WHEREAS**, tax bills are expected to be mailed by early August, 2018.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD**, that interest at the rate of ten-millionth of one percent (0.0000001%) per annum shall be charged on the tax bills nominally due on August 1, 2018 provided that the payment therefore is actually received by the Tax Collector on or before August 31, 2018 in accordance with Resolution 2018-304 to now extend the grace period to September 4, 2018; and

**BE IT FURTHER RESOLVED**, that any quarterly property tax installment due for the third quarter of Calendar Year 2018 for which payment has not been received by September 4, 2018 shall be charged interest from August 1, 2018 to the date that the payment is actually received by the Tax Collector, to be calculated at the rate of eight percent (8%) per annum on the first \$1,500.00 of the delinquency, and at eighteen percent (18%) per annum on any and all delinquent amounts in excess of \$1,500.00; and

**BE IT FURTHER RESOLVED**, that beginning with the fourth quarterly installment of Calendar Year 2018 due and payable on November 1, 2018, and continuing for all tax quarters thereafter, interest shall be charged on delinquent payments at the rates of eight percent (8%) per annum on the first \$1,500.00 of the delinquency, and at the rate of eighteen percent (18%) per annum on any and all delinquent amounts in excess of \$1,500.00, to be calculated from the date that the payment was originally due until the date that the payment is actually received by the Tax Collector.

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	X				
Council President Bengivenga			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION #18-310  
AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY  
J&P REAL ESTATE HOLDINGS LLC FOR PUBLIC IMPROVEMENTS TO  
BLOCK 403, LOT 7.04 AND ACCEPTANCE  
OF THE MAINTENANCE BOND IN THE AMOUNT OF \$5,278.88**

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from J&P Real Estate Holdings LLC for public improvements located at Block 403, Lot 7.04 and

**WHEREAS**, has submitted the Maintenance Bond in the amount of \$5,278.88; 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 403, Lot 7.04.

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	X				
Council President Bengivenga			X				
			<b>6</b>	<b>0</b>			
<b>Mayor to break a tie</b>							

**RESOLUTION #18-311  
AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY  
SAPJ REALTY LLC FOR PUBLIC IMPROVEMENTS TO  
BLOCK 84, LOT 10 AND ACCEPTANCE  
OF THE MAINTENANCE BOND IN THE AMOUNT OF \$18,048.00**

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from SAPJ Realty LLC for public improvements located at Block 84, Lot 10 and

**WHEREAS**, has submitted the Maintenance Bond in the amount of \$18,048.00; 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 84, Lot 10.

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	X				
Council President Bengivenga			X				
			6	0			
<b>Mayor to break a tie</b>							

**RESOLUTION #18-312**  
**AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY**  
**JP PROPERTY MANAGEMENT INC. FOR PUBLIC IMPROVEMENTS TO**  
**BLOCK 308, LOT 41 AND ACCEPTANCE**  
**OF THE MAINTENANCE BOND IN THE AMOUNT OF \$99,894.00**

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from SAPJ Realty LLC for public improvements located at Block 308, Lot 41 and

**WHEREAS**, has submitted the Maintenance Bond in the amount of \$99,894.00; 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 308, Lot 41.

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	X				
Council President Bengivenga			X				
			6	0			
<b>Mayor to break a tie</b>							

**RESOLUTION 18-313**  
**AUTHORIZING THE INTERGOVERNMENTAL TRANSFER AGREEMENT**  
**BETWEEN THE BOROUGH OF SOUTH PLAINFIELD POLICE DEPARTMENT**  
**AND BERGEN COUNTY SHERIFF'S OFFICE FOR OUTGOING OFFICER**  
**ANTHONY MORETTI WHOSE RESIGNATION DATE FROM THE**  
**BOROUGH OF SOUTH PLAINFIELD WILL BE EFFECTIVE AUGUST 12, 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 transfer agreement between the Borough of South Plainfield Police Department and Bergen County Sheriff's Office for outgoing Officer Anthony Moretti whose resignation date from the Borough of South Plainfield will be effective August 12, 2018 and furthermore authorization is given for the Chief of Police and Municipal Clerk to execute said agreement; 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, Police Chief
4. Anne Daley, Benefits
5. Carmela Sutor, Payroll

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	X				
Council President Bengivenga			X				
			6	0			
Mayor to break a tie							

**RESOLUTION 18-314  
AUTHORIZING A PERSON TO PERSON TRANSFER  
TO EMBER MEXICAN CANTINA LLC,  
FROM RUBY TUESDAY, INC. LOCATED AT  
4701 STELTON ROAD IN SOUTH PLAINFIELD**

**WHEREAS**, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License 1222-33-012-011 heretofore issued to Ruby Tuesday, Inc. for premises located at 4701 Stelton Road in South Plainfield, New Jersey; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed, and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield does hereby approve effective August 13, 2018, the transfer of the aforesaid Plenary Retail Consumption License to Ember Mexican Cantina, LLC and does hereby direct the Municipal Clerk to enforce the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Ember Mexican Cantina, LLC, effective August 13, 2018.

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	X				
Council President Bengivenga			X				
			6	0			
Mayor to break a tie							

**RESOLUTION 2018-315  
AUTHORIZING THE HIRING OF NICOLE A. DEGUTIS AS DISPATCHER FOR THE POLICE  
DEPARTMENT AT THE PER DIEM TRAINING HOURLY RATE OF \$20.77 AND PER DIEM  
HOURLY RATE OF \$29.07 UPON COMPLETION OF TRAINING EFFECTIVE AUGUST 14,  
2018**

**BE IT RESOLVED** that The Governing Body of the Borough of South Plainfield that it hereby authorizes the hiring of Nicole A. Degutis as Dispatcher for the Police Department at the per diem training hourly rate of \$20.77 and the per diem hourly rate of \$29.07 upon completion of training effective August 14, 2018.

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

1. Municipal Clerk
2. Chief Parker
3. Anne Daley, Benefits
4. Carmela Sutor, Payroll

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	X				
Council President Bengivenga			X				
<b>VOTE:</b>			<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2018-316**

**AUTHORIZING THE REFUND AND CANCELLATION OF TAXES PERTAINING TO 2330 OXFORD AVENUE IN SOUTH PLAINFIELD**

**WHEREAS**, property known as Lot 5, in Township Block 76, more commonly known as **2330 Oxford Avenue in South Plainfield, NJ** is owned by **Brian Aguilar**;

**AND, WHEREAS**, a house fire occurred in December 2017 at this property, causing the Tax Assessor to reduce the assessed value from \$99,100 to \$64,415;

**AND, WHEREAS**, the Tax Bills for the four quarters of Calendar Year 2018 were generated from the 2017 Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill based on the original assessment *prior* to the fire, while the assessment has since been reduced;

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector be, and she hereby is, authorized and directed to cancel and refund taxes for the 1<sup>st</sup> quarter of 2018 in the amount of **\$507.79**; and

**BE IT FURTHER RESOLVED**, that the tax collector be, and she hereby is, authorized and directed to cancel and refund taxes for the 2<sup>nd</sup> quarter of 2018 in the amount of **\$507.79**; and

**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 refund check in the Amount(s) of **\$1015.58** 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	X				
Council President Bengivenga			X				
<b>VOTE:</b>			<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 18-317**  
**AUTHORIZING THE NEW JERSEY PASSAIC VALLEY**  
**CO-OPERATIVE PURCHASE TO REPLACE PUMP #1 AT LOWDEN PUMP STATION**  
**FROM PUMPING SERVICES INC.**  
**IN AN AMOUNT NOT TO EXCEED \$7,215.95**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the NJ Passaic Valley Co-Operative to replace pump #1 at Lowden Pump Station from Pumping Services Inc. in an amount not to exceed \$7,215.95; 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 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION: 18-318**  
**AUTHORIZING THE CREDIT OF TAX APPEAL JUDGMENTS IN THE AMOUNT OF \$22,007.72 PERTAINING TO**  
**MULTIPLE PROPERTIES IN SOUTH PLAINFIELD**

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

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

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEARAMOUNT</u>
Patel, Riken & Dhara 5 Rauer Court South Plainfield, NJ 07080	3	41.03	2018 \$1910.10
Townley, Michael R. & Janet M. 165 Palmer Avenue South Plainfield, NJ 07080	14	10	2018 \$1,174.54
Barra, Daniel A & Staton, Mandee 138 Rahway Avenue South Plainfield, NJ 07080	44	10	2018 \$1,174.54
Kiczula, Thomas J 15 Faye Street South Plainfield, NJ 07080	195	60	2018 \$634.72
Polizzano., John 109 East Nassau Avenue South Plainfield, NJ 07080	224	4	2018 \$812.68
Butler, Kevin & Juliana {A0961100.1}	230	47	2018 \$729.64



**RESOLUTION #18 -319**

**AUTHORIZING THE SERVICES OF GOVDEALS INC. FOR THE ELECTRONIC AUCTION OF MUNICIPAL OR UNCLAIMED SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY THE BOROUGH OF SOUTH PLAINFIELD**

**WHEREAS**, the Borough of South Plainfield is the owner of certain surplus property which is no longer needed for public use, and

**WHEREAS**, the Borough is desirous of selling said surplus property in an “as-is” condition without express or implied warranties.

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield hereby authorizes the following:

1. The sale of the surplus property shall be conducted through GovDeals, Inc. pursuant to State Contract A-83453/T-2581/A70967 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals, Inc. are available online at govdeals.com and also available from the Chief Financial Officer.
2. The sale will be conducted online, and the internet address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. A list of the surplus property to be sold at auction is as follows: See Schedule A for a complete list of items.
5. The surplus property as identified shall be sold in “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Borough reserves the right to accept or reject any bid submitted.

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

1. Glenn Cullen, Chief Financial Officer/BA
2. Division of Local Government Services, Department of Community Affairs
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	X				
Council President Bengivenga			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 18-320**

**AUTHORIZING A SEWER TAX CREDIT IN THE AMOUNT OF \$1,161.74 FOR ANGEL & CLAUDIA CASTRO OF 1137 JAMES PLACE**

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

**WHEREAS**, the Tax Collector advises that the following taxpayers and/or their agents have been erroneously billed for sewer. The property has a septic tank; and therefore, their bill shall be cancelled and the account adjusted accordingly:

**OWNER/ADDRESS**

Block 372, Lot 5  
Castro, Angel & Claudia  
1137 James Place  
South Plainfield, NJ 07080  
**\$1,161.74**

**\* No refund check to be issued. Adjustment will be applied as a credit.**

**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 credit(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	X				
Council President Bengivenga			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

Resolution 2018-321 was removed from the Agenda.

**RESOLUTION 2018-322  
AUTHORIZING THE HIRING  
OF JESSICA ASKIN AS A TELECOMMUNICATOR AT  
THE ANNUAL SALARY OF \$45,144.00  
EFFECTIVE AUGUST 14, 2018**

**BE IT RESOLVED** that The Governing Body of the Borough of South Plainfield that it hereby authorizes the hiring of Jessica Askin as a Telecommunicator for the Police Department at the annual salary of \$45,144.00 effective August 14, 2018.

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

1. Municipal Clerk
2. Chief Parker
3. Anne Daley, Benefits
4. Carmela Sutor, Payroll

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	X				
Council President Bengivenga			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 18-323  
AUTHORIZING THE PART-TIME HIRING OF STEVEN OEHLER AT THE HOURLY RATE OF \$12.73, WITH NO  
BENEFITS,  
FOR THE POSITION OF GROUNDSKEEPER**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby authorizes the Borough to hire Steven Oehler on a part-time basis without benefits in the position of Groundskeeper, effective August 14, 2018 at the hourly rate of \$12.73:

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. Carmela Sutor, Payroll
4. Anne Daley, Benefits
5. Alice Tempel, Recycling/Environmental Specialist
6. Len Miller, DPW Superintendent

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:**

- Environmental Commission Minutes – June 13, 2018
- Recycling Monthly Report – June 2018
- Environmental Monthly Report – July 2018

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		X				
Council President Bengivenga			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**PAYMENT OF BILLS**

Current Fund	8-01	587,208.58
Current Fund	7-01	5,922.16
Pool Utility	7-26	0.00
Pool Utility	8-26	13,607.35
Sewer Utility	7-07	0.00
Sewer Utility	8-07	1,028,642.03
Sewer Utility Capital	C-08	0.00
General Capital	C-04	631,216.70
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	23,030.70
Dog Trust	T-12	0.00
Treasurers Trust	T-13	3,343.18
Recreation Trust	T-14	7,889.72
<b>TOTAL ALL FUNDS</b>		<b>\$2,300,860.42</b>

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:	6	0			
Mayor Anesh – TIE ONLY							

**COUNCIL REPORTS:**

Borough Attorney Rizzo Esq. – reported progress.

Administrator Cullen – reported that he received a call from a Texas Eastern representative to notify us that need to deaden the gas line pertaining to the Raritan River at some point this week. They are letting us know because sometimes this may cause the smell or odor of gas in the area and we may be receiving phone calls as a result. Fire and Police are being notified. PARSA did repair the manhole in our parking lot near the Library. The tax bills went out last week. Mike English recently passed away and he will be greatly missed. To conclude Mr. Cullen congratulated Joe Scudato on being named the 2018 Parade Marshall.

Engineer Miller – The milling on Hadley Road was finished last week. Corporate was striped recently. Lonsdale is now paved and finished. The drainage work on Orchard should begin this week. The milling and overlay on East Gulf should be taking place now. Mr. Miller met with the gas company regarding the gas lines at the PAL. We are on track with that project so far.

Clerk Antonides – reported progress.

Councilman Vesce – said he has received good feedback regarding Hadley Road and Plainfield Avenue. The Woodland Avenue and Oaktree Road project is slow moving, but weather permitting it is moving. Councilman Vesce congratulated all those involved with National Night Out. They all did an excellent job and it was a great success.

Councilman Wolak – reported progress.

Councilman White – echoed Councilman Vesce’s comments about National Night Out. It was also nice the public could go into the Library for a little while to wait out some rainy weather. Councilman White praised Ocean State Job Lot for all their variable community assistance they provide.

Councilman Dean – expressed what a great job was done by all involved with both the Christmas in July event and National Night Out.

Councilwoman Faustini – echoed a congratulation to Joe Scudato as our next Parade Marshall. The Senior BBQ is sold out right now. There will be a luau night at the PAL for members only. Despite all the rain the community pool has had a very good year. All the registrations are up. On another note, Councilwoman Faustini reported that our pool is in need of repair. Last year we did make some nice renovations. The pool needs the filtration system updated and other things. Councilwoman Faustini met with Greenbrook Officials to see what upgrades they were doing to their pool. We then met with a company that specializes in spray parks among other things to see what is available out there. The value of the pool to the community is so great that hopefully we make these necessary repairs. Mayor Anesh said that he agrees and feels we are at the point now where we need to put some of focus on making these repairs and refurbishments to our pool. Mayor Anesh asked the Council and Mr. Cullen to prepare a resolution for the next meeting to authorize an engineer to do a conceptual plan for us indicating the upgrades and repairs needed.

Council President Bengivenga – reviewed Ordinance 2116 pertaining to vacant and foreclosed properties that was introduced this evening. There are some 383 municipalities in New Jersey that already have a similar ordinance in place. The principal goal is to see all properties in South Plainfield occupied and properly maintained. We want to encourage property owners to take pride in their curb appeal. Many times vacant properties are bank owned and fall into a dilapidated state. This ordinance is designed to provide the tools needed to provide incentive to the owners or banks to maintain the property and hopefully sell it to a new owner who will. The ordinance will require the owners/banks to register the vacant property with the town and pay a maintenance fee. The fees collected will be placed in a South Plainfield Beautification Trust Fund.

Mayor Anesh – reported progress.

**COMMENTS FROM THE PUBLIC:**

Mayor Anesh opened the floor for public comment.

Debbie Boyle of Van Fleet congratulated Darleen and Glenn Cullen on becoming grandparents. Thoughts and prayer to Mike English's family. Christmas in July was a great success with lots of vendors. National Night Out was a great night despite the weather. 800 hotdogs and hamburgers were distributed.

Cheryl Nagel-Smiley thanked Councilwoman Faustini for looking into making repairs to the community pool and on another note expressed appreciation for the paving on East Golf.

Nancy Grennier congratulated both Darleen Cullen and Debbie Boyle on the births of their new grandchildren and went on to thank all those who participated in the Christmas in July event.

**ADJOURNMENT**

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 8:17 p.m., seconded by Councilwoman Faustini and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC/CMR  
Municipal Clerk