

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
SEPTEMBER 16, 2019 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 Bengivenga	X		
Councilman Dean	X		
Councilwoman Faustini	X		
Councilman Vesce	X		
Councilman White	X		
Council President Wolak	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 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:

- September 3, 2019 – Agenda Meeting
- September 3, 2019 – Public Meeting
- September 3, 2019 – Executive Session

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

ORDINANCES:

The following Ordinance 2152 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for a public hearing and with no public comments made, closed the floor.

**ORDINANCE 2152
AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A
TRAFFIC SIGNAL AT THE INTERSECTION OF WOODLAND AVENUE AND OAK TREE ROAD (RT. 604)
IN THE BOROUGH OF SOUTH PLAINFIELD
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

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

SECTION 1. That the intersection of Woodland Avenue and Oak Tree Road (Rt. 604) shall be controlled by a Traffic Control Signal in accordance with the As-Built Traffic Signal Plan Dated July 2019 and Timing Directive bearing the date of October 9, 2017.

SECTION 2. That the Traffic Control Signal shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes AND the New Jersey Administrative Code, and shall be operated in conformance with the designated plans.

SECTION 3. That all prior ordinances and/or resolutions or portions thereof of the Borough of South Plainfield Council inconsistent herewith be and they are hereby repealed.

SECTION 4. That this ordinance shall become effective upon adoption and publication as required by law.

SECTION 5. That if any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed a separate distinct and independent provision and shall not affect the validity of the remaining portion hereof.

SECTION 6. When the ordinance is finally adopted, the Borough Clerk will send a certified copy of the same to Ronald Sendner, Acting Middlesex County Engineer, PO Box 871, 75 Bayard Street, 5th Floor, New Brunswick, NJ 08901 for submission to the Middlesex County Board of Chosen Freeholders for a Consenting Resolution.

SECTION 7. Any section of any other Borough rule, regulation, policy, ordinance or requirement that conflicts with any part of this Ordinance is repealed to the extent of the conflict.

SECTION 8. If any chapter, section, subchapter or paragraph of this Ordinance be declared unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subchapter, or paragraph shall to the extent that it is not held unconstitutional, invalid, or inoperative remain in full force and effect and shall not affect the remainder of this Ordinance.

SECTION 9. This Ordinance shall take effect immediately or as required by law.

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

The following Ordinance 2153 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for a public hearing and with no public comments made, closed the floor.

**ORDINANCE 2153
AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A
TRAFFIC SIGNAL AT THE INTERSECTION OF PARK AVENUE (CO. RT. 531) AND OAK TREE ROAD (CO. RT. 604)
IN THE BOROUGH OF SOUTH PLAINFIELD
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

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

SECTION 1. That the intersection of Park Avenue (Co. Rt. 531) and Oak Tree Road (Co. Rt. 604) shall be controlled by Traffic Control Signal in accordance with the As-Built Traffic Signal Plan Dated July 2019 and Timing Directive bearing the date of April 19, 2017.

SECTION 2. That the Traffic Control Signal shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes AND the New Jersey Administrative Code, and shall be operated in conformance with the designated plans.

SECTION 3. That all prior ordinances and/or resolutions or portions thereof of the Borough of South Plainfield Council inconsistent herewith be and they are hereby repealed.

SECTION 4. That this ordinance shall become effective upon adoption and publication as required by law.

SECTION 5. That if any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed a separate distinct and independent provision and shall not affect the validity of the remaining portion hereof.

SECTION 6. When the ordinance is finally adopted, the Borough Clerk will send a certified copy of the same to Ronald Sendner, Acting Middlesex County Engineer, PO Box 871, 75 Bayard Street, 5th Floor, New Brunswick, NJ 08901 for submission to the Middlesex County Board of Chosen Freeholders for a Consenting Resolution.

SECTION 7. Any section of any other Borough rule, regulation, policy, ordinance or requirement that conflicts with any part of this Ordinance is repealed to the extent of the conflict.

SECTION 8. If any chapter, section, subchapter or paragraph of this Ordinance be declared unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subchapter, or paragraph shall to the extent that it is not held unconstitutional, invalid, or inoperative remain in full force and effect and shall not affect the remainder of this Ordinance.

SECTION 9. This Ordinance shall take effect immediately or as required by law.

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

The following Ordinance 2154 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for a public hearing and with no public comments made, closed the floor.

ORDINANCE 2154

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A TRAFFIC SIGNAL AT THE INTERSECTION OF THE SHOPPING CENTER/OAK PARK COMMONS AND OAK TREE ROAD (RT. 604) IN THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

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

SECTION 1. That the intersection of the Shopping Center/Oak Park Commons and Oak Tree Road (Rt. 604) shall be controlled by a Traffic Control Signal in accordance with the As-Built Traffic Signal Plan Dated July 2019 and Timing Directive bearing the date of April 19, 2017.

SECTION 2. That the Traffic Control Signal shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes AND the New Jersey Administrative Code, and shall be operated in conformance with the designated plans.

SECTION 3. That all prior ordinances and/or resolutions or portions thereof of the Borough of South Plainfield Council inconsistent herewith be and they are hereby repealed.

SECTION 4. That this ordinance shall become effective upon adoption and publication as required by law.

SECTION 5. That if any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed a separate distinct and independent provision and shall not affect the validity of the remaining portion hereof.

SECTION 6. When the ordinance is finally adopted, the Borough Clerk will send a certified copy of the same to Ronald Sendner, Acting Middlesex County Engineer, PO Box 871, 75 Bayard Street, 5th Floor, New Brunswick, NJ 08901 for submission to the Middlesex County Board of Chosen Freeholders for a Consenting Resolution.

SECTION 7. Any section of any other Borough rule, regulation, policy, ordinance or requirement that conflicts with any part of this Ordinance is repealed to the extent of the conflict.

SECTION 8. If any chapter, section, subchapter or paragraph of this Ordinance be declared unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subchapter, or paragraph shall to the extent that it is not held unconstitutional, invalid, or inoperative remain in full force and effect and shall not affect the remainder of this Ordinance.

SECTION 9. This Ordinance shall take effect immediately or as required by law.

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

The following Ordinance 2155 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for a public hearing and with no public comments made, closed the floor.

ORDINANCE 2155

A CAPITAL ORDINANCE AUTHORIZING THE “INSTALLATION OF ADA RAMPS” THROUGHOUT THE BOROUGH INCLUDING ON DESEPIO AVENUE, BEATRICE PLACE, SCALERA STREET, WEST FAIRVIEW AVENUE TO BE FUNDED BY THE 2018 MIDDLESEX COUNTY HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT, IN THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY as follows:

Section 1. The aforementioned assets be funded by 2018 Middlesex County CD # 1851. The funding requirements shall be identified by said asset as follows:

Middlesex County CD # 1851 Grant	\$23,823.00
Totals	<u>\$23,823.00</u>

Section 2. That the improvements described in Section 1 hereof shall be

authorized as Capital Improvements for the Borough of South Plainfield in the County of Middlesex, New Jersey.

Section 3. It is hereby determined and declared by this Mayor and Borough Council as follows:

- A. That the maximum estimated amount of money to be raised from all sources for the purposes stated in Section 1, hereof, is \$23,823.00.
- B. That the cost for the ADA Ramps shall be \$23,823 from the General Capital Grant Fund.
- C. The estimated useful life of said improvements is hereby determined to be five (5) years.

Section 4. That the total amount of the appropriation to be expended for Architectural and inspection costs, legal costs, advertisement of ordinance and other expenses as provided in Section 48:2-20 of the Revised Statutes, is not to exceed \$2,500.00.

Section 5. This ordinance shall take effect after final passage and publication in accordance with the law.

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

The following Ordinance 2156 was read by Clerk Antonides by title on first reading. Mayor Anesh set the public hearing for September 16, 2019 at approximately 7:00 p.m.:

**ORDINANCE 2156
AN ORDINANCE AMENDING CHAPTER 187, TITLED VEHICLES AND TRAFFIC
SECTIONS 187-10 and 187-28.**

WHEREAS, the Traffic Safety Officer has reviewed concerns regarding parking issues involving Parker Avenue and Astor Street, and has recommended that the Vehicles and Traffic Ordinance of the Borough be amended as follows:

DELETE: SECTION 187-10(A)(2) and replace as follows:

187-10(A)(2), ASTOR STREET:

- A. North side, from South Clinton Avenue to a point 200 feet west
- B. South side, entire length

DELETE: SECTION 187-10(A)(33) and replace as follows:

187-10(A)(33), PARKER AVENUE:

- A. West side, from Jersey Street to Seymour Street
- B. East side, entire length

ADD: SECTION 187-28(C)(5):

Any location along the entire length of Lake Street.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 187, titled Vehicles and Traffic is hereby amended accordingly.

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

RESOLUTIONS:

RESOLUTION 2019-298

RESOLUTION AUTHORIZING SETTLEMENT OF 2018 and 2019 TAX APPEALS FILED BY 140 SOUTH PLAINFIELD LLC, FOR THE PROPERTY KNOWN AS 140 SOUTH PLAINFIELD AVENUE AND IDENTIFIED AS BLOCK 249, LOT 25, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, 140 South Plainfield LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 140 South Plainfield Avenue and identified as Block 249, Lot 25, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$1,622,200 for the years under appeal; and

WHEREAS, Taxpayer filed appeals of its 2018 and 2019 tax assessments in the Tax Court of the State of New Jersey under docket numbers 005224-208 and 002442-2019; and

WHEREAS, a proposed settlement of the aforesaid tax appeals was negotiated between Taxpayer and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

WHEREAS, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessment for the tax years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for the tax years under appeal; and

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

- The 2018 total tax assessment shall be affirmed and remain unchanged;
- The 2019 original assessment in the amount of \$1,622,200 shall be reduced to \$1,422,200 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2019;
- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax year 2020;
- The Borough agrees to withdraw its Counterclaim filed in the 2019 tax appeal;
- Taxpayer has agreed to waive statutory interest provided that the tax refund is made payable to “Jennifer R. Jacobus, Esq., Attorney for 140 South Plainfield LLC” and forwarded to counsel for Taxpayer within 60 days of the date of Judgment.

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

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

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

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

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

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

1. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$1,422,200 total tax assessment for the 2019 tax year for Block 249, Lot 25 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by 140 South Plainfield LLC under Docket Nos.: 005224-2018 and 002442-2019 for the property known as 140 South Plainfield Avenue and identified as Block 249, Lot 25 on the Borough of South Plainfield Tax Assessment Maps which affirms the 2018 total tax assessment; which reduces the 2019 total tax assessment on the Property from \$1,622,200 to \$1,422,200; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax year 2020; which provides that the Taxpayer has agreed to waive statutory interest provided the refund is received within 60 days of the Judgment; which provides that any tax refunds resulting from the settlement shall be made payable to “Jennifer R. Jacobus, Esq., Attorney for 140 South Plainfield LLC” and forwarded to counsel for Taxpayer within 60 days of the date of Judgment and which further provides that the Borough’s Counterclaim filed in the 2019 tax appeal shall be withdrawn.
3. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

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

**RESOLUTION 19-299
AUTHORIZING THE REFUND OF \$25.00 TO VARIOUS SENIORS
FOR CANCELLED TRIPS**

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

Pat Bowers
324 Spring Ave.
South Plainfield, NJ 07080
Resorts Casino Trip 9/4/19
\$25

Janice Johnson
621 John Street.
Plainfield, NJ 07060
Resorts Casino Trip 9/4/19
\$25

Donald and Gerry Diegnan
26 Gray Dr.
South Plainfield, NJ 07080
\$170 Brownstone Lunch 9/26/19

Sharon and Ron Tschopp
2707 Maple Ave.
South Plainfield, NJ 07080
\$170 Brownstone lunch 9/26/19

Gus Schmitt
1723 Pershing Pl.
South Plainfield, NJ 07080
\$85 Brownstone lunch 9/26/19

John and Joanne O’Sullivan
175 Conklin St.
South Plainfield, NJ 07080
\$170 Brownstone lunch 9/26/19

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

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

RESOLUTION 19-300
AUTHORIZING THE REFUND OF VARIOUS 2019 LABOR DAY PARADE SPONSOR FEES

WHEREAS, the September 2, 2019 Labor Day Parade and all activities pertaining to it were cancelled due to unforeseen circumstances, the Public Celebrations Committee hereby recommends the reimbursement of all attached 2019 Labor Day Parade sponsor fees collected;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the reimbursement of all attached 2019 Labor Day Parade fees collected; and

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

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

RESOLUTION 19-301
AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A DEVELOPER’S AGREEMENT BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND 150 DURHAM REALTY LLC FOR PURPOSES OF VACATING TEXAS AVENUE IN THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for the Mayor and Municipal Clerk to execute a Developer’s Agreement between the Borough of South Plainfield and 150 Durham Realty LLC for purposes of vacating Texas Avenue in the Borough of South Plainfield, County of Middlesex, State of New Jersey; and

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

1. Municipal Clerk
2. Chief Financial Officer

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

AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:

- Property Maintenance Monthly Report – August 2019
- Environmental Commission Minutes – June 12, 2019 & July 10, 2019
- Environmental Commission Monthly Report – August 2019

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

PAYMENT OF BILLS

Current Fund	8-01	0.00
Current Fund	9-01	181,949.24
Pool Utility	9-26	0.00
Pool Utility	8-26	0.00
Sewer Utility	9-07	3,534.94
Sewer Utility	8-07	0.00
Sewer Utility Capital	C-08	3,289.00
General Capital	C-04	28,377.33
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	1,074.00
Dog Trust	T-12	0.00
Treasurers Trust	T-13	1,500.00
Recreation Trust	T-14	0.00
Senior Citizen Trust	T-16	400.00
TOTAL ALL FUNDS		\$220,124.51

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – provided a brief status on the community pool refurbishment saying that we should begin to see work at the site this Thursday. On another note, for the fifth year in a row we should see an increase in our ratable base and by the end of this year it should prove to be the highest ever.

Engineer Miller – the contractor is presently working on South 9th Street with concrete work and we expect him to mill and pave soon after. The road resurfacing and sewer bid opening is scheduled for Friday, at 10:00 a.m.

Clerk Antonides – reported progress.

Councilman Vesce – advised that the county is just about finished with the paving on Park Avenue. Also, to answer Ms. Lepore’s question from the last meeting regarding ADA ramps, according to county engineers, it is a federal regulation that they must install them even if it leads just to a grassy area.

Councilwoman Faustini – the Fall recreation sports are all up and running. There is still some room in the field hockey program for sign-ups. The buddy ball program will begin next Monday and this time we will be doing kickball. Basketball sign-ups will be over the next few weeks. Councilwoman Faustini then went on to remind everyone that the children’s events at the Library will be suspended until October 1st.

Councilman Bengivenga – congratulated South Plainfield’s Michael Price who won a prime-time Emmy award for outstanding program. Congratulations to him and his family.

Councilman Dean – reported that John Abbruzzese has been dealing with a lot of property issues pertaining to the spread and control of bamboo plants. Last week we discussed this issue with the Environmental Commission and also reviewed a rough draft ordinance pertaining to the control of bamboo. The Environmental Commission got a bit hung-up with a desire to add other invasive species to the ordinance. Right now, the main issue John is having is dealing with the bamboo itself because as it stands now, he can’t do his job because he has nothing to fall back on regarding bamboo. Council President Wolak expressed his concern about such an ordinance being overly excessive and doesn’t wish to penalize anyone. The difference is other invasive species that the Environmental Commission was talking about were ones that are growing in their natural habitat. This is not the natural habitat for bamboo, it would

have to be planted by someone. Councilman Dean asked Mr. Abbruzzese if he is having problems in the field dealing with other invasive species, he said no, it is strictly bamboo. There are a variety of species of bamboo, however, it is the running bamboo that is the problematic one. Everyone that was at the meeting agreed we should just stick to all bamboo to be safe opposed to just running bamboo. Mr. Cullen said we even have it growing into newly paved roads, so it really is a concern. Councilman Dean said we have a resident on Worth Drive who can't let their kids play in the yard because it is riddled with bamboo rockets taking over his entire backyard from what is believed to have stemmed from his neighbor's yard. Mayor Anesh said the problem is you can't control it. Councilman White said once it gets planted in the ground it will overrun everything and cutting it back is not enough. Mayor Anesh asked Councilman Dean if Alice is in agreement to ban all bamboo. Councilman Dean said yes. Council President Wolak said he is not in favor of prohibiting bamboo in people's yards as it seems too excessive. Councilman Bengivenga said the problem particularly with running bamboo is that it gets out of control the concern that he has is with the enforcement aspect of it. For example, what if his neighbor planted bamboo and then sold his home to a new owner, and now the new owner is the one penalized. Councilman Dean agreed. Further brief discussion ensued regarding the issues with enforcement and penalties. Glenn said we have a problem with bamboo on Audubon Avenue and if that bamboo were to go into residential property is the Borough now responsible? Councilman Bengivenga and Dean provided examples of bamboo cracking sidewalks and puncturing pool liners. Discussion further ensued regarding how one would determine where the bamboo originated from. Mayor Anesh pointed out that right now there is nothing in place for John Abbruzzese to enforce. There does appear to be some legalities that need to be answered. At this point more work needs to be done before we consider an ordinance and the Council Committee and Environmental Commission should meet to discuss this further.

Councilman Dean went on to mention an email from Christine Laney on Fred Allen Drive who is a little upset that no one reached out to her. She is complaining about the roadway. Councilman Dean asked Mr. Miller if the DPW ever sprayed the road there. Mr. Miller said no. Councilman Dean asked if Mr. Miller can take a look at it as there appears to be a lot of grass and weeds breaking through. Ms. Laney said the last time she thinks her road was resurfaced was in 1998-99. Mr. Miller said he will look at it but is concerned that this isn't the only road that has weeds growing through it.

Councilman White – reported progress.

Council President Wolak – reported progress.

Mayor Anesh – reminded everyone about the upcoming Mayor's Health Fair on October 19, 2019 and went on to report progress.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Suzanne Lepore of Bullard Place thanked Councilman Vesce for his follow-up pertaining to the ADA ramps. Ms. Lepore went on to advise of Cultural Arts related events that are forthcoming. The 1st annual scarecrow festival will be hosted, and 20 groups are being sought to design their own scarecrow to be displayed in front of Borough Hall. Interested parties can refer to Event Bright.

Debbie Boyle of Van Fleet reported on various events and dates forthcoming throughout the Borough.

Mr. Cullen noted the recent passing of Dick Patrone saying he will be well missed. He provided the Borough with many years of service.

With no further comments from the public, Mayor Anesh closed the floor at 7:36 p.m. and announced that we are going into a closed session meeting and everyone is welcome to stay if they wish.

ADJOURNMENT

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Council President Wolak made a motion to adjourn at 7:44 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk