

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
JUNE 7, 2021 7:02 P.M.
PUBLIC MEETING**

***Due to the COVID-19 outbreak, this meeting was also transmitted virtually via the Webex platform**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:02 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 remote hybrid meeting having been provided to the Borough's two official newspapers and also published on the Borough's website. Instructions for accessing the remote public meeting are found on the Borough's website next to the agendas. Documentation pertaining to the remote meeting can be found electronically on the Borough's website.

The roll call was administered by Clerk Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman Bengivenga	X		
Councilwoman Faustini	X		
Councilwoman Mott		X	
Councilman Smith	X		
Councilman Wolak	X		
Council President White	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 Wolak led the invocation.

Mayor Anesh again reviewed some basic rules for conducting the hybrid virtual meeting this evening. All lines will be muted until such time that the floor is open for public comment. Each phone call or virtual hand raise will be taken one at a time. To unmute the microphone, just click on the red microphone picture that has a line through it. It will then turn green indicating you have been unmuted and may begin to speak. Callers may dial 1-646-922-2010 followed by the access code of 126 663 1990 #. Using the pound button will mute and unmute the voice feature for any phone callers.

Public Comment: Mayor Anesh opened the floor for public comment on agenda items only. Mayor Anesh awaited virtual hand raises; he then unmuted all microphones. With no comments from the public, Mayor Anesh closed the floor.

Authorizing the Approval of Council Minutes:

May 17, 2021 – Agenda Meeting
May 17, 2021 - Public Meeting

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

Proclamations: Juneteenth Day was read in full by Mayor Anesh
PTSD Awareness Month was read in full by Mayor Anesh. Kristy Lowrie accepted the proclamation and read a prepared statement regarding some of the various dynamics of PTSD.

MUNICIPAL BUDGET PUBLIC HEARING

Public Hearing of the 2021 Municipal Budget (No vote this evening)

(Copy available on Borough’s website)

Mayor Anesh turned the floor over to Mr. Cullen who explained the status of the 2021 Municipal Budget to date. Mr. Cullen said a lot of municipalities have not adopted their budget yet due to awaiting some logistics with the American Rescue Plan. For this reason, we are having our public hearing tonight and not voting on the budget. The Borough expects to receive some \$2.1 million to be spread out over two years. The 2021 introduced municipal budget is \$32,519,000.00 of that \$22,802,000.00 are municipal combined taxes which is roughly \$89.00 per household. Since 2019 our court revenues are down \$334,000.00, Building Department revenues are down \$150,000.00 and hotel tax is down \$63,000.00. We were hit very hard is with our Sewer which is down 2/3 of a million dollars which has to do with a lot of industry in town that have been closed down due to the pandemic thus not operating at the level it was. The Borough has had reductions in salary and wages close to \$400,000.00 from the previous year, which reflected a combination of layoffs, alternating staff and schedules and cutting overtime. We made a lot of proactive moves. Some things we have no control over such as pensions, health benefits, snow emergencies. There are a lot of moving parts with this budget and we have made a lot of proactive moves which is why last year we did not see our surplus shrink. It actually increased modestly, however; the concern is that we are entering our second consecutive year with significant revenue losses. Hopefully we will receive more American Rescue Plan guidelines. Mr. Cullen further advised that Administration and Finance Committee have been working hard to cut costs and are doing their best to keep the tax rate down. As such, we will be having a budget amendment and public hearing on the amendment in the coming days.

At this time, Mayor Anesh opened the floor for public comment on the 2021 municipal budget. With no comments from the public, closed the floor.

RESOLUTIONS

RESOLUTION 21-192

AUTHORIZING TRAFFIC MODIFICATIONS FOR THE STATE OF NJ MEET OF CHAMPIONS ON JUNE 19, 2021

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby approves of traffic modifications for the State of NJ Meet of Champions on June 19, 2021 pursuant to the recommendations of the South Plainfield Traffic Safety Unit as follows:

- Cady Lane, between Maple Avenue and Avon Avenue will be a ONE-WAY southbound.
- Avon Avenue between Cady Lane and East Crescent Parkway will be a ONE-WAY westbound.

BE IT FURTHER RESOLVED that the DPW will administer the placement and removal of both ONE-WAY signs and DO NOT ENTER signs as necessary.

BE IT FURTHER RESOLVED that copies of this resolution be distributed to the following:

1. Amy Antonides, Municipal Clerk
2. Lt. David DeLair, Traffic Safety Unit
3. Len Miller, DPW Superintendent

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

RESOLUTION 21-193
AUTHORIZING THE APPROVAL AND RENEWAL OF LIQUOR LICENSES FOR 2021 - 2022 AND AUTHORIZING
THE MUNICIPAL CLERK TO ISSUE 2021-2022 LIQUOR LICENSES TO ALL LICENSEES THAT HAVE MET ALL
STATE AND BOROUGH REQUIREMENTS
AND HAVE PAID ALL APPROPRIATE FEES.

WHEREAS, applications for renewal of Liquor Licenses for the year 2021-2022 have been submitted; and

WHEREAS, no objections to said renewals have been filed; and

WHEREAS, the proper Borough fees have been paid by all applicants and the renewal retail licensee tax clearance certificate has been issued.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of the Borough of South Plainfield that the following licensees be granted renewals of their liquor licenses for the year commencing July 1, 2021 and expiring June 30, 2022:

License #	Type	License Name	Trade Name
1222-44-006-005	Plenary Retail Distribution	Dhara & Reshma Inc.	Oak Tree Discount Wines & Spirits
1222-33-001-008	Plenary Retail Consumption	Thakur Hospitality LLC	Spice Culture
1222-36-030-002	Plenary Retail Consumption	Friendwell Management LLC	Best Western
1222-31-024-001	Club	Plainfield Curling Club Inc	Plainfield Curling Club
1222-44-004-007	Plenary Retail Distribution	Wittys Liquors at So. Plainfield	Wittys Discount Wines & Liquors
1222-33-005-007	Plenary Retail Consumption	Konbrothers Inc.	Park Avenue Diner
1222-33-007-004	Plenary Retail Consumption	Red Lobster Restaurants LLC	Red Lobster #379
1222-33-020-001	Plenary Retail Consumption	Polish National Home	Polish National Home
1222-31-021-001	Club	Chaumont Post 243 Amer.Leg.	Chaumont Post 243 American Legion
1222-44-011-006	Plenary Retail Distribution	Shreeji Akshar LLC	Wine Country South Plainfield
1222-33-012-012	Plenary Retail Consumption	Ember Mexican Cantina LLC	El Toro Loco
1222-33-013-008	Plenary Retail Consumption	Red Robin International Inc.	Red Robin

BE IT FURTHER RESOLVED that the Municipal Clerk is authorized to issue 2021-2022 liquor licenses to the above-named licensees.

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

RESOLUTION 21-194
AUTHORIZING THE AWARD OF SURPLUS MUNICIPAL PROPERTY KNOWN AS
LOT 6, BLOCK 539 TO ROBERT DOWDY
PURSUANT TO PUBLIC AUCTION HELD ON MAY 20, 2021

WHEREAS, Lot 6 in Block 539 is owned by the Borough of South Plainfield and was authorized to be sold at public sale to the highest bidder by Resolution No. 2021-139 on April 5, 2021; and

WHEREAS, Lot 6 in Block 539 was advertised for public sale pursuant to all requirements and procedures as set forth in the Local Lands and Building Law (N.J.S.A. 40A:12-13(a), et seq.); and

WHEREAS, a public auction was held on May 20, 2021, and Robert Dowdy of 27 Ocean Avenue, Apt. 2, Ocean Grove, New Jersey 07756, was the high bidder, submitting a bid for the minimum sale price of \$104,100.00 of which a 10% deposit in the amount of \$10,410.00 was paid to the Borough of South Plainfield on May 20, 2021;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Lot 6 in Block 539 is awarded to Robert Dowdy as the high bidder at the public auction for a sale price of \$104,100.00, and the Mayor and Municipal Clerk are authorized to execute any and all documents necessary to sell such property to Robert Dowdy in accordance with the terms and conditions set forth in the Notice of Public Sale by Auction as advertised in The Observer, The Courier News and The Star Ledger on April 30th and May 7th, 2021.

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

RESOLUTION 21-195
AUTHORIZING THE AWARD OF SURPLUS MUNICIPAL PROPERTY KNOWN AS
LOTS 4 AND 5, BLOCK 273 TO FUNERAL HOME REAL PROPERTIES LLC
PURSUANT TO PUBLIC AUCTION HELD ON MAY 20, 2021

WHEREAS, Lots 4 and 5 in Block 273 is owned by the Borough of South Plainfield and was authorized to be sold at public sale to the highest bidder by Resolution No. 2021-139 on April 5, 2021; and

WHEREAS, Lots 4 and 5 in Block 273 was advertised for public sale pursuant to all requirements and procedures as set forth in the Local Lands and Building Law (N.J.S.A. 40A:12-13(a), et seq.); and

WHEREAS, a public auction was held on May 20, 2021, and Funeral Home Real Properties, LLC c/o James Gustafson of 2425 Plainfield Avenue, South Plainfield, New Jersey 07080, was the high bidder, submitting a bid for the minimum sale price of \$116,100.00 for Lot 4, Block 273 and for the minimum sale price of \$335,700.00 for Lot 5, Block 273 of which a 10% deposit in the amount of \$11,610.00 for Lot 4, Block 273 and \$33,570.00 for Lot 5, Block 273 was paid to the Borough of South Plainfield on May 20, 2021;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Lots 4 and 5 in Block 273 is awarded to Funeral Home Real Properties LLC as the high bidder at the public auction for a sale price of \$116,100.00 for Lot 4, Block 273 and \$335,700.00 for Lot 5, Block 273, and the Mayor and Municipal Clerk are authorized to execute any and all documents necessary to sell such property to Funeral Home Real Properties LLC in accordance with the terms and conditions set forth in the Notice of Public Sale by Auction as advertised in The Observer, The Courier News and The Star Ledger on April 30th and May 7th, 2021.

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

RESOLUTION 21-196
AUTHORIZING THE TRANSFER OF 2015, 2017 AND 2018 CDBG FUNDS IN THE TOTAL AMOUNT OF \$1,139.63 AND
AUTHORIZES THE REQUEST OF SAID FUNDS FROM THE COUNTY OF MIDDLESEX TO BE USED FOR
ADA IMPROVEMENST TO THE POOL FOR THE BOROUGH OF SOUTH PLAINFIELD

WHEREAS, the County reports the following balances in the 2015, 2017 and 2018 Community Development Block Grant program in the following amounts:

CD1545	\$59.25	Senior Meals on Wheels
CD1757	\$731.88	Senior Center Improvements
CD1850	\$348.50	Senior Center Vehicles
TOTAL	\$1,139.63	
{A1298313.1 }		

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

WHEREAS, funds are needed for ADA Improvements at the Pool;

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 \$1,139.63 from the total remaining Balances in CD1545, CD1757 and CD 1850 and hereby changes the use to ADA Improvements at the Pool and as such authorizes the request of said funds from the County of Middlesex.

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

RESOLUTION 21-197

AUTHORIZING A 2021 TEMPORARY BUDGET AMENDMENT

OF \$1,500,000.00 IN THE CURRENT FUND, \$1,500,000.00 IN THE SEWER UTILITY AND \$50,000.00 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 2021 Budget, and

WHEREAS, the temporary budget set forth below 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
1-01-20-100-000-101	Administration	S&W	10,000
1-01-20-120-000-101	Borough Clerk	S&W	20,000
1-01-20-130-000-101	Finance	S&W	15,000
1-01-20-145-000-101	Tax Collection	S&W	5,000
1-01-20-150-000-101	Tax Assessment	S&W	25,000
1-01-20-155-000-221	Legal	O&E	25,000
1-01-21-185-000-101	Zoning	S&W	15,000
1-01-22-195-001-101	Code Enforcement	S&W	50,000
1-01-23-210-000-651	Other Insurance	O&E	25,000
1-01-23-220-000-621	Health Insurance	O&E	500,000
1-01-25-240-001-101	Police	S&W	300,000
1-01-25-240-001-225	Police	O&E	5,000
1-01-25-240-003-241	Crossing Guards	O&E	10,000
1-01-25-265-002-101	Fire Official	S&W	50,000
1-01-25-265-003-581	Fire Service Charges	O&E	50,000
1-01-26-290-001-101	Public Works Administration	S&W	5,000
1-01-26-290-001-235	Public Works Administration	O&E	2,000
1-01-26-290-002-101	Road Repairs & Maintenance	S&W	30,000
1-01-26-305-003-101	Recycling	S&W	15,000
1-01-26-305-003-235	Recycling	O&E	25,000
1-01-26-310-000-101	Public Buildings & Grounds	S&W	30,000
1-01-26-315-000-101	Vehicle Maintenance	S&W	10,000
1-01-26-315-000-215	Vehicle Maintenance	O&E	10,000
1-01-27-335-001-101	Environmental Commission	S&W	5,000
1-01-28-370-001-101	Recreation	S&W	10,000
1-01-28-370-001-204	Recreation	O&E	5,000
1-01-28-370-002-101	Office on Aging	S&W	15,000
1-01-31-420-001-555	Electric	O&E	10,000
1-01-31-435-002-555	Street Lights	O&E	20,000
1-01-31-440-001-541	Telephone	O&E	5,000
1-01-31-445-001-581	Water	O&E	5,000
1-01-32-465-001-545	Landfill	O&E	5,000
1-01-31-465-001-565	Gas	O&E	20,000
1-01-29-390-000-235	Library	O&E	100,000
1-01-36-472-000-675	SSI	Statutory	23,000
1-01-43-490-000-101	Court	S&W	20,000
1-01-44-901-000-235	Capital Improvement Fund	Capital	25,000
TOTAL CURRENT FUND			1,500,000
SEWER UTILITY			AMOUNT
1-07-55-515-001-585	Sewer Charges	S&W	1,500,000
TOTAL SEWER UTILITY			1,500,000
POOL UTILITY			AMOUNT
1-26-55-520-000-101	Pool S&W	S&W	47,000
1-26-55-520-000-235	Pool O&E	O&E	3,000
TOTAL POOL UTILITY			50,000

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

**RESOLUTION 21-198
BOROUGH OF SOUTH PLAINFIELD
MIDDLESEX COUNTY, NEW JERSEY**

RESOLUTION TEMPORARILY RELAXING THE PROHIBITION OF OUTDOOR DINING IN THE BOROUGH OF SOUTH PLAINFIELD TO PROVIDE ASSISTANCE TO LOCAL RETAIL BUSINESSES UNDER THE CURRENT SOCIAL DISTANCING RESTRICTIONS ENACTED IN CONNECTION WITH THE ONGOING, CORONAVIRUS PUBLIC HEALTH EMERGENCY

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of the novel coronavirus (COVID-19) to be a Public Health Emergency of International Concern as human-to-human transmission; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared the novel Coronavirus to be a United States Public Health Emergency.

WHEREAS, on February 3, 2020, New Jersey’s Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

WHEREAS, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

WHEREAS, on March 13, 2020, the President of the United States of America formally declared the outbreak of the novel Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act (50 U.S.C. § 1601. et seq.); and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several “social distancing” regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurants/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

WHEREAS, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or country parks, and beaches and boardwalks; and

WHEREAS, Executive Order 107 specifically regulated the continued operation of Bars/Restaurants and provided, in part, that “All restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;” and

WHEREAS, on June 3, 2020, Governor Murphy issued Executive Order 150 permitting restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, and all bars to offer “in person” service at outdoor areas subject to certain requirements and conditions effective June 15, 2020; and

WHEREAS, on June 3, 2020, Judith Persichilli, R.N., B.S.N., M.A., the Commissioner of the State of New Jersey Board of Health issued Executive Directive No. 20-014 providing for “COVID-19 Protocols for Food Establishments Offering Service in Outdoor Areas Pursuant to Executive Order No. 150”; and

WHEREAS, *N.J.A.C. 13:2-5.5* provides: “The Director [of Alcoholic Beverage Control] for special cause shown, may issue such temporary permits for such contingencies where a license is not expressly provided for by law, and such a permit would be appropriate and consonant with the spirit of the Alcoholic Beverage Control Act” and that “The Director may impose special conditions or requirements on any such permit;” and

WHEREAS, *N.J.A.C. 13:2-9.1* provides: “The rules of [*N.J.A.C. 13:2-1.1, et. seq.*] may be relaxed by the Director upon a showing of undue hardship, economic or otherwise, on a licensee; that the waiver of the rule would not unduly burden any affected parties; and that the waiver is consistent with the underlying purposes of Title 33 and the implementing rules.”; and

WHEREAS, on June 3, 2020, James Graziano, Acting Director of the Division of Alcoholic Beverage Control of the State of New Jersey, Department of Law and Public Safety issued a Special Ruling Establishing a Temporary COVID-19 Permit to Expand Licensed Premises (“COVID-19 Expansion Permit”) upon application and approval by the Division and the Municipality; and

WHEREAS, in the anticipation of the effective date of the permission granted in Executive Order 150 (June 15, 2020), the Mayor and Council of the Borough of South Plainfield find it to be appropriate to temporarily relax its Ordinances, including but not limited to the prohibitions relating to outdoor dining in order to permit said establishments to locate tables and chairs out-of-doors, in existing Parking Lots and/or in other locations on site, subject to the requirements and restrictions set forth in Executive Order 150, the Executive Directive No. 20-014 issued by the State of New Jersey Department of Health, and those set forth herein; and

WHEREAS, the Borough of South Plainfield has determined that it is in the best interests of the Borough to assist and promote the economic development of local business in these extremely difficult times and have determined that the ability for local businesses to expand its available dining space outdoors will economically assist the businesses in the reduction of capacity caused by the social distancing requirements; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough to temporarily relax the outdoor dining restrictions on local business establishments and to extend outdoor dining into Private Parking Lots and areas to be established on private property under specific terms and conditions consistent with guidelines provided by Executive Order 150 and the State of New Jersey Department of Health and upon application and approval by a Committee of Borough Employees and Representatives to be established by the Borough.

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

1. The statements that are set forth in the preamble are true and accurate. All of the statements of the preamble are repeated and are incorporated herein by this reference thereto and are made a part hereof as if each and every statement were set forth fully herein.
2. Effective immediately, a Temporary Outdoor Dining Committee (“TODC”) is hereby established made up six (6) members comprised of the following: (1) the Borough Health Official, (2) the Borough Engineer, (3) the Borough Fire Official, (4) the Borough Clerk, (5) the Police Chief or his designee, and (6) the Borough Zoning Official. The TODC is hereby authorized to

promulgate requirements, rules and regulations pertaining to the application for and the use of outdoor areas, by local business establishments for outdoor dining consistent with the guidelines established by the State of New Jersey including but not limited to all COVID related safety precautions and measures during the effective dates of this Resolution. The TODC is also authorized to grant approval to any business establishment for the use of space for outdoor dining for the time frames contained in the within Resolution.

3. Any and all business establishments of the Borough of South Plainfield who wish to utilize the existing private parking lots or private property for outdoor dining shall, prior to its use, complete and submit an application to the Borough Zoning Official for review and approval by the TODC. In an effort to assist the local businesses, the Borough has agreed to waive any application and/or approval fees relating to its review.

Restaurants/Bars/Food Service Establishment – Outdoor Dining

4. The TODC is hereby granted the authority and discretion to approve Outdoor Dining Plan Applications pertaining to existing “full-service bars/restaurants,” defined as “restaurants engaged in the preparation and service of meals/food,” in order to permit said establishments to relocate existing indoor tables/seating or locate new tables/seats to other locations on site during the designated times, and/or the designated areas of Parking Lots and/or other private locations during the designated times subject to the following requirements and restrictions:
 - A. Applicants who wish to relocate existing approved tables/seats to other locations on site, or to locate newly acquired tables/seats outdoors and/or other locations on site, shall be required to submit an Outdoor Dining Plan application, and a drawing depicting the proposed layout and location of tables/seating outside of said bar/restaurant, which shall also include but not be limited to, confirmation of the number of existing, approved tables/seats, a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area outside, the parking areas and any areas designated for “take-out” or “pick-up”, an illustration, rendering, and/or photograph of all proposed furniture, umbrellas, canopies, and trash receptacles, etc. must be of like nature and appearance to what is currently utilized on site. Applicants shall also submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas. The Applicant should also include how the proposed plan conforms to all safety and precautionary measures relating to social distancing and COVID-19 related issues. The approval of any temporary Outdoor Dining Plan in relation to this Resolution shall be subject to the following conditions:
 - i. Applicants may be permitted to relocate existing approved tables/seats and/or to locate newly acquired tables/seats to other locations on site, including existing Parking Lots, subject to the review and approval of the TODC. Notwithstanding the provision of the Resolution, no tables/seats shall encroach on or obstruct the free flow of vehicular traffic and/or pedestrian traffic on a pedestrian walkway or any of its approaches. In addition, notwithstanding the provision of the Resolution, Applicants will not be permitted to increase the currently approved capacity for the Premises.
 - ii. Applicants may be permitted to utilize the private property of the adjacent property owner for outdoor dining with the express written consent and approval by the adjacent property owner and business, which must be submitted with the Application.
 - iii. Applicants who lease or rent their premises must provide written consent of their landlord to the utilization of the property for outdoor dining.
 - iv. Tables/seats may be permitted to be located in the existing Parking Lots and other on-site locations provided a minimum six (6) feet pedestrian walkway is maintained at all times and subject to applicable ADA requirements within the outdoor dining areas.
 - v. An approved tables/seats located in an “outdoor dining area,” defined as “a designated area on the premises of a retail food establishment or restaurant, but located outside of the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress,” may be permitted to be utilized between the hours of 9:00 A.M. and 9:00 P.M.
 - vi. Applicants must submit a Parking Plan which sets forth the existing number of spaces and the proposed number of parking spaces to be eliminated by the outdoor dining area. The Parking Plan shall also detail the flow of vehicular traffic and parking on-site. The location of the proposed outdoor dining area must be of a sufficient distance from the vehicular traffic to maintain a safe area for dining. Outdoor Dining will only be permitted in the event a sufficient number of parking spaces remain for the safe operation and effective flow of traffic on-site for the operation of the business establishment.
 - vii. Applicants must submit a Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining area, and the frequency with which the outdoor dining area will be policed for litter in order to control the accumulation of trash/recycling.
 - viii. Applicants must also acknowledge and agree to full compliance with all current and newly imposed safety and precautionary measures and guidelines established by the State of New Jersey relating to COVID -19.

- ix. The sale/service of alcoholic beverages in these locations shall be permitted, subject to compliance with any and all applicable ABC regulations/statutes, including but not limited to a COVID-19 Expansion Permit application, and subject to the review and approval of the Borough Administrator and Chief of Police and the Division of Alcoholic Beverage Control. The approval of any extension of premises application to permit the sale/consumption of alcoholic beverages in outdoor dining areas shall be temporary and shall automatically terminate upon the expiration of the within Resolution and/or by way of further Resolution of the Mayor and Council and/or direction and/or expiration of the Special Ruling of the Alcoholic Beverage Control.
- x. Applicants proposing to relocate existing tables/seats to the Parking Lots and on-site locations shall indemnify and hold harmless the Borough of South Plainfield, its employees, agents, and/or officers from all claims, losses, liens, expenses, suits and attorney's fees arising out of the placement, operation, and maintenance of the Outdoor Dining Area. Applicants must name the Borough of South Plainfield as an additional insured under the Applicant's general liability insurance, bodily injury, property damage, and personal injury insurance policies, on a primary and non-contributory basis in the minimum amount of one million (\$1,000,000.00) Dollars, and provide proof of same to the Borough Administrator, and proof that said policies have been amended to reflect coverage for the proposed outdoor dining area.
- xi. Applicants must indicate on their plan the maximum capacity for dine-in customers; and indicate the number they will not be able to seat due to the current COVID-19 safe-distancing restrictions. If all safe-distancing restrictions are lifted, all outdoor dining areas must be removed, unless otherwise permitted by the South Plainfield Zoning Board of Adjustment.

Temporary Signs

- 5. Effective immediately, the Borough hereby relaxes and permits the usage of temporary signs without the necessity of a permit during the effective dates of the within Resolution. The composition and placement of temporary signs must be approved by the TODC. However, upon expiration of the within Resolution all temporary signs shall be removed and the existing procedures and requirements of the erection and location of temporary signs shall be reinstated.
- 6. Notwithstanding Section 5 hereof, nothing herein shall be construed to allow or permit the erection or location of permanent signs within the Borough of South Plainfield without the necessity of the formal application and approval by the Borough as provided for in its existing Resolution.
- 7.

Canopies

- 7. In the event the applicant seeks to utilize a canopy or similar covering for outdoor dining, they must provide with the application information regarding such canopy or covering to include the height, width and proposed location. A photograph is recommended but not required. Any such canopy or covering will be required to comply with the International Building Code and International Fire Code.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that it hereby reserves the right to amend, terminate, or repeal this Resolution and/or any approvals granted herein at any point in time, if it determines that it is in the best interest of the health safety and welfare of the Borough, and accordingly no property rights or interests are granted to any person(s) or entities by virtue of this Resolution and/or approval hereunder and any person(s) or entities electing to pursue temporary relief in accordance with the provisions of this Resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon this Resolution and any approval hereunder shall be at their sole and exclusive risk and expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that with the exception of the temporary relief and application process set forth herein relating to outdoor dining, existing and proposed retail businesses must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of bars/restaurants; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that in the event the Borough Administrator, Zoning Officer and/or Police Department determines that a business establishment or person is in violation of the conditions of any temporary Outdoor Dining Plan approved in relation to this Resolution, the TODC is hereby authorized to immediately revoke the approval received in relation to this Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that the Borough Administrator, Zoning Officer and Police Department are hereby authorized and empowered to enforce this Resolution and the several provisions hereof as well as the conditions of approval for the use of outdoor dining; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that the Borough Administrator, Zoning Officer and the TODC are hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions

hereof properly effective and useful for the benefit of the Borough and its businesses, including but not limited to the commencement of the application and approval process for outdoor dining; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that in order to avoid injustice or the possible abuse of discretion and to correct the possibility of error in judgment, any Applicant, who’s Outdoor Dining Plan application is denied by the TODC, has the right to appeal to the Council by filing a notice of appeal with the Borough Clerk within ten (10) days of the denial of said application. Upon receipt of any such notice of appeal, the Council will hear the appeal at its next scheduled regular meeting which is scheduled at least three (3) calendar days after receipt of the notice of appeal, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be heard. At the conclusion of said hearing, the Council will consider the matter, determine whether to uphold, overturn or modify the TODC’s decision, and thereafter notify the owner of its decision; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that the within Resolution and the authority delegated herein and the effects of any permission and/or approvals hereto are expressly conditioned upon Governor Philip Murphy Executive Order 150 and any other restrictions on residents of the State of New Jersey and essential and non-essential businesses and no action is authorized or permitted that would conflict with the actions and/or Executive Orders of Governor Murphy, or any rules, regulations, requirements, prohibitions, and/or guidance of the State of New Jersey and any of its Departments, Agencies, Divisions, including but not limited to the Office of Emergency Management; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that the requirements, rules and regulations previously adopted by the Temporary Outdoor Dining Committee shall remain in full force and effect; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that in the event that Executive Order 150 is rescinded and/or modified to prohibit outdoor dining or this Resolution is rescinded and/or expires, any temporary approval afforded by the TODC in accordance with the terms and conditions of this Resolution shall be deemed void and have no further effect and the provision for outdoor dining shall cease; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that, upon the effective date of this Resolution, all requirements of prior ordinances, resolution or parts of ordinances or resolutions inconsistent with this temporary resolution are hereby temporary suspended to the extent of their inconsistencies only; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of South Plainfield, that the within Resolution and all authorizations contained herein, including but not limited to the delegation of authority and any and all approvals to allow for outdoor dining permitted herein on private property and the permission to locate temporary signs shall lapse and have no further legal effect on October 30, 2021; the State of New Jersey rescinding Executive Order 107 or eliminating social distance regulations; or by further resolution of the Borough, whichever first occurs; and

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of South Plainfield that all Borough officials, employees and agents shall take all necessary actions to in order to effectuate the within Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of South Plainfield that should any section, paragraph, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid for any reason, or not approved by the State of New Jersey, the remaining portions of this Resolution shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Resolution are hereby declared to be severable.

This Resolution shall take effect immediately.

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

RESOLUTION 21-199

AMENDING RESOLUTION 21-137 THAT AUTHORIZED THE OF SCREENING OF TOPSOIL FOR THE POOL FROM NEW IMAGE LANDSCAPING IN AN AMOUNT NOT TO EXCEED \$20,000.00 TO CHANGE THE NOT TO EXCEED AMOUNT TO \$21,682.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the amendment of resolution 21-137 for screening of topsoil for the pool from New Image Landscaping in an amount not to exceed \$20,000.00 to change the amount not to exceed to \$21,682.00: and

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

{A1298313.1 }

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. Len Miller, DPW Superintendent

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

**RESOLUTION 21-200
AUTHORIZING A 2021 TEMPORARY BUDGET AMENDMENT
OF \$30,000.00 IN THE CURRENT FUND**

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 2021 Budget, and

WHEREAS, the temporary budget set forth below 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
1-01-20-120-000-525	Borouh Clerk	O&E	5,000
1-01-23-220-001-651	Health Insurance - Waiver	O&E	20,000
1-01-28-370-002-204	Office on Aging	O&E	2,500
1-01-28-370-001-235	Recreation	O&E	2,500
TOTAL CURRENT FUND			30,000

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

**RESOLUTION 21-201
AUTHORIZING THE FULL-TIME HIRING OF STEPHANIE MEROLA TO THE POSITION OF CLERK I-LEVEL I
FOR THE ZONING & PROPERTY MAINTENANCE DEPARTMENT AT THE ANNUAL SALARY OF \$31,756.29
EFFECTIVE JUNE 21, 2021**

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

It hereby authorizes the full-time hiring of Stephanie Merola to the position of Clerk I- Level I for the Zoning & Property Maintenance Department at the annual salary of \$31,756.29 in accordance with the salary ordinance, effective June 21, 2021, and

BE IT FURTHER RESOLVED that Ms. Merola will also receive the stipend in accordance with the salary ordinance of \$175.00 per Board meeting attended; and

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

1. Glenn Cullen, Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. Carmela Miller, Payroll
4. Anne Daley, Benefits
5. Richard Wolff, Zoning Officer
6. Stephanie Merola, Assistant to Zoning Officer

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

CORRESPONDENCE

- Monthly Recycling Report – April 2021
- Environmental Commission Monthly Report – April 2021
- Recreation Commission Minutes – April 13, 2021
- Board of Health Monthly Report – May 2021

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

PAYMENT OF BILLS

Current Fund	0-01	20,308.10
Current Fund	1-01	796,638.92
Pool Utility	0-26	0.00
Pool Utility	1-26	15,592.54
Sewer Utility	0-07	0.00
Sewer Utility	1-07	12,533.57
Sewer Utility Capital	C-08	0.00
General Capital	C-04	29,235.90
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	3,583.34
Dog Trust	T-12	3,750.00
Treasurers Trust	T-13	1,918.17
Recreation Trust	T-14	420.00
Senior Citizen Trust	T-16	0.00
TOTAL ALL FUNDS		\$883,980.54

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – advised that we have received a lot of compliments on the paving of the parking lot area by the pool and Pal building. Mr. Cullen discussed the successful opening of the pool and went on to report progress.

Engineer Miller – provided an update on some capital projects. We received comments back from the NJDOT pertaining to Durham Avenue and we are working on making the revisions and hope to award by the July Council meeting. We will be submitting a NJDOT application for New Market Avenue for next year. The basketball courts will take 30 days to have the resurfacing and topcoat done.

Clerk Antonides – reminded everyone that tomorrow is the Primary Election and all usual polling locations are open from 6:00 a.m. to 8:00 p.m.

Councilwoman Mott – was absent this evening.

Councilman Smith – thanked the Environmental Commission for the work they’ve done. Alice Tempel is working on some recent issues with the Recycling Center. Councilman Smith went on to thank the Chief and the Police Department for all the work they are doing.

Councilman Bengivenga – reminded everyone about the Meet of Champions on June 19th and to be aware of a different traffic pattern for that day. On another note, Governor Murphy and the state legislature approved a body camera grant in which we will be receiving \$100,000.00 of which Chief Parker will be working on implementing a program in that regard.

Councilman Wolak – thanked Mr. Cullen and Administration/Finance Committee for all the work on the budget saying it takes a lot of time to put together and he appreciates the work that went into it.

Councilwoman Faustini – thanked everyone who came out to kick off the opening of the community pool. Summer 2021 Sports Camp registration is taking place and registration is through Community Pass. In light of some recent changes with the Governor’s executive orders, we can now look to re-open the Senior Center perhaps toward the end of the month. We will look forward to welcoming our seniors back in the coming days. Opening of the basketball courts at the Pal will also be taking place sometime next week. Summer Park Camp Day will be back at our parks on a weekly basis. Sign-ups are taking place. The Juneteenth Essay Contest deadline will be extended to June 25th. Two prizes will be awarded for \$100 each for one Middle School student and one High School student. Prizes are sponsored by two local businesses.

Council President White – thank the Council for extending the outdoor temporary dining this evening until October 2021. It’s a great opportunity to help our local restaurants out by encouraging more people to patronize their restaurant. We did this last year as well which seemed to help some businesses. Council President White went on to report progress.

Mayor Anesh – reported that the total to date Covid cases in South Plainfield are 2,900 with the total to date being 91,000. Mayor Anesh encouraged everyone to receive a vaccination. Mayor Anesh said he is hoping to roll back his daily reporting on Covid cases to weekly reports instead and went on to report progress.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment reiterating the aforementioned remote directions for making remote public comment.

Debbie Boyle of Van Fleet expressed appreciation to the Council for opening up the community pool for a recent school related event. Ms. Boyle asked if day passes for the pool are being offered to people out of town. Mr. Cullen said yes and explained some details in that regard. To conclude Ms. Boyle said she is hopeful that the Mayor's Wellness Committee will be able to offer flu shots this Fall.

Without further comment from the public, Mayor Anesh closed the floor from the public.

ADJOURNMENT

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Councilman Smith made a motion to adjourn at 7:35 p.m., seconded by Councilwoman Faustini and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk