

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
SEPTEMBER 6, 2022 7:05 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 7:12 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 Mott		X	
Councilman Smith	X		
Councilman White	X		
Councilman Wolak	X		
Council President Faustini	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 Smith said 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 also awaited virtual hand raises; he then unmuted all microphones. With no comments from the public in-person and virtual, Mayor Anesh closed the floor.

Authorizing the Approval of Council Minutes:

- August 15, 2022 – Agenda Meeting
- August 15, 2022 - Public Meeting
- August 15, 2022 – Executive Session

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

Proclamations: Mayor Anesh read the following proclamations in full:

Hispanic Heritage Month which was accepted by a couple members of the community, two of which were school Spanish teachers. Once teacher spoke a few words in English while the other repeated what she said in Spanish. Everyone extended a round of applause and photographs were taken by media present.

South Plainfield Junior Baseball 8U Team was read in full by Mayor Anesh who then called each team player forward to receive a certificate of acknowledgement. Everyone extended a round of applause and photographs were taken by media present.

At 7:28 p.m. Mayor Anesh called for a recess. At 7:37 p.m. Mayor Anesh called the meeting back to order.

ORDINANCES:

The following ordinance #2240 was read by Clerk Antonides by title for a second reading. Mayor Anesh opened the floor for public comment and with no comments made, closed the floor. The council had no comments.

BOND ORDINANCE #2240

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$419,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$399,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$419,000, including the sum of \$20,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$399,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of vehicles and equipment, including, but not limited to, a garbage truck and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$399,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

The following ordinance #2241 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for September 19, 2022 at 7:00 pm.

**NOTICE OF INTRODUCTION BY SUMMARY
ORDINANCE 2241**

AN ORDINANCE THAT AMENDS ORDINANCE 2129 AND 2160 THAT PROVIDES FOR THE COMPENSATION OF EMPLOYEES OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2020 THROUGH 2023 FOR NON-UNION PROFESSIONALS AND GOVERNING BODY

The ordinance #2241 read by title upon first reading herewith has been introduced at the meeting of the Mayor and Borough Council of the Borough of South Plainfield, held on August 15, 2022. In summary, this ordinance amends Ordinances 2129 and 2160 to now include the positions of Recreation Leader and Chief Assistant Assessor and it further eliminates the position of Assistant Zoning Officer. The public hearing where further consideration will be made will be held on September 6, 2022, at approximately 7:00 p.m. at the Municipal Building located at 2480 Plainfield Avenue, South Plainfield, NJ. A full complete copy of this ordinance shall be provided, free of charge prior to adoption, to all those who request said copy at the Borough Clerk's office during normal business hours of 8 a.m. to 4 p.m. or emailed upon request. A copy is also located on the municipal website and may be freely viewed and printed.

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

RESOLUTIONS:

RESOLUTION: 22-273

AUTHORIZING THE REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$1810.43 PERTAINING TO 3310 BRENDA PLACE IN SOUTH PLAINFIELD

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

OWNER/ADDRESS

Block 227 Lot 14
Jeremy Strausser
\$1810.43

MAKE CHECK PAYABLE TO:

Jeremy Strausser
3310 Brenda Place
South Plainfield, N.J. 08752

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Chief Financial Officer is hereby authorized to issue a check(s) in the amount(s) as mentioned above.

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

RESOLUTION 2022-274

RESOLUTION AUTHORIZING SETTLEMENT OF 2018 and 2019 TAX APPEALS FILED BY NORTH-EAST REALTY LLC BY IAN V. LAGOWITZ, RECEIVER AND 2020 TAX APPEAL FILED BY 1001 DURHAM PARTNERS LLC, FOR THE PROPERTY KNOWN AS 1001 DURHAM AVENUE AND IDENTIFIED AS BLOCK 550, LOT 4.01, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, North-East Realty LLC by Ian V. Lagowitz, Receiver and 1001 Durham Partners LLC (hereinafter referred to as “Taxpayers”) are the owners of the property known as 1001 Durham Avenue and identified as Block 550, Lot 4.01, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$3,059,380 for the years under appeal; and

WHEREAS, Taxpayers filed appeals of their 2018, 2019 and 2020 tax assessments in the Tax Court of the State of New Jersey under docket numbers 003964-2018, 003879-2019 and 004794-2020; and

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

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

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

- The 2018 tax assessment shall be affirmed and remain unchanged at a total tax assessment of \$3,059,380;
- The 2019 tax assessment shall be affirmed and remain unchanged at a total tax assessment of \$3,059,380;
- The 2020 original assessment in the amount of \$3,059,380 shall be reduced to \$2,350,000 and the Borough of South Plainfield shall provide Taxpayers with a corresponding tax refund for 2020;
- Taxpayers waive application of the provisions of N.J.S.A. 54:51A-8 (Freeze Act);
- All Counterclaims are withdrawn as part of the settlement;
- Taxpayers agree to waive statutory interest provided the tax refund is made payable to “North-East Realty LLC by Ian V. Lagowitz, Receiver and 1001 Durham Partners LLC” and forwarded to Zipp & Tannenbaum, LLC, attorneys for Taxpayers, 280 Raritan Center Parkway, Edison, New Jersey 08837 within 60 days of the date of entry of the Tax Court Judgments.

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 Taxpayers without prejudice to its dealing with any other South Plainfield taxpayer’s request for tax assessment reduction.

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 a \$2,350,000 total tax assessment for the 2020 tax year for Block 550, Lot 4.01.
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 North-East Realty LLC by Ian V. Lagowitz, Receiver and 1001 Durham Partners LLC under Docket Nos.: 003964-2018, 003879-2019 and 004794-2020 for the property known as 1001 Durham Avenue and identified as Block 550, Lot 4.01 on the Borough of South Plainfield Tax Assessment Maps which affirms the 2018 and 2019 total tax assessments on the Property in the amount of \$3,059,380; which reduces the 2020 total tax assessment on the Property from \$3,059,380 to \$2,350,000; which provides that Taxpayers waive application of the provisions of N.J.S.A. 54:51A-8 (Freeze Act); which provides that all Counterclaims are withdrawn as part of the settlement; which provides that the tax refund resulting from the settlement shall be made payable to “North-East Realty LLC by Ian V. Lagowitz, Receiver and 1001 Durham Partners LLC” and forwarded to Zipp & Tannenbaum, LLC, attorneys for Taxpayers, 280 Raritan Center Parkway, Edison, New Jersey 08837 within 60 days of the date of entry of the Tax Court Judgments; and which provides that Taxpayers agree to waive statutory interest provided the refund is paid within 60 days of the date of entry of the Tax Court Judgments.
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				
Councilwoman Mott						X	
Councilman Smith	X		X				
Councilman White		X	X				
Councilman Wolak			X				
Council President Faustini			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 22-275
AUTHORIZING THE PERMANENT PART-TIME HIRING OF RYAN MASSETT AS DPW LEVEL I AT AN HOURLY RATE OF \$14.50 WITH NO BENEFITS

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 Ryan Massett on a permanent part-time basis without benefits to DPW Level I at the hourly rate of \$14.50; 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
4. Anne Daley, Benefits
5. Carmella Miller, Payroll
6. John Abbruzzese, IT

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

RESOLUTION: 22-276
AUTHORIZING A ROAD OPENING PERMIT REFUND
IN THE AMOUNT OF \$80.00 TO PSE&G

WHEREAS the DPW Superintendent confirms that the road opening request for 1007 New Brunswick Avenue, a county owned road, was in error submitted to the Borough instead of the County, and as such, PSE&G has requested a refund for same.

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(s) in the amount(s) of \$80.00 to the following:

Public Service Electric & Gas Company
 Plainfield Gas Distribution
 40 Rock Avenue
 Plainfield, NJ 07063

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Chief Financial Officer is hereby authorized to issue a check(s) in the amount(s) as mentioned above.

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

RESOLUTION 22-277

AUTHORIZING THE DISPOSAL OF IT EQUIPMENT THAT IS DEEMED TO HAVE OUTLIVED ITS USEFUL LIFE, IS PERMANENTLY DAMAGED, OR HOLDS NO MONETARY VALUE

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes John Abbruzzese, IT Officer, to dispose of the following items deemed to have outlived its useful life and/or is permanently damaged, and/or that holds no monetary value:

Courtroom Amplifier for Soundsystem:

**Bogen Amp
 S/N 181500087
 Model GS60D**

2348 Dell Optiplex 3010

Savin 8025 S/N K8565800136

BE IT RESOLVED that the aforementioned item(s) are also to be removed from the Borough of South Plainfield’s asset inventory; 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. John Abbruzzese, IT Department

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

RESOLUTION 22-278
AUTHORIZING THE CANCELLATION OF TAXES PERTAINING TO 313 WADSWORTH AVENUE IN SOUTH PLAINFIELD

WHEREAS, property known as Lot 3, in Township Block 32, more commonly known as 313 Wadsworth Avenue in South Plainfield, NJ is owned by **Debra & Fernando Moreira**;

AND, WHEREAS, a house fire occurred in April 2022 at this property, causing the Tax Assessor to reduce the assessed value from \$75,800 to \$57,600;

AND, WHEREAS, the Tax Bills for the four quarters of Calendar Year 2022 were generated from the 2021 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 2nd quarter of 2022 in the amount of **\$195.35**; and

BE IT FURTHER RESOLVED, that the tax collector be, and she hereby is, authorized and directed to cancel taxes for the 3rd and 4th quarters of 2022 in the amount of **\$614.25**; and

BE IT FURTHER RESOLVED, that the tax collector be, and she hereby is, authorized and directed to cancel taxes for the 1st and 2nd quarters of 2023 in the amount of **\$600.15**; 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 credit(s) in the Amount(s) of **\$195.35** as mentioned above.

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

RESOLUTION: 22-279
AUTHORIZING THE CANCELLATION OF TAXES FOR 100% DISABLED VETERAN PERTAINING TO 102 CYBOWSKI COURT IN SOUTH PLAINFIELD

WHEREAS, property known as Lot 26 in Township Block 238 more commonly known as 102 Cybowski Court in South Plainfield, NJ is owned by **Shane & Kaitlyn McCoid**; and

WHEREAS, Shane McCoid, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A. 54:4-3.30, causing his property to be exempt from taxation at the local level commencing on **December 20, 2021** as verified by the Tax Assessor; and

WHEREAS, the Tax Bills for the four quarters of Calendar Year 2022 were generated from the 2021 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 tax bills for 2022, while the property is correctly classified as being Tax Exempt for the same period;

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 2nd quarter of 2022 in the amount of **\$897.84**; and

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel and refund monies levied for the 3rd quarter of 2022 in the amount of **\$2,886.76**; and

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 4th quarter of 2022 in the amount of **\$2,759.62**; and

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 1st and 2nd quarters of 2023 in the amount of **\$5,516.72**.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Chief Financial Officer is hereby authorized to issue a check(s) in the amount(s) of **\$2,886.76**, as mentioned above.

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

**RESOLUTION 22-280
AUTHORIZING THE HIRING OF MICHELLE SELLINGER
AS PART-TIME TELECOMMUNICATOR AT THE PER DIEM TRAINING RATE
OF \$22.50/HOUR AND UPON COMPLETION OF TRAINING
TO BE PAID AT THE HOURLY PER DIEM RATE OF \$31.00**

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

It hereby authorizes the hiring of Michelle Sellinger as part-time Telecommunicator for the South Plainfield Police Department at the per diem training rate of \$22.50 and upon completion of training to be paid at the hourly per diem rate of \$31.00, and

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

1. Amy Antonides, Municipal Clerk
2. Carmela Miller, Payroll
3. Anne Daley, Benefits
4. Sgt. James McConville, Police Department
5. John Abbruzzese, IT

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

**RESOLUTION 22-281
AUTHORIZING AWARD OF A CONTRACT TO PABCO INDUSTRIES, LLC FOR
BIODEGRADABLE AND RECYCLABLE LEAF BAGS
FOR THE BOROUGH OF SOUTH PLAINFIELD
IN AN AMOUNT NOT TO EXCEED
THE PER UNIT PRICE OF \$0.5484/NOT TO EXCEED \$33,563.00
DUE TO PURCHASE IN FULL PALLET INCREMENTS**

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:11 any expenditure of public funds in excess of \$17,500 requires the advertisement for proposals for delivery of said goods or services; and

WHEREAS, a need has been determined to provide biodegradable and recyclable leaf bags for the Borough of South Plainfield citizens; and

WHEREAS, the Request for Proposals (hereinafter RFP) were solicited and opened on Tuesday, August 30, 2022 at 10:00 a.m. and the following was the only proposal submitted:

- Pabco Industries, LLC \$0.5484/unit in an amount not to exceed *\$33,563.00 *in full pallet increments
- Blink Marketing Inc. DBA Blink Swag \$2.080/unit in an amount not to exceed \$124,800.00

WHEREAS, the RFP has been reviewed by the Borough Engineer, and the Borough Attorney, and it is their recommendation that the RFP from Pabco Industries, LLC. for biodegradable and recyclable leaf bags in the amount not to exceed \$33,563.00 (\$0.5484 per bag) be accepted and a unit price contract be awarded; and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available in the 2022 current budget account;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that authorization is hereby given to award a unit price contract to Pabco Industries, LLC for biodegradable and recyclable leaf bags at a cost not to exceed \$33,563.00 (\$0.5484 per bag).

FURTHER BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement with Pabco Industries, LLC., the lowest responsible provider for the services described.

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

RESOLUTION 22-282
AUTHORIZING AN OUTSTANDING PAYMENT THAT PERTAINS TO THE POOL LINER
INSTALLER DIRECTLY TO A SUBCONTRACTOR KNOWN AS “SINHUME OF AMERICA
INC.” FOR WORK PERFORMED IN GOOD FAITH IN AN AMOUNT NOT TO EXCEED
\$38,082.10, AND REDUCING THE CONTRACT AWARD AMOUNT TO MIDATLANTIC
CONSTRUCTION & DESIGN FOR SAME FOR FAILURE TO PAY THEIR
SUBCONTRACTOR “SINHUME OF AMERICA INC.” DIRECTLY

WHEREAS, Sinhume of America, Inc. was retained as a subcontractor by the general contractor, Midatlantic Construction & Design, Inc. to provide and install the liner for the community pool; and

WHEREAS, Sinhume completed work, but Midatlantic refused to make payment despite payment by the Borough to Midatlantic; and

WHEREAS, further work on the liner was necessary to open the pool and in order to have Sinhume perform such necessary work, the Borough guaranteed payment to Sinhume for its work; and

WHEREAS, Midatlantic continues to refuse payment to Sinhume despite Sinhume having performed its work in a satisfactory manner;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes an outstanding payment pertaining to the pool liner installer for the South Plainfield Community Pool to directly pay the {A1298313.1 }

project subcontractor known as “Sinhome of America Inc.” in an amount not to exceed \$38,082.10, and as such, reduce the contract award amount to Midatlantic Construction & Design for the amount not to exceed \$38,082.10 for the failure to pay their subcontractor “Sinhome of America Inc.” directly for work performed in good faith on behalf of the Borough of South Plainfield; and

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

1. Glenn Cullen, CFO/Administrator
2. Paul Rizzo, Esq.
3. Amy Antonides, Municipal Clerk

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

TABLED....NOT VOTED ON THIS EVENING

RESOLUTION 22-283

AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY CARROLS LLC FOR PUBLIC IMPROVEMENTS TO BLOCK 56, LOT 1 AND ACCEPTANCE OF THE MAINTENANCE BONDS IN THE AMOUNT OF \$2,556.45

RESOLUTION 22-284

AUTHORIZING THE HIRING OF TIER 1 LIFEGUARDS FOR THE COMMUNITY POOL

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, New Jersey that at the recommendation of the Director of Recreation, authorization is hereby given for employing the following people as Tier 1 Lifeguards retroactive to August 25, 2022 for seasonal work at the South Plainfield Community Pool at rates pursuant to the Salary Ordinance 2228:

Lifeguard – Tier 1

- Debora Lopez
- Nichole Parisi
- Mark Santiago

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

CORRESPONDENCE:

- There were no matters for correspondence this evening.

PAYMENT OF BILLS

Current Fund	1-01	426.00
Current Fund	2-01	447,113.80
Pool Utility	1-26	0.00
Pool Utility	2-26	6,128.05
Sewer Utility	1-07	0.00
Sewer Utility	2-07	1,119,451.11
Sewer Utility Capital	C-08	0.00
General Capital	C-04	164,962.88
Pool Capital	C-27	3,015.00
Election Account	E-18	0.00
Grant Fund	G-02	47,895.69
Dog Trust	T-12	0.00
Treasurers Trust	T-13	33,734.80
Recreation Trust	T-14	3,220.00
Senior Citizen Trust	T-16	0.00
Total All Funds:		\$1,825,947.33

*Vote as amended to show total of \$1,823,594.33

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – reported that the community pool is operating at a profit and then went on to report progress.

Engineer Miller – reported progress.

Clerk Antonides – reported progress.

Councilman Smith – said the Labor Day Parade was awesome and thanked all the residents for coming out to show their support. On another note, September 17, 2022 is the Fall Clean-Up day and all Council members are asked to participate again beginning at 9am.

Councilman Wolak – echoed Councilman Smith’s comments pertaining to the Labor Day Parade saying everyone did a really great job and went on to report progress.

Councilwoman Mott – was absent this evening.

Councilman Bengivenga – reported progress.

Council President Faustini – said she is happy to hear the community pool is profiting. Fall Sports registration is still open and there is a little something available for everyone. Kudos to the Public Celebration Committee for all their hard work with putting the Labor Day Parade together. The fireworks have been rescheduled to this Saturday at 8:30 p.m. due to inclement weather on Monday night.

Councilman White – reported progress.

Mayor Anesh –reported it was a great parade despite an incident that occurred. There was a hate group that tried to insert themselves in our parade. Mayor Anesh said he doesn't know anything about them, they were not invited nor are they welcome. Mayor Anesh said the police did a very nice job at keeping the peace and treating them like any other protestor. They were not parade marchers in our parade, despite some social media comments to the contrary. Those comments were disturbing and wrong. To be clear, the police did not allow them into the parade. They were behind the parade as protestors. None of us condone, welcome or share their beliefs.

COMMENTS FROM THE PUBLIC:

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

Roberto Sayers of 411 West Crescent and Chair of the Human Relations Committee said this town does not have a level of hate in it and joins the council in condemning this hate group.

Mr. Scott Miller of 19 Babes Drive and member of the Public Celebrations Committee said we had a heck of a great day with the parade and was proud to be a part of it. There was an incident, but it handled very well. Everyone loved the parade, and we had more entries than ever before. Mr. Miller thanked the DPW and Public Celebrations Committee for all their work, as well as the community at large.

Mr. Daryle Lamont Jenkins, Director of One People's Project, from Franklin Township said he is responsible for the video taken and posted to Twitter. He said he apologizes for it saying the police were in no way escorting the hate group. He's dealt with this group for the past 4 years and is trying to bring awareness to communities. Mr. Jenkins said he is grateful to be here today to hear what the community has to say about what occurred and is so glad this was unstifled by this community and is being addressed.

Mr. Jim Dabrowski of Woodbridge said he saw the story and felt compelled to come here tonight to help educate everyone about how bad this group is. This group tries continuously to insert themselves and recruit members. They are known to hand stickers on polls to try to gain membership.

A member of Antifa from Elizabeth said that when we see white supremacy show up in our communities its dehumanizing. It is always best to be reactive and not ignore this incident. We must recognize this deep hatred and stand up and learn from it.

Without further comment from the public, Mayor Anesh closed the floor from the public and advised that we will be going into Closed Session at this time, 8:03 p.m., and everyone is welcome to stay if they choose.

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 8:39 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk