

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
FEBRUARY 21, 2023 7:04 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 7:04 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
Councilwoman Faustini	X		
Councilwoman Mott	X		
Councilman Smith	X		
Councilman White	X		
Councilman Wolak	X		
Council President Bengivenga	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller		X	

Flag Salute: was led by Mayor Anesh and Councilwoman Faustini 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:

February 6, 2023 – Agenda Meeting
February 6, 2023 - Public Meeting
February 6, 2023 – Executive Session

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

ORDINANCES:

The following ordinance #2258 was read by Clerk Antonides by title for a second reading. Mayor Anesh opened the floor for public comment and council comment. With no comments from the public or council, Mayor Anesh closed the floor.

ORDINANCE 2258
AN ORDINANCE FOR THE BOROUGH OF SOUTH PLAINFIELD AMENDING
CHAPTER 17, ARTICLE IV OF THE CODE OF THE BOROUGH

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 17, titled Boards, Committees and Commissions, Article IV titled Business and Economic Development Advisory Group be revised as follows:

DELETE: Section 17-26. Meetings; Chairperson.

ADD: Section 17:26. Meeting; Chairperson.

The Business and Economic Development Advisory Group shall meet regularly as they shall deem necessary and shall, at the first meeting, elect one from its members a chairperson, who shall preside over all meetings.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

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

The following ordinance #2259 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for March 6, 2023 at approximately 7:00 p.m.

BOND ORDINANCE #2259

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$2,721,067 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,995,107 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,721,067, including a grant from the State of New Jersey Department of Transportation in the amount of \$619,460 for improvements to Norwood Avenue as described in Section 3(a) (the "State Grant") and further including the aggregate sum of \$106,500 as the several down payments for the

improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,995,107 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Resurfacing and curbing and other road improvements to Norwood Avenue and other various roads, all as set forth on list on file in the Office of the Clerk and further including all work and materials necessary therefor and incidental thereto.	\$1,997,317 (includes a \$619,460 grant from the State of New Jersey Department of Transportation for Norwood Avenue)	\$1,306,857	10 years
b) The acquisition of sport utility vehicles for the Police Department, including all related costs and expenditure incidental thereto.	\$335,000	\$318,250	5 years
c) The acquisition of equipment and vehicles for the Department of Public Works and Code Enforcement, including, but not limited to, a sport utility vehicle, pick-up trucks, plows, trailers and mowers and further including all related costs and expenditures incidental thereto.	\$215,250	\$205,000	5 years
d) Environmental licensed site remediation professional cleanup at various sites, other environmental engineering costs and engineering costs for storm sewers, including all work and materials necessary therefor and incidental thereto.	\$173,500	\$165,000	15 years

Total		<u>\$2,721,067</u>		<u>\$1,995,107</u>	
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The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment and the State Grant, as applicable, for each purpose.

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

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.10 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 \$1,995,107, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$450,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

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

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than the State Grant referred to in Section 1 hereof, 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
Councilwoman Faustini			X				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman White		x	X				
Councilman Wolak			X				
Council President Bengivenga	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following ordinance #2260 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for March 6, 2023 at approximately 7:00 p.m.

ORDINANCE 2260

ORDINANCE THAT AMENDS ORDINANCES 2241, 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 TO AMEND THE PUBLIC DEFENDER’S SALARY

The ordinance #2260 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 February 21, 2023. In summary, this ordinance amends Ordinances 2241, 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 to now amend the Public Defenders 2023 salary to show a range between \$9,000.00 to \$17,500.00. The public hearing where further consideration will be made will be held on March 6, 2023, 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
Councilwoman Faustini			X				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman White		x	X				
Councilman Wolak			X				
Council President Bengivenga	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following ordinance #2261 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for March 6, 2023 at approximately 7:00 p.m.

ORDINANCE 2261

AN ORDINANCE DELETING AND REPLACING CHAPTER 350 OF THE CODE OF THE BOROUGH RE: RENTAL OF THE SENIOR CENTER

WHEREAS, the Mayor and Council of the Borough of South Plainfield desire to amend the Borough Code as to fees, rules and regulations for the rental of the South Plainfield Senior Center;

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 350 of the Borough Code shall be deleted and replaced as follows:

USE OF SENIOR CENTER

Section 350-1. ORGANIZATIONS UTILIZING THE SENIOR CENTER

The use of Senior Center (hereinafter “Center”) may only be permitted, without charge, to boards, commissions, committees and agencies of the Borough. Each Borough board, commission, committee and agency shall be entitled to use the Center once per year.

Borough boards, commissions, committees and agencies shall be defined as any group formed under the Borough Code and designated as a board, commission, committee or agency whose members have been appointed pursuant to the Borough Code by the Mayor or Borough Council, as the case may be. Borough boards, commissions, committees and agencies may only utilize the Center for public purposes.

Section 350-2. RESERVATION PROCEDURES

Reservation requests must be submitted at least 14 calendar days prior to the requested date. One individual shall be designated as the responsible party for the requesting board, commission, committee or agency and such person shall be the responsible party and assume the responsibility for the cleanup of the Center.

Section 350-3. ADDITIONAL USE

Any board, commission, committee and agency which has used the Center may request one additional use of the Center in any calendar year, such request to be made to the Mayor and Council who shall have full and absolute discretion in the determination of whether an additional use will be permitted to such board, commission, committee or agency.

Section 350-4. SETUP AND TAKE DOWN

Setup and take down may take place only on the date and time designated by the Center. Access to the building prior to the use time for setup must be confirmed in advance. The board, commission, committee or agency using the Center shall be responsible for all setup and take down.

SECTION 350-5. USE OF KITCHEN

Permission to use the Senior Center may include use of the kitchen. Kitchen users must make their own catering arrangements, and arrange for cleaning the kitchen after use. The kitchen shall be used for heating/warming purposes only. No cooking shall be allowed.

SECTION 350-6. SIGN AND DECORATION PLACEMENT

All signs, decorations, scenery, etc. shall be erected without defacing the facility in any way, and shall be subject to the approval of the Senior Director. All signs, decorations, scenery, etc. shall be installed and removed from the facility within the time reserved. No items or materials may be affixed to walls, doors, flooring, furniture, etc. that will leave a residue, stain, scratch, or otherwise mar the surfaces. No smoking, use of candles, open flames and/or decorations which may be flammable or combustible, smoke or fog generating equipment or apparatus shall be allowed.

SECTION 350-7. SENIOR CENTER'S CLEANING STAFF

The Senior Center's cleaning staff shall ensure the Center is cleaned following the event. Only Senior Center staff shall be allowed to take down tables or chairs following the event. While the Center's cleaning staff does the cleaning, the board, commission, committee or agency shall remain responsible for the following:

- A. Cleaning of rooms:
 - 1. Removal of decorations and personal items from the facility.
 - 2. Place all garbage into the garbage cans.
 - 3. Pour all liquids down the drain, and do not place in garbage cans.

- B. Cleaning of kitchen if used:
 - 1. Empty all garbage containers into the outside dumpster.
 - 2. Wipe off all countertops (dish towels are available in kitchen).
 - 3. Empty coffee maker and clean coffee pots.
 - 4. Put all items back in the respective areas.
 - 5. Do not remove towels from kitchen areas, hang over sink to dry.
 - 6. Do not use dish towels to clean up spills or for cleaning purposes.
 - 7. Do not remove any item which belongs to the Center.
 - 8. Users shall bring their own containers to take leftovers from the Center.

Failure to follow these cleaning guidelines may result in the withholding of permission to use the Senior Center in the future.

SECTION 350-8. NO SMOKING POLICY

The Senior Center is a NON-SMOKING FACILITY. Smoking is permitted outside only, and all cigarette butts must be deposited in containers provided.

SECTION 350-9. NO ALCOHOL ALLOWED

Alcohol is not permitted in the Senior Center or on its grounds.

SECTION 350-10. SECURITY

The Senior Center Director may, at their discretion, require security permits. Security will be provided by the Center at a charge. The board, commission, committee or agency shall be responsible for paying the charge. Security may be requested by the board, commission, committee or agency, or may be required by the Director in the Director’s sole discretion.

SECTION 350-11. INJURY/LOST ARTICLES

The Borough of South Plainfield and the Center assume no responsibility for accidents, injuries, lost or damaged articles while attending a meeting or event of a group.

SECTION 350-12. FIRE REGULATIONS

A fire permit application must be completed and returned to the Senior Center, along with final payment. The Center staff shall provide a copy of the application to the board, commission, committee or agency. The application may be filled out and mailed, faxed or dropped off to the Bureau of Fire Prevention, 123 Maple Avenue, South Plainfield, New Jersey 07080.

All groups must observe the following fire regulations:

- A. Use of open flames is prohibited.
- B. Electrical extension cords and decorations must be flame proof.
- C. Exits, corridors and hallways must be free of obstructions at all times.
- D. Persons may never stand in aisles of exit.
- E. Maximum capacity numbers in rooms must be observed.

SECTION 350-13. NOTICE OF RESPONSIBILITY/LIABILITY

The Borough of South Plainfield and the Center shall be responsible only to maintain the building and its structural components and systems, such as plumbing, lighting and electricity in a safe and operable condition. Neither the Borough nor the Center shall be responsible for the conduct of persons participating in events held at the facility. It shall be the board, commission, committee or agency’s responsibility to see that all participants use the facility in a safe and reasonable manner and obey all laws.

It shall be the board, commission, committee or agency’s responsibility to see that all participants use the facility in a safe and reasonable manner and obey all laws.

SECTION 350-14. POLICY EXCEPTIONS:

Any exceptions or variations to this policy will require the prior approval of the Mayor and Council. Requests must be made in writing and accompany the written application for use of the Senior Center. The Mayor and Council have the final authority for all decisions.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

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

The following ordinance #2262 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for March 6, 2023 at approximately 7:00 p.m.

ORDINANCE 2262

AN ORDINANCE CREATING THE AH-5 AFFORDABLE HOUSING ZONE

WHEREAS, Durham Plaza is the owner of certain property identified as Block 541, Lot 10.02 (the “Property”) as shown on the Tax Map of the Borough of South Plainfield, which consists of approximately 3.399 acres in total;

WHEREAS, on December 30, 2008, the Borough petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation based on rules appearing at N.J.A.C.5:97 and on October 14, 2009 received substantive certification from COAH; and

WHEREAS, the rules that appear at N.J.A.C. 5:97 and on which the Borough's substantive certification was based were subsequently invalidated by the Superior Court, Appellate Division, in a decision that was affirmed by the New Jersey Supreme Court; and

WHEREAS, in a decision dated March 10, 2015, In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the New Jersey Supreme Court found that COAH did not provide an adequate forum for demonstrating compliance with the Mount Laurel doctrine; and

WHEREAS, the New Jersey Supreme Court established a transitional process in which municipalities, instead of proceeding through the COAH process, could file declaratory judgment actions focused on whether the municipality's housing plan meets its Mount Laurel obligations; and

WHEREAS, the New Jersey Supreme Court provided that a trial court's evaluation of a municipality's plan that had received substantive certification, as supplemented or amended, may result in the municipality's receipt of the judicial equivalent of substantive certification and accompanying protection as provided under the Fair Housing Act of 1985; and

WHEREAS, on July 7, 2015, in accordance with the Supreme Court's decision, the Borough filed a declaratory action that is captioned In the Matter of the Borough of South Plainfield for a Judge of Compliance of Its Third Round Housing Element and Fair Share Plan, Docket No. MID-L-3994-15 ("Litigation"); and

WHEREAS, on February 15, 2017, the Borough entered into a settlement agreement with Fair Share Housing Center ("FSHC") with regard to the Litigation ("FSHC Agreement"); and

WHEREAS, the Settlement Agreement provided for, *inter alia*, the construction of 750 units with a 20% set aside, yielding 150 affordable units as part of the Colonial Oaks project ("Colonial Oaks"); and

WHEREAS, the Borough received a Final Unconditional Judgment of Repose on February 21, 2018 (the "Final Judgment"); and

WHEREAS, due to environmental constraints, the Colonial Oaks project yielded 36 fewer affordable units than had been anticipated; and

WHEREAS, due to the inaction of the Legislature, the Borough is required to address the shortfall of affordable units with the creation of new affordable units on this site; and

WHEREAS, Durham Plaza proposes to develop the Property with a residential development to provide affordable housing, which will assist in meeting the shortfall of affordable units from the Colonial Oaks project; and

WHEREAS, on or about March 2, 2022, Durham Plaza filed a motion to vacate the Borough's Final Judgment, in the alternative conduct a midpoint review hearing, appoint a special master, and permit intervention ("the Litigation"); and

WHEREAS, the Borough and Durham Plaza entered into a Settlement Agreement dated December 19, 2022 in order to resolve the Litigation, which required the adoption of the AH-5 Affordable Housing Zone herein.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of South Plainfield, that the Municipal Code is amended to include Section 540-54, titled AH-5 Affordable Housing Zone as provided for herein.

Section 1. Amending the Municipal Code to add Section 540-54, titled AH-5 Affordable Housing Zone.

§ 540-54 — AH-5 Affordable Housing Zone.

A. Purpose.

- (1) The purpose of the AH-5 Zone District is to provide multifamily residential development that contributes to the Borough of South Plainfield's municipal affordable housing obligation.
- (2) This section is designed to implement and effectuate the terms of the Consent Order in connection with an action captioned In the Matter of the Borough of South Plainfield for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan (MID-L-3994-15).

- B. Permitted uses. A building may be erected, altered, or used and a lot or premises may be occupied and used for any of the following purposes:
- (1) Principal uses:
 - (a) Inclusionary multifamily residential apartments, subject to all requirements of this section.
 - (2) Accessory buildings and uses:
 - (a) Resident amenities (e.g., mailroom, laundry facility, concierge's office, patio, terrace, dog run, multipurpose rooms, etc.).
 - (b) Swimming pools, but not public swim clubs.
 - (c) Signs.
 - (d) Fences, hedges, and a security gate(s) or guardhouse(s), subject to the provisions of this section.
 - (e) Playgrounds, gazebos, pergolas, firepits, grills.
 - (f) Trash enclosures.
 - (g) Parking (incl., surface and covered).
 - (h) Utility structures such as water meter hot boxes, electrical transformers and generators, sewer pump houses.
 - (i) Other customary accessory uses and structures which are incidental to the principal structure and use.
- C. Development standards. Development in the AH-5 Affordable Housing Zone shall comply with the standards and requirements set forth below, all of which are based on the total tract area. No variance shall be required for bulk, design, and buffer requirements on a lot developed with uses permitted under this section, where the need for such variance is caused solely by a subdivision of such lot into two or more for financing or phasing of such uses. In the event of an inconsistency between this Ordinance and any other portion of the Township's Code, this Ordinance shall govern.
- (1) All development in the AH-5 Affordable Housing Zone shall be substantially consistent with the Concept Plan annexed to this Ordinance as Exhibit A.
 - (2) The affordable units shall be distributed throughout the development and indistinguishable from market-rate units.
 - (3) Minimum tract area: 3.0 acres.
 - (4) Number of residential units: 95 (maximum). Twenty percent (20%) of all units proposed for development shall be reserved for low- and moderate-income households, including very-low-income households, subject to the standards in Chapter 504 of the South Plainfield Borough Code (Affordable Housing), the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), and the Settlement Agreement between the Borough of South Plainfield and Durham Plaza, LLC dated December 16, 2022.
 - (5) Maximum building coverage: 35%
 - (6) Maximum impervious surface coverage: 75%.
 - (7) Principal building requirements.
 - (a) Minimum setback measured from a public right-of-way line to building foundation (eaves and gutters are excluded from measurement): 35 feet.
 - (b) Minimum perimeter setback (measured from all lot lines not fronting on a public right-of-way; eaves and gutters are excluded from measurement): 45 feet.
 - (c) Minimum setback from interior private road: 15 feet, unless a particular roadway segment is providing direct access to a covered parking area.
 - (d) Minimum setback from parking lots: 8 feet.
 - (e) Maximum building height.
 - [1] Except where otherwise permitted, the buildings shall not exceed three stories over a parking level, which level may include other uses ancillary to the residential use above (e.g., interior amenities, lobby space, mechanical rooms, etc.) or 55 feet in height. Loft spaces constructed

substantially within a pitched roof or mansard roof will not be considered an additional story. Loft spaces shall not be used as additional bedrooms.

- (8) Accessory building requirements.
 - (a) Accessory buildings shall be limited to a height of 15 feet.
 - (b) Minimum setback measured from public right of way:
 - [1] Main Street: 15 feet
 - [2] Durham Avenue: 30 feet
 - (c) The perimeter setbacks shall be a minimum of 10 feet.
 - (d) Accessory buildings attached to a principal building shall comply with the setbacks of the principal building.
 - (e) A security gate and/or guardhouse shall be setback a minimum of 5 feet from the Main Street right of way.
- (9) Façade and exterior wall treatments.
 - (a) Facades may be clad in any combination of brick, stone, vinyl or composite siding, vinyl, or stucco.
 - (b) Each principal building with a façade of more than 200 feet shall not exceed 80 feet without a change in façade architecture, including an articulation over a length of at least 6 linear feet, which may include changes in setback, façade color, texture, or design, in order to bring about a varied composition. Parking levels are excluded from this requirement.
- (10) Roof treatments.
 - (a) Roofs may be pitched, gabled, mansard, or flat;
 - (b) All pitched roofs shall be finished with asphalt “dimensional”-type, wood, slate, or slate composite shingles.
- (11) All buildings containing a principal use shall incorporate architectural features, including, but not limited to, pitched roofs, varied rooflines, or, in the case of a flat roof design, parapets at the uppermost story to help reduce the visual impact of the building height.
- (12) Purely decorative roof appurtenance, such as decorative lanterns, chimneys, cupolas, among others, shall not be restricted by the required building height.
- (13) Building location and configuration shall be designed in a manner to provide light, air, and open space and reduce the feeling of a continuous “wall” right along the public right-of-way.

D. Parking requirements.

- (1) Parking shall comply with the requirements of the Zoning Ordinance of the Borough of South Plainfield.
- (2) A 10% compact car allowance is permitted.

E. Signage requirements.

- (1) Signage shall conform with the Borough’s except that, in the Applicant’s discretion, project identification signs may be provided at the following locations:
 - (a) One project identification sign located at the entrance to the premises at the entrance located on Durham Avenue.
 - (b) One project identification sign located at the entrance to the premises at the entrance located on Main Street.

F. Conflict

- (1) To the extent this AH-5 ordinance specifically conflicts with another section of the Borough’s land use ordinance, the terms of this ordinance shall control.

Section 2. Passage and Effect

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

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

RESOLUTIONS:

RESOLUTION 23-97

AUTHORIZING APPLICATION TO THE MIDDLESEX COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR A 2023 COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE PURPOSE OF IMPROVEMENTS

WHEREAS, the Borough of South Plainfield wishes to apply to Middlesex County Housing and Community Development Agency for discretionary aid; and

WHEREAS, the Borough’s Citizen Advisory Committee met to discuss possible uses of the 2023 CDBG funding; and

WHEREAS, the Governing Body of the Borough of South Plainfield held a public hearing on February 21, 2023 to elicit input from Borough residents on the best uses for the 2023 CDBG;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of South Plainfield do hereby make application to Middlesex County Housing and Community Development for discretionary aid to be used for the following proposed uses:

Senior Center Salary	\$12,500.00
Website Accessible Update	\$18,000.00
Accessible Ramps	\$49,542.00
TOTAL	\$80,042.00

BE IT FURTHER RESOLVED that a certified copy of this resolution will be forwarded to the Director of the Middlesex County Housing and Community Development Agency.

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

RESOLUTION 23-98

AUTHORIZING EDGEWOOD PROPERTIES TO SERVE AS ADMINISTRATIVE AGENT TO MARKET AGE RESTRICTED AFFORDABLE APARTMENTS AT CELEBRATIONS IN SOUTH PLAINFIELD, NJ

WHEREAS, Edgewood Properties is building 68 age restricted affordable apartments at a project known as Celebrations in South Plainfield within the Borough; and

WHEREAS, Edgewood Properties has requested authorization of the Borough to affirmatively market such units to include marketing, qualifying applicants, and ensuring certification requirements; and

WHEREAS, Edgewood Properties has experience in performing such services, and has been designated as an administrative agent to perform such services in other municipalities within the geographical area close to the Borough; and

WHEREAS, Edgewood Properties will be renting such units to certified, income qualified veterans and other applicable applicants;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Edgewood Properties is hereby authorized to administer the 68 age restricted affordable apartments at Celebrations in South Plainfield to provide such units to income qualified veterans, to include marketing, applicant certification and ensuring certification requirements which the Mayor is hereby authorized to sign.

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

**RESOLUTION 23-99
AUTHORIZING THE FULL-TIME HIRING OF REBECCA SIKANOWICZ AS
TELECOMMUNICATOR AT THE SALARY OF \$50,827.44 EFFECTIVE FEBRUARY 22, 2023**

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

It hereby authorizes the full-time hiring of Rebecca Sikanowicz as Telecommunicator for the South Plainfield Police Department at the salary of \$50,827.44 effective February 22, 2023, 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
Councilwoman Faustini			X				
Councilwoman Mott		X	X				
Councilman Smith			X				
Councilman White			X				
Councilman Wolak	X		X				
Council President Bengivenga			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 23-100
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:

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

1234 Okidata Microline 321

No Tag Epson StylusColor 600

{A1298313.1 }

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
Councilwoman Faustini			X				
Councilwoman Mott		X	X				
Councilman Smith			X				
Councilman White			X				
Councilman Wolak	X		X				
Council President Bengivenga			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 23-101
AUTHORIZING A 2023 TEMPORARY BUDGET AMENDMENT FOR \$700,000.00
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 2023 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
3-01-20-145-000-101	Tax Collection	S&W		25,000.00
3-01-20-155-000-221	Legal	O&E		15,000.00
3-01-21-185-000-101	Zoning	S&W		10,000.00
3-01-23-220-000-621	Health Benefits	O&E		200,000.00
3-01-25-240-003-241	Crossing Guards	O&E		20,000.00
3-01-26-290-002-435	Road Repairs & Maintenance	O&E		15,000.00
3-01-26-290-003-321	Snow	O&E		5,000.00
3-01-26-310-000-415	Buildings & Grounds	O&E		15,000.00
3-01-26-310-000-445	Buildings & Grounds	O&E		10,000.00
3-01-26-315-000-401	Vehicle Maintenance	O&E		15,000.00
3-01-28-370-001-204	Recreation	O&E		5,000.00
3-01-28-370-001-255	Recreation	O&E		7,000.00
3-01-28-370-003-235	Cultural Arts	O&E		2,000.00
3-01-29-390-000-235	Library	O&E		165,000.00
3-01-30-415-001-101	Accumulated Leave	O&E		25,000.00
3-01-31-440-001-541	Telephone	O&E		20,000.00
3-01-31-465-001-565	Gas	O&E		15,000.00
3-01-36-472-000-675	SSI	Statutory		21,000.00
3-01-44-901-000-235	Capital Improvement Fund	Capital		110,000.00
Total CURRENT FUND				700,000.00

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

**RESOLUTION 23-102
AUTHORIZING THE MAYOR TO EXECUTE AN ACCESS AGREEMENT
WITH THOMAS PALUMBO**

WHEREAS, Thomas Palumbo is the owner of property known as 933 Franklin Avenue within the Borough, also known as Lot 113 in Block 152 on the Tax Map of the Borough; and

WHEREAS, there currently exists a storm sewer culvert which is blocked on the property of Thomas Palumbo; and

WHEREAS, Thomas Palumbo is willing to allow access to permit the Borough to perform such work as is necessary to clear the blockage and otherwise perform work for stormwater management at such site;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Mayor is hereby authorized to execute an Agreement to permit access to the property owned by Thomas Palumbo known as 933 Franklin Avenue, Lot 113 in Block 152, to permit stormwater management work at a culvert on such property, a copy of which Agreement is attached hereto.

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

**RESOLUTION: 23-103
AUTHORIZING THE PUBLIC AUCTION BY THE POLICE DEPARTMENT FOR ABANDONED UNCLAIMED
VEHICLE(S)**

WHEREAS, the South Plainfield Police Department in accordance with R.S. 39:10A-1, are in possession of abandoned vehicles due to the failure of the owners claiming such and are now desirous of conducting a public auction on Friday, March 17, 2023 at 11:00 a.m. at 2480 Plainfield Avenue, South Plainfield, New Jersey for the following abandoned vehicles:

YEAR	MAKE	MODEL	VIN#	STATUS	MIN. BID
2008	Lincoln	MKZ	3LNHM26TX8R661711	Fair	\$1,000.00
2009	COTC	Utility Trailer	4YMCL10175G029493	Fair	\$1,000.00
2021	Spark 150i	Motorcycle	LL0TCKPG8NYS05356	Fair	\$1,000.00

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the South Plainfield Police Department are hereby authorized to publicly advertise and auction the aforementioned vehicles deemed to be abandoned by their owner(s).

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

CORRESPONDENCE:

- CDBG Minutes – January 18, 2023
- Green Acres Compliance Inspection Report - Putnam Park

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

PAYMENT OF BILLS

Current Fund	3-01	111,800.68
Current Fund	2-01	27,776.31
Pool Utility	3-26	0.00
Pool Utility	2-26	0.00
Sewer Utility	3-07	3,092.40
Sewer Utility	2-07	1,863.00
Sewer Utility Capital	C-08	600.00
General Capital	C-04	13,521.00
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	3,117.23
Dog Trust	T-12	6,607.20
Treasurers Trust	T-13	175.50
Recreation Trust	T-14	140.00
Senior Citizen Trust	T-16	0.00
Total All Funds:		\$168,693.32

*as amended with the addition to account 3-07 of \$15,250.00 for a new total of \$183,943.32

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – advised that the DPW Superintendent is very happy as it appears we will end February with having only two salting episodes. Regarding Ordinance 2259 this evening it includes a \$619,000 NJDOT grant for Norwood Avenue. We recently received a compliance report for the Putnam Park project which was a very nice report. The bid specs pertaining to this project are under development. A turf field ordinance will be forthcoming, though we are awaiting to hear confirmation of grant funding for that project. We were very pleased with a recent meeting we had at the Cornell site. A lot of trees were removed. Other phases that are

larger will occur this summer. The Legends Camp opened last Monday and seems to very popular so far. Swim sign-ups are also underway. The sewer bills are due on March 1st. The Borough's AFS should be finalized by the end of this week.

Engineer Miller – was absent this evening.

Clerk Antonides – reported progress.

Councilman Smith – reported progress.

Councilman Wolak – reported progress.

Councilwoman Mott – reported that volunteer Litter Clean-up Day will be on Saturday April 29th beginning at 9a.m. The second annual buddy ball dance will be on Friday March 3rd from 6-8 p.m. at the Pal. The theme is Glow All Night and registrations are through the Community Pass system.

Council President Bengivenga – wished Mayor Anesh a happy birthday for this coming Friday.

Councilwoman Faustini – The registration process is open for Camp Legends and in one week's time we have taken in \$135,000 in registration fees. Spots are filling up. Registration will open up to outside of town on March 1st. If you are a South Plainfield resident it is suggested you sign-up as soon as possible. An open house will be available to speak with a camp director on March 11th. Pool registration is now open. The Recreation Department is sponsoring the bunny hop on April 1st with a rain date of April 2nd at Putnam Park in the afternoon. Techy Teams event is available at the Senior Center for Seniors this weekend for those in need of some computer assistance. To conclude there is still time for Grant students or middle school students to submit a theme for the Labor Day Parade this year.

Councilman White – reported progress.

Mayor Anesh – reported progress.

COMMENTS FROM THE PUBLIC:

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

Nancy Grennier asked when the early bird pool registration is. Councilwoman Faustini said May 1st. Mrs. Grennier asked how many builders the will be at the Durham Plaza project. Council President Bengivenga said one, three story building as for fire and safety reasons it was thought to be better to have one larger building for proper access reasons. Mrs. Grennier said she feels the new trend seems to be to keep changing zoning requirements and asked if there is anything we can do about this. Mayor Anesh said the situation with Durham Plaza arose due to the downsizing of the New Market project. Unfortunately through affordable housing obligations unmet need is something we can't control. Mrs. Grennier asked for the status of the reval. Mayor Anesh said a lot of preliminary work is taking place now, and when more is known we will let the public know. Council President Bengivenga pointed out that this will be a multi-year project. Mrs. Grennier asked who pays for it and Mr. Cullen said it's typically done through a special emergency bond. To conclude Mrs. Grennier asked if there was any status on the new ShopRite project. Councilman White said he has call in and is waiting to hear back from them.

Without no 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 White made a motion to adjourn at 7:25 p.m., seconded by Council President Bengivenga and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk