

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
MARCH 18, 2024 7:01 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 7:01 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. Mayor Anesh stated that pursuant to Article IV, Section 2 of the By-Laws, “the presiding officer shall limit such discussion to not more than a three-minute duration.”

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	
Chief Papa	X		

Flag Salute: was led by Mayor Anesh and Councilman Wolak said the invocation.

Mayor Anesh 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 announced that the format for the 2024 agenda has been slightly changed, noting that this will be the only public comment section on the agenda, and you can speak to any matter or those on the agenda. Mayor Anesh opened the floor for public comment. Mayor Anesh also awaited virtual hand raises and unmuted all microphones.

Debbie Boyle of Van Fleet advised that the theme of this year’s essay contest sponsored by the Women’s Leadership Team is “Jane Austen” which is open to grades 9-12. April 19th is the submittal deadline.

Jon Dean expressed his concerns for not receiving notice pertaining to the Harris Steel redevelopment site as he purchased two lots in the area and wants his properties to be removed from the redevelopment plan. Mr. Rizzo Esq. explained that the Planning Board has held hearings in this regard and the Board attorney sent notifications out to the entities within this site. The Boards recommendation is not for condemnation but a site that’s in need of redevelopment. Mr. Dean said he is aware of that, however he believes his property is included within the scope of the project and wants it removed as he has his own plans for the development of his property. Mr. Dean said he believes one of his two parcels is known as Block 294, Lot 1. Mr. Rizzo Esq. said he will speak to the Board attorney about this and get back to him.

Leon Gwiazdowski of 2309 Seline Avenue said he is tired of the debris around the house on his street that has been vacant and for sale. He said the backyard is terrible. Mr. Gwiazdowski said he has complained to Mr. Wolff about this many times, but nothing is ever done and was told he will turn the complaints over to the Building Department but doesn’t understand why. Mr. Cullen said he will look into it. On another note, Mr. Gwiazdowski said there is also debris issues all over the property, and some on the side of the road across the street from him in which the front of it is located on Woodland Avenue.

Carol Christatos of 2305 Selene Avenue said she looks forward to the day when she can get rid of her file of notes on this problematic property that has been sitting vacant for years. Ms. Christatos said the sign says the property has been sold but doesn't know who the new owner is. Councilwoman Mott said the property is still under contract.

With no further comments from the public in-person and virtual, Mayor Anesh closed the floor.

Authorizing the Approval of Council Minutes:

March 4, 2024 – Agenda Meeting
 March 4, 2024 - Public Meeting

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				
			6	0			
Mayor Anesh – TIE ONLY							

ORDINANCES:

The following ordinance #2297 was read by Clerk Antonides by title for a second reading. Mayor opened the floor for public hearing and with no comments from the public, closed the floor.

ORDINANCE 2297

ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$100,000 FOR THE PREPARATION OF AN APPROVED TAX MAP IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AS FOLLOWS:

Section 1. The preparation of an approved tax map for use by the local assessor in and by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), is hereby authorized, and a special emergency appropriation in the amount of \$100,000 is hereby authorized pursuant to the Local Budget Law (N.J.S.A. 40A:4-53).

Section 2. A copy of this ordinance as finally adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 3. This ordinance shall take effect in accordance with applicable law.

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

The following ordinance #2298 was read by Clerk Antonides by title for a second reading. Mayor opened the floor for public hearing and with no comments from the public, closed the floor.

ORDINANCE 2298
AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING CHAPTER 71, OFFICERS AND EMPLOYEES OF THE CODE OF THE BOROUGH TO CREATE A NEW SECTION ENTITLED “ANTI-NEPOTISM POLICY”

WHEREAS, the Mayor and Council of the Borough of South Plainfield deem it in the best interests of the public health, safety and welfare to provide fair and equal opportunities of employment and to safeguard against potential undue influence or favoritism; and

WHEREAS, the Mayor and Council wish to amend the Code of the Borough of South Plainfield to accomplish such purposes by establishment of an Anti-Nepotism Policy;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Borough Code shall be amended to add to Chapter 71 titled Officers and Employees, Article III to be titled Anti-Nepotism Policy as follows:

Section 71-16 - Purpose.

The purpose of this policy is to ensure equal opportunity and effective employment practices to include recruiting, testing, hiring compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest between officers and employees of the Borough.

Section 17-17 - Definitions.

A. **Business Relationship** - Service as an employee, tenant, landlord, independent contractor, compensated consulting, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or any other transaction where the employee’s annual interest, compensation, investment or obligation is greater than \$250.00.

B. **Conflict of Interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee’s action, inaction or decisions are or may be influenced by the employee’s personal and/or business relationship with another employee.

C. **Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official to influence these personnel decisions.

C. **Personal Relationships** - Marriage, cohabitation, co-parenting, dating or any other intimate relationship beyond mere friendship or coworkers.

D. **Public Official** - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

E. **Relative** – A spouse, domestic partner, cohabitant, parent, child, adopted child, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, in-law (applies to parents and siblings of a spouse), half-relative (applies to parents and siblings), or a person with whom a significant committed relationship exists (living together for more than 12 months).

- F. **Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.
- G. **Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

Section 17-18 - Restrictions and Assignments

A. The Borough of South Plainfield will not prohibit all personal or business relationships between employees. However, to minimize the potential for nepotism or other inappropriate conflicts of interest, the following restrictions shall apply:

1. Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they have a personal or business relationship.
 - a. If extraordinary circumstances require that a supervisor/ subordinate relationship exists temporarily (i.e., an employee is held over past their normal shift hours to complete a report), the involved supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to a supervisor where no conflict exists.
 - b. When personnel and circumstances permit, the Borough of South Plainfield will make reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Borough reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
 - c. Supervisory personnel will make reasonable efforts to avoid scheduling employees to the same shift as a relative, or someone with whom they have a business or personal relationship.
2. Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they have a personal or business relationship.
3. Training Officers and other trainers will not be assigned to directly train relatives or persons with whom they are involved in a personal or business relationship. Training Officers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully documented as complete and the employee is off probationary status.
4. To avoid actual or perceived conflicts of interest, employees of the Borough of South Plainfield shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
5. Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should have known is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender, or who engages in intentional violations of state or federal laws.

Section 17-19 - Employee Responsibilities

A. Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his or her immediate supervisor in writing.

1. If the employee's immediate supervisor is the person with whom the relationship is with, it shall be the responsibility of that immediate supervisor to notify their supervisor in writing.
 - a. Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall immediately notify his or her immediate supervisor.

Section 17-20 - Supervisor's Responsibilities

- A. Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever reasonably possible.

Section 17-21 - Restriction of Hiring, Promoting and Supervision of Employees

The following restrictions shall apply to the hiring and promotion of employees to employment positions of the Borough of South Plainfield. Unless otherwise prohibited by law, but notwithstanding the terms of any collective bargaining agreement to the contrary, the following shall apply:

- A. No person who is a relative of an elected official or an executive shall be appointed, hired or employed to work for the Borough of South Plainfield in any unclassified position.
- B. No person shall be employed by or transferred to a position of employment within the Borough where such person will be supervisor of or be supervised by their relative who is an existing employee within the same department.
- C. No elected official or executive in any department may participate in the promotion process or hiring process in that department of any existing employee who is a relative of such elected official or executive, unless otherwise required by law or New Jersey Department of Personnel Rules. Such elected official or executive shall abstain from participation in such personnel action as it applies to such relative.

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				
			6	0			
Mayor Anesh – TIE ONLY							

The following ordinance #2299 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for April 1, 2024 at 7 p.m.

**INTRODUCTION BY SUMMARY
ORDINANCE 2299
AN ORDINANCE THAT PROVIDES FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2024 THOROUGH 2028 FOR AFSCME UNION EMPLOYEES**

Ordinance #2299 was 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 March 18, 2024. In summary, this ordinance provides for the compensation of employees of the Borough of South Plainfield and the method of payment of such compensation for the years 2024 through 2028 for AFSCME union employees. The public hearing where further consideration will be made will be held on April 1, 2024, 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				
Councilman Wolak		X	X				
Council President Bengivenga	X		X				
			6	0			
Mayor Anesh – TIE ONLY							

The following ordinance #2300 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for April 1, 2024 at 7 p.m.

ORDINANCE 2300
AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY
OF MIDDLESEX, STATE OF NEW JERSEY AMENDING CHAPTER 403 OF THE
CODE OF THE BOROUGH OF SOUTH PLAINFIELD

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 403, Stormwater Management, of the Code of the Borough of South Plainfield be amended to add Article III, Privately Owned Salt Storage as follows:

403-14 - PURPOSE.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of South Plainfield to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

403-15 - DEFINITIONS.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a building or structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets all of the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- 3. The structure shall be erected on an impermeable slab;
- 4. The structure cannot be open sided; and
- 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

413-16 - DE-ICING MATERIAL STORAGE REQUIREMENTS.

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 - 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 - 5. Containers must be sealed when not in use; and
 - 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. All such temporary and permanent structures must also comply with all other local ordinances, including Building and Zoning Regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

413-17 - EXEMPTIONS.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

{A1298313.1 }

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

413-18 - ENFORCEMENT.

This ordinance shall be enforced by the South Plainfield Police Department and/or Code Enforcement during the course of ordinary enforcement duties.

413-19 - VIOLATIONS AND PENALTIES.

Any person(s) who is found to be in violation of the provisions of this Ordinance shall have 72 hours to complete corrective action. Violations and/or failure to complete corrective action shall result in a fine of not less than \$50.00 nor more than \$500.00 per day. Each day that a violation continues shall be considered a separate violation. In addition, any persons found to be in violation of the provisions of this Ordinance shall be responsible for costs associated in the event the Borough must take corrective action to correct or remedy a violation.

SEVERABILITY:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by 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				
			6	0			
Mayor Anesh – TIE ONLY							

The following ordinance #2301 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for April 1, 2024 at 7 p.m.

BOND ORDINANCE #2301

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE COMMUNITY POOL IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$55,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$55,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$55,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$55,000 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 various improvements to the community pool, including, but not limited to, the acquisition and installation of pumps, a liner and other items and further including all work and materials necessary therefor and 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 self-liquidating purpose of a municipal public utility. 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 15 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 \$55,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. 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.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

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

The following ordinance #2302 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for April 1, 2024 at 7 p.m.

BOND ORDINANCE #2302

**BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS
IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF
MIDDLESEX, NEW JERSEY, APPROPRIATING \$655,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$655,000 BONDS OR NOTES OF THE BOROUGH
TO FINANCE 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$655,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$655,000 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 various sewer utility improvements, including the repair of sewers and manholes and road resurfacing in connection therewith on Day Street, Wooden Avenue, Smith Street, Scalera Street, Teeple Place and other streets in and around the Borough, including all work and materials necessary therefor and 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 self-liquidating purpose of a municipal public utility. 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 40 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 \$655,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$85,000 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.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

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

RESOLUTIONS:

**RESOLUTION 24-130
AUTHORIZING THE HIRING OF POLICE OFFICERS THROUGH THE
ALTERNATE ROUTE OPTION ESTABLISHED UNDER THE
CIVIL SERVICE ACT, N.J.S.A. 11A:1-1, ET SEQ.**

WHEREAS, the Borough of South Plainfield is a jurisdiction governed by Title 11A of the New Jersey General Statutes and the Civil Service Regulations and the Rules established thereunder; and

WHEREAS, N.J.S.A. 11A:4-1.3(c)(1) permits municipalities to hire police officers who may not have taken an open competitive examination for the title of police officer, but who have successfully completed a full basic course for police officers training course or a full basic course for correction officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer; and

WHEREAS, N.J.S.A. 11A:4-1.3(c)(1) requires that a municipal or county police department may hire a person under this exemption only upon adoption a conflict of interest and nepotism policy; and

WHEREAS, the Borough has established policies governing nepotism and conflicts of interest by amending the Code of the Borough of South Plainfield; and

WHEREAS, in order to effectuate this policy, a municipality must affirmatively “opt in” by adoption of a resolution authorizing such a hiring policy; and

WHEREAS, the Chief of Police has recommended that the Borough effectuate this policy and “opt in” to this program in the interests of efficiency, expediency and the promotion of public safety within the Borough;

WHEREAS, this “opt in” provision shall remain valid until changed by further resolution of the Governing Body of the Borough of South Plainfield;

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 Borough of South Plainfield is hereby authorized to hire personnel pursuant to the examination exemption(s) as set forth in N.J.S.A. 11A:4-1.3, et seq.; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the New Jersey Civil Service Commission.

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2024-131
RESOLUTION AUTHORIZING THE ISSUANCE OF \$100,000 SPECIAL EMERGENCY NOTES
FOR THE PREPARATION OF AN APPROVED TAX MAP OF THE BOROUGH OF SOUTH
PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.**

BE IT RESOLVED 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. An ordinance of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), authorizing a special emergency appropriation in the amount of \$100,000 for the preparation of an approved tax map for the use of the local assessor has been finally adopted and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

Section 2.(a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Borough is hereby authorized to borrow the sum of \$100,000 and to issue special emergency notes (the "Notes") therefor in accordance with the Local Budget Law of the State of New Jersey (N.J.S.A. 40A:4-55).

(b) The Notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of Notes authorized herein, as determined by the chief financial officer of the Borough pursuant to this resolution.

(c) The Borough may finance the special emergency appropriation from surplus funds available or may borrow money in the manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

Section 3. The following matters in connection with the special emergency notes are hereby determined:

(a) All Notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such Notes and the renewals thereof shall mature and be paid in each year so that all Notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;

(c) The Notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the Notes shall be conclusive as to such determination;

Section 4. The chief financial officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the Notes shall be conclusive as to such determination.

Section 5. The chief financial officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Borough. 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 and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

Section 8. The Borough hereby makes the following covenants and declarations with respect to Notes to be issued by the chief financial officer of the Borough on a tax-exempt basis. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Notes. The chief financial officer is hereby authorized to act on behalf of the Borough to deem the obligations authorized herein as bank-qualified for the purposes of Section 265 of the Code, when appropriate. The Borough hereby declares the intent of the Borough to issue Notes in the amount authorized in Section 1 of this resolution and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described herein. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 9. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Notes are not exempt from the Rule and provided that the Notes are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Notes remain outstanding (unless the Notes and any renewals thereof have been wholly defeased), the Borough shall provide electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, for the benefit of the holders of the Notes and the beneficial owners thereof, in a timely notice not in excess of ten business days after the occurrence of the event, notice of any of the following events with respect to the Notes:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
- (7) Modifications to the rights of holders of the Notes, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Notes, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Borough;
- (13) The consummation of a merger, consolidation or acquisition involving the Borough or the sale of all or substantially all of the assets of the Borough, other than in the ordinary course of business, the entry into a definitive agreement to

- undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Borough, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Notes, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Borough, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (15) and (16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); provided, however, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

The chief financial officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of Notes prior to their offering. Such chief financial officer is hereby authorized to enter into written contracts or undertaking to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

In the event that the Borough fails to comply with this resolution or the written contract or undertaking, the Borough shall not be liable for monetary damages, remedy of the holders or beneficial owners of the Notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. A copy of this resolution as adopted shall be filed with the Director.

Section 11. This resolution shall take effect immediately.

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 24-132
AUTHORIZING THE SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF
SOUTH PLAINFIELD AND THE COUNTY OF MIDDLESEX
FOR THE UPDATING OF THE MUNICIPAL TAX MAP**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the Shared Service Agreement between the Borough of South Plainfield and the County of Middlesex for the updating of the municipal tax map in the amount of \$155,000.00 that will be divided and split 50% each between the Borough of South Plainfield and the County of Middlesex.

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. Amy Fread, GIS Manager-County of Middlesex
4. Raquel Serano, Tax Assessor

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION #24-133

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

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

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

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

1. The sale of the surplus property shall be conducted through GovDeals, Inc. pursuant to Sourcewell National Cooperative in accordance with the terms and conditions of said Cooperative. The terms and conditions of the agreement entered into with GovDeals, Inc. are available online at govdeals.com and also available from the Chief Financial Officer.
2. The sale will be conducted online, and the internet address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2019-5.
4. A list of the surplus property to be sold at auction is as follows: See Schedule A for a complete list of items.
5. The surplus property as identified shall be sold in “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Borough reserves the right to accept or reject any bid submitted.

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

1. Glenn Cullen, Chief Financial Officer/BA
2. Division of Local Government Services, Department of Community Affairs
3. Amy Antonides, Municipal Clerk
4. Chief Papa, Police Department
5. Sgt. Grasso, Traffic Safety Department

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 24-134
AUTHORIZING 2024 APPROPRIATION TRANSFERS IN THE AMOUNT OF
\$35,000.00 FROM THE CURRENT FUND
PURSUANT TO N.J.S.A. 40A:4-58

WHEREAS, in accordance with N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the fiscal year and the first three months of the fiscal year, for the purposes specified and in excess of sums appropriated in the Budget; and

WHEREAS, such transfers must be approved by a vote of not less than two-thirds of the full membership of the governing body.

NOW, THEREFORE, BE IT RESOLVED that the below transfers be approved.

CURRENT FUND			
FROM:			AMOUNT
3-01-20-110-000-505	Executive	O&E	1,000.00
3-01-20-130-000-235	Finance	O&E	2,000.00
3-01-20-145-000-102	Taxes	S&W	1,000.00
3-01-20-150-000-221	Assessing	O&E	1,000.00
3-01-20-165-000-235	Engineering	O&E	3,000.00
3-01-21-185-000-221	Zoning	O&E	1,000.00
3-01-25-252-000-311	OEM	O&E	1,000.00
3-01-26-290-003-102	Snow	S&W	1,000.00
3-01-26-290-003-321	Snow	O&E	1,000.00
3-01-31-420-001-555	Electric	O&E	5,000.00
3-01-31-435-002-555	Street Lights	O&E	10,000.00
3-01-31-445-001-581	Water	O&E	3,000.00
3-01-30-410-001-535	Municipal Support	O&E	5,000.00
Total FROM:			35,000.00
TO:			AMOUNT
3-01-26-290-002-402	Road Repairs	O&E	6,000.00
3-01-36-475-000-683	PFRS	Statutory	5,000.00
3-01-31-465-001-565	Gas	O&E	8,000.00
3-01-30-415-001-101	Accumulated Leave	O&E	15,000.00
3-01-38-481-000-225	Tax Appeals	O&E	1,000.00
Total TO:			35,000.00

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 24-135
A RESOLUTION APPROVING PARTICIPATION IN THE GRANT PROGRAM FOR 2024 SAFE AND
SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS the Police Department of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey wishes to apply for a 2024 Safe and Secure Communities Grant Program (Grant 24-1222); and

WHEREAS the Governing Body of the Borough of South Plainfield has reviewed the application and has approved said request for a total grant of \$45,150.00 under subaward number 24-1222, for the subaward period of 7/1/2023 to 6/30/2024 to provide for additional law enforcement personnel to address crime in a focused community-oriented manner; and

WHEREAS the total project cost of \$45,150.00 includes the state amount of \$45,150.00 and the in-kind match of fringe benefits.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that:

1. The Borough of South Plainfield Police Department is approved to participate in the 2024 Safe and Secure Communities Grant Program.
2. The Borough of South Plainfield accepts the grant funding in the amount of \$45,150.00 for the Police Department's additional law enforcement project under the Safe and Secure Communities Program administered by N.J. Department of Law & Public Safety, Office of the Attorney General
3. The Mayor and Administrator of the Borough of South Plainfield are hereby authorized and directed to execute such grant documents required for the aforementioned participation.

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 24-136
AUTHORIZING A 2024 TEMPORARY BUDGET AMENDMENT FOR \$5,500,000.00
IN THE CURRENT FUND AND \$125,000.00 IN THE SEWER 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 2024 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
4-01-20-100-000-101	Administration	S&W	20,000
4-01-20-110-000-100	Executive	S&W	20,000
4-01-20-150-000-101	Assessing	S&W	10,000
4-01-20-130-000-102	Finance	S&W	5,000
4-01-20-140-000-311	Computer	O&E	5,000
4-01-20-145-000-101	Tax Collection	S&W	5,000
4-01-22-195-001-101	Code Enforcement	S&W	25,000
4-01-23-220-000-601	Health Insurance	O&E	525,000
4-01-25-240-001-101	Police	S&W	800,000
4-01-25-240-001-107	Police	S&W	34,486
4-01-25-240-001-235	Police	O&E	25,000
4-01-25-240-003-241	Crossing Guard	O&E	50,000
4-01-25-250-000-101	911	S&W	50,000
4-01-25-252-000-101	OEM	S&W	2,000
4-01-25-252-000-321	OEM	O&E	5,000
4-01-25-265-002-101	Fire Official	S&W	35,000
4-01-25-265-003-581	Fire Service Charges	O&E	50,000
4-01-26-290-002-445	Road Repairs & Maintenance	O&E	20,000
4-01-26-315-000-101	Vehicle Maintenance	S&W	20,000
4-01-26-315-000-401	Vehicle Maintenance	O&E	10,000
4-01-28-370-001-101	Recreation	S&W	15,000
4-01-28-370-001-235	Recreation	O&E	5,000
4-01-28-370-002-101	Office on Aging	S&W	20,000
4-01-28-370-002-204	Office on Aging	O&E	8,000
4-01-29-390-000-235	Library	O&E	100,000
4-01-31-440-001-541	Telephone	O&E	25,000
4-01-36-471-000-681	PERS	Statutory	856,565
4-01-36-475-000-683	PFRS	Statutory	2,728,949
4-01-31-465-001-565	Gasoline	O&E	5,000
4-01-32-465-001-545	Landfill	O&E	5,000
4-01-43-490-000-101	Court	S&W	15,000
Total CURRENT FUND			5,500,000
SEWER UTILITY			AMOUNT
4-07-55-516-001-235	Sewer	O&E	125,000
Total SEWER UTILITY			125,000

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 24-137
AUTHORIZING THE SERVICES OF SONNENFELD & TROCCHIA ARCHITECTS
FOR SERVICES ASSOCIATED WITH THE ROOF REPLACEMENT
AT THE SENIOR CENTER
IN AN AMOUNT NOT TO EXCEED \$27,500.00**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Sonnenfeld & Trocchia Architects for services associated with the roof replacement at the Senior Center located at 90 Maple Avenue in South Plainfield in an amount not to exceed \$27,500.00.

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/Engineer
- 4.

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 24-138

AUTHORIZING THE NJ STATE CONTRACT PURCHASE FOR UPGRADES AND REFIT OF THE BOROUGH’S 911 EMERGENCY OPERATIONS CENTER WITH TACTICAL PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$313,880.77

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the NJ State Contract purchase for upgrades and refit of the Borough’s 911 Emergency Operations Cener with Tactical Public Safety in an amount not to exceed \$313,880.77 pursuant to the NJ state contract number Zetron-83924: 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. Peter Papa, Police Chief

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION: 24-139

AUTHORIZING KRISTINA NIERADKA TO SUBMIT AN APPLICATION FOR A RECYCLING ENHANCEMENT GRANT (REG)

WHEREAS, the County of Middlesex in continuing to recognize the importance of recycling and the role that the individual municipalities play in conjunction with the County towards achieving an exemplary recycling rate has proposed to provide grant monies to municipalities through the Recycling Enhancement Grant (REG) Program; and

WHEREAS, it is the intent of the REG Program to provide funds to qualifying municipalities to be used for a paper shred event to enhance a municipality’s recycling program; and

WHEREAS, it appears to be in the best interest of the Borough of South Plainfield and its citizens to apply for this grant;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield that Kristina Nieradka, Recycling Coordinator, is hereby authorized to submit the application for consideration of a grant to the Middlesex County Division of Solid Waste Management.

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 24-140
AUTHORIZING THE SERVICES OF HOTFOIL-EHS, INC.
FOR CELL BLOCK UPGRADES
IN AN AMOUNT NOT TO EXCEED \$28,515.00**

WHEREAS, a need for cell block upgrades exists of which quotations were solicited for services and as such, only one vendor submitted a quotation for said services; and

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Hotfoil-EHS, Inc. for cell block upgrades in an amount not to exceed \$28,515.00.

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. Peter Papa, Police Chief

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 24-141
AUTHORIZING THE 800 MONTROSE AVENUE PROJECT TO PERFORM WORK BETWEEN 3:00 AM TO 5:00 PM
FROM MARCH 25TH THRU APRIL 5TH**

WHEREAS, a need for cement delivery ahead of what the Borough Ordinance permits as it pertains to the time of day for said work to take place has been requested; and

WHEREAS, it is recommended by the Borough Construction Official to temporarily waive the time restrictions for delivery of said cement for the 800 Montrose Avenue project;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the temporary waiver of time restrictions to 3:00 a.m. to 5:00 p.m. for delivery of cement to 800 Montrose Avenue from March 25, 2024 to April 5, 2024; 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. Dominic Demico, Construction Official
4. Len Miller, Borough Engineer/DPW Superintendent

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 24-142
AUTHORIZING 2024 APPROPRIATION TRANSFERS IN THE AMOUNT OF
\$15,000.00 FROM THE CURRENT FUND
PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, in accordance with N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the fiscal year and the first three months of the fiscal year, for the purposes specified and in excess of sums appropriated in the Budget; and

WHEREAS, such transfers must be approved by a vote of not less than two-thirds of the full membership of the governing body.

NOW, THEREFORE, BE IT RESOLVED that the below transfers be approved.

CURRENT FUND				
FROM:				AMOUNT
3-01-30-415-001-101	Accumulated Leave		O&E	7,500.00
3-01-31-435-002-555	Street Lights		O&E	7,500.00
Total FROM:				15,000.00
TO:				AMOUNT
3-01-21-180-001-220	Planning		O&E	2,500.00
3-01-21-185-000-221	Zoning		O&E	12,500.00
Total TO:				15,000.00

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 24-143

AUTHORIZING THE HIRING OF MAYSHA RACINE AS FULL-TIME TELECOMMUNICATION OFFICER AT THE ANNUAL SALARY OF \$50,827.44, EFFECTIVE MARCH 19, 2024

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

It hereby authorizes the hiring of Maysha Racine as Full-Time Telecommunication Officer for the South Plainfield Police Department at the annual salary of \$50,827.44 with an effective date of March 19, 2024; 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. Joseph Nappe, Communications Supervisor
5. Peter Papa, Police Chief
6. John Abbruzzese, IT

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	X				
Council President Bengivenga			X				
			6	0			
Mayor Anesh – TIE ONLY							

CORRESPONDENCE: accepted by the Mayor and Council

- Board of Health Monthly Report – February 2024
- Resignation of Jennifer Abalo as Recycling Center Laborer
- Mayor’s State of the Borough Address

PAYMENT OF BILLS

Current Fund	4-01	251,801.38
Current Fund	3-01	39,596.20
Pool Utility	4-26	0.00
Pool Utility	3-26	0.00
Sewer Utility	4-07	1,208,617.63
Sewer Utility	3-07	31,183.67
Sewer Utility Capital	C-08	0.00
General Capital	C-04	527,298.42
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	655.00
Land for Rec & Consv.	T-10	0.00
Legends Camp Trust	T-11	4,054.27
Dog Trust	T-12	5,750.33
Treasurers Trust	T-13	940.00
Recreation Trust	T-14	12,872.79
Senior Citizen Trust	T-16	0.00
Total All Funds:		\$2,082,769.69
Plus wires totaling:		\$681,100.00
GRAND TOTAL:		\$2,763,869.69

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							

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – advised that the turf field installation is near completion with some final touches being completed. It should be ready to open in April. Putnam Park is still under construction with a scheduled completion date in May. The 2023 road improvement project should be finalized within the next couple weeks. New Market Avenue and the 2024 road improvement program will be going out to bid in April.

Engineer Miller – was absent this evening.

Clerk Antonides –reported that due to an anticipated high volume of voters this year, and to prevent potential crowding at the Senior Center, we thought it would be in the best interest of the voters to relocate a couple voting districts. Earlier today, we received notice from the County Board of Election Commissioners approval to relocate District 6 from the Senior Center to Franklin School and District 8 from the Senior Center to Kennedy School.

Chief Papa –reported that last Thursday he hosted a police officer hiring workshop and about forty residents were in attendance. It was well received. Chief Papa thanked Councilman White for attending and showing his support.

Councilwoman Mott – reported that the annual rabies clinic will be held on Saturday, May 4th from 9 a.m. to 12 noon at the DPW. The annual litter clean-up day will be held on April 27th. For those interested please contact Kristina Nieradka.

Councilman Smith – reported progress.

Councilman Wolak – reported progress.

Councilwoman Faustini – invited the Mayor and Council to attend the Bunny Hop this weekend which will be held at Veteran’s Park. Sign-ups are available for Spring Tennis, Built by Me Stem Programs, T-Ball and Teener Ball. As a reminder the PAL gym will be closed from March 25th to April 2nd.

Councilman White – Nothing But Bunt Cakes is open at Hadly Center next to the FedEx location. You are guaranteed to love it, once you go, you will be back.

Council President Bengivenga – reported progress.

Mayor Anesh – reported progress.

With no further Council reports, Mayor Anesh announced that at this time, 7:33 p.m., we will be going into Executive Session.

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 7:49 p.m., seconded by Councilman Wolak and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk