

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
JANUARY 21, 7:00 P.M.**

***This meeting was also transmitted virtually via the Webex platform**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:00 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
Councilman Bengivenga	X		
Councilwoman Faustini	X		
Councilwoman Mott	X		
Councilman Smith	X		
Councilman Wolak		X	
Council President White	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen		X	
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller	X		
Chief Papa	X		

Flag Salute: was led by Mayor Anesh and Councilman Smith 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 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. Mayor Anesh also awaited virtual hand raises and unmuted all microphones.

Mr. Louis Coniglio in summary expressed his upset regarding the adoption of ordinance 2321 that pertains to short-term rentals saying that it has caused him to lose income and has put him in a terrible financial position. He feels his Air B&B provides value to the community and requested an addendum to the ordinance that would allow him to continue. Mayor Anesh said that the real concern is with the impact this has on the inherent nature of single-family homes. This type of business is better suited for a commercial zone, like our hotels. It is not likely this governing body will agree this use is permissible in this Borough. Councilman Bengivenga said short term rentals do not meet classification of the Municipal Land Use Law. Long term rentals are a permitted use. Councilwoman Mott pointed out that short term rentals do not require a sex offender to register for a short-term stay, this is a big concern for our residents. Councilman White said that our residents have made it loud and clear they do not want short term stays in this community. Mayor Anesh went on to provide some further reasoning for this ordinance based upon what the bad actors have caused. When looking at this community, South Plainfield does not fall in an area where these short-term rentals make sense. This is not a resort community. Councilman Bengivenga said there was a lot of bad actors and our ordinance is looser than many other towns and as such, is not in favor of supporting an amendment to further loosen it. Councilwoman Mott said this is not a one size fits all situation. Councilman Bengivenga concluded by saying a short-term rental is parallel with that of a hotel business in a residential zone. The fact remains our zoning is for single family homes.

Mr. Patel (virtual) expressed his concerns regarding the Board of Education's removal of bussing which has caused for more walking of students and is deeply concerned with hazardous routing and is seeking the Governing Body's support of this issue. Mayor Anesh said he will reach out to the Superintendent as this matter is outside our

jurisdiction. Chief Papa said he verified that the route selection rests with the Board of Education. Mayor Anesh said he will try to reach out to Senator Diegnan as well.

Darlene Cullen inquired about ordinance 2336 on tonight's agenda, asking if those who presently are selling electronic smoking devices are currently grandfathered in. Mr. Rizzo Esq. said not, they are not grandfathered in. Mrs. Cullen asked if the ordinance will limit smoke shops. Mr. Rizzo said no.

Salvatore (Mr. Louis Coniglio's father) said their attorney has been in contact with Mr. Rizzo Esq. regarding nonconforming use, saying he believes the law is on their side and supersedes the municipalities' position. Mr. Rizzo Esq. said his attorney sent him something on Friday that he has not yet had a chance to review.

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

Authorizing the Approval of Council Minutes:

December 16, 2024 – Agenda Meeting
December 16, 2024 - Public Meeting
December 16, 2024 – Executive Session
January 6, 2025 – Reorganization
January 6, 2025 – Executive Session

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

Proclamation: Dr. Martin Luther King Jr. – was read in full by Mayor Anesh. Everyone extended a round of applause.

ORDINANCES:

The following ordinance #2335 was read by Clerk Antonides by title for a second reading. Mayor Anesh opened the floor for public comment. Debra Leporino asked Mayor Anesh to “say it in laymans terms”. Mayor Anesh asked for clarification. Ms. Leporino said she did not understand the meaning of this ordinance. Councilman Bengivenga explained it to her. With no further comments from the public, and no comments from the Council, closed the floor.

2335 AN ORDINANCE AMENDING ORDINANCE 2304 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 THROUGH 2028 FOR NON-UNION PROFESSIONALS & GOVERNING BODY

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

The following ordinance #2336 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for February 3, 2025 at approximately 7 p.m.

ORDINANCE 2336
AN ORDINANCE TO CREATE A NEW CHAPTER ENTITLED,
“SALE OF ELECTRONIC SMOKING DEVICES AND ELECTRONIC
SMOKING DEVICE PRODUCTS” FOR THE
BOROUGH OF SOUTH PLAINFIELD

BE IT ORDAINED by the Borough Council of the Borough of South Plainfield, in the County of Middlesex and State of New Jersey, that the Code of the Borough of South Plainfield shall be amended to create a new chapter entitled “Sale of Electronic Smoking Devices and Electronic Smoking Device Products” as follows:

Section 1. Purpose

The purpose of this ordinance is to license and limit the establishments that sell electronic smoking devices and prevent the sale of electronic smoking devices to those under the age of 21. A portion of the funds collected by licensing of such establishments may be designated by the Borough Council for salient purposes such as funding smoking cessation, prevention or control programs by the Borough of South Plainfield Police Department and/or other organizations deemed appropriate.

Section 2. Definitions

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall 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.

Electronic Smoking Device – an electronic or other powered device that can be used to deliver a product such as or containing nicotine or any other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo, hookah or pipe.

Electronic Smoking Device Product – any product such as or containing nicotine or any other substance designed for consumption through inhalation from an electronic smoking device.

Electronic Smoking Device Establishment – any individual, partnership, corporation or other legal entity that sells or offers for sale electronic smoking devices and/or electronic smoking device products designed for consumption through inhalation, regardless of whether the sale of such devices or products is the establishment’s primary purpose. Any reference to “an establishment” herein shall be to an Electronic Smoking Device Establishment.

Sale – shall mean every delivery of electronic smoking devices or electronic smoking device products, whether the same is by direct sale or the solicitation or acceptance of any order, including the exchange, barter, traffic in, keeping and exposing for sale, displaying for sale, delivering for value, peddling, and possessing with intent to sell.

Borough – the term “Borough” as used herein shall refer to the Borough of South Plainfield, its officers, employees, and representatives.

Section 3. Licensing Fees

- A. No person shall conduct, maintain or operate an establishment that sells electronic smoking devices without first having obtained a license from the Borough Clerk or his/her designee.
- B. Each person or establishment wishing to sell electronic smoking devices or electronic smoking device products must submit a completed license application on a form obtained from the Borough Clerk’s office, together with the appropriate fee as set forth herein, to be considered for an Initial License.
- C. Fees in accordance with the following schedule shall be paid before any license required in this article shall be issued:
 - Electronic Smoking Device Establishment Initial License: \$750.00
 - Electronic Smoking Device Establishment Annual Renewal License: \$250.00
 - All license fees are non-refundable.
 - Licenses expire annually on March 31st. Renewal applications submitted after March 31st will be considered an “initial” license request.
- D. Initial or Renewal Licenses issued under the provisions of this ordinance, unless revoked earlier by the Health Officer or Borough Clerk, shall expire annually on the 31st day of March of each year.
- E. The annual license renewal fee must be paid annually by the 31st day of March, or a renewal license shall not be issued and the person or establishment wishing to continue to sell electronic smoking devices or electronic smoking device products shall be prohibited from selling them. Any person or establishment that has failed to renew the annual license fee as required herein cannot sell electronic smoking devices

or electronic smoking device products until they have again applied for a license which shall be considered an initial license application.

- F. Licenses are not transferable; and
- G. The license issued by the Borough shall be posted conspicuously in the establishment, in a location and manner visible to all customers and all police officers or other inspectors on behalf of the Borough.
- H. The Borough shall inspect each such establishment prior to the issuance of an Initial License to determine if the applicant satisfies the requirements of this chapter in order to qualify to obtain a license. The Borough shall thereafter conduct random periodic inspections during normal business hours of the establishment after issuance of an Initial or Renewal license to determine whether the establishment is acting in compliance with the provisions of this Chapter. Such inspections may be conducted by members of the Borough of South Plainfield Police Department, Zoning Officer, the Health Officer, or Code Enforcement Officer.

Section 4. Penalties for Sale without license

- A. Any establishment found to be selling or offering any electronic smoking device or any electronic smoking device product without having first obtained a valid license issued by the Borough shall pay a fine of \$500.00 for a first such offense. In addition, any such person or establishment found to be selling or offering any electronic smoking device or electronic smoking device product shall be ineligible to sell any such devices or products unless and until a license is obtained from the Borough of South Plainfield. For a second or subsequent offense, any person or establishment violating this section shall be subject to a fine of not less than \$1,000.00 and not exceeding \$2,000.00. In addition, any establishment violating this section for a second or more time may be subject to permanent disqualification for obtaining an electronic smoking device license, within the discretion of the Borough Clerk or Borough Council.
- B. Each sale shall constitute a separate offense for purposes of this section.

Section 5. Display Regulations

- A. No electronic smoking device, electronic smoking device product or advertisement relating to either an electronic smoke device or electronic smoking device product shall be displayed in such a manner so as to be visible from the exterior of the establishment.

Section 6. Restriction on Sale of Electronic Smoking Device Establishment:

- A. No electronic smoking establishment shall be located within 500 feet of a school or public park.

Section 7. Sale to any persons under the age of twenty-one years old prohibited.

- A. No person or electronic smoking device establishment shall sell electronic smoking devices or electronic smoking device products to anyone under the age of twenty-one (21) years old.

Section 8. Penalties for Sale to any persons under the age of twenty-one years old; Display Regulations; or Location violation

- A. Penalties for sale to persons under the age of twenty-one years old. Any person or establishment found to have sold an electronic smoking device or an electronic smoking device product to any person under the age of twenty-one years old shall pay a fine of not less than \$500.00 for a first such offense. In addition, any establishment found to be in violation of this section may have their license revoked for the remainder of the calendar year. Upon conviction for a second or subsequent offense of selling an electronic smoking device or electronic smoking device product to anyone under the age of twenty-one (21) years old, any establishment shall be subject to a fine of not less than \$1,000.00, nor more than \$2,000.00. In addition, any establishment violating this section for a second time shall have their license revoked for 90 days. In addition to the other penalties as set forth herein, an establishment found guilty of selling an electronic smoking device or electronic smoking device product for a third time shall have their license permanently revoked.
- B. Jurisdiction for Enforcement of this section shall be laid in the Municipal Court of the Borough of South Plainfield, or any other court so designated by the Municipal Court of the Borough of South Plainfield.
- C. These penalties are in addition to any penalties that may be imposed pursuant to the New Jersey Code of Juvenile Justice, N.J.S.A. §2A:170-51 *et seq.* and N.J.S.A. 2C:33-13.1 *et seq.* or any other statute of the State of New Jersey which pertains to the sale of electronic smoking devices or the consumption of electronic smoking device products.
- D. Penalties for Display or Location Violations. Any establishment found guilty of the improper display of an electronic smoking device, product or advertisement as set forth in Section 5 of this chapter, or the

sale of an electronic smoking device or product at any location in violation of Section 4 of this chapter shall, for a first such offense, be subject to a fine of \$500.00. For a second or subsequent violation of this section, any such establishment shall be subject to a fine of not less than \$1,000.00, nor more than \$2,000.00. In addition, any establishment violating this section for a second or subsequent time shall have their license revoked for the remainder of the calendar year. Any establishment found guilty of this section for a third or subsequent time shall have their license permanently revoked.

Section 9. Enforcement

- A. Enforcement shall be by the Borough of South Plainfield Police Department, Zoning Officer, Health Officer, or Code Enforcement Officer.

BE IT FURTHER ORDAINED that the Municipal Clerk shall publish this ordinance in an official newspaper of the municipality at least one week prior to the hearing on the adoption of this ordinance; and

BE IT FURTHER ORDAINED that this ordinance shall become effective after second reading and publication as required by law.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		X	X				
Councilwoman Faustini			X				
Councilwoman Mott				X			
Councilman Smith					X		
Councilman Wolak						X	
Council President White	X		X				
			3	1			
Mayor Anesh – TIE ONLY							

The following ordinance #2337 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for February 3, 2025 at approximately 7 p.m.

ORDINANCE 2337

AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING CHAPTER 17 OF THE CODE OF THE BOROUGH REGARDING BOARDS, COMMITTEES AND COMMISSIONS

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 IX ,titled Board of Recreation Commissioners, be amended to add to Section 17-40 - Establishment; Members; Terms, new paragraph C as follows:

The Mayor may, in his or her discretion, appoint two alternate members to be designated at the time of appointment as “Alternate #1” and “Alternate #2”. The length of the terms of the alternate shall be the same as the length of the terms of the regular members of the Board of Recreation Commissioners. No alternate member shall be permitted to act on any matter in which the alternate has either directly or indirectly a personal or financial interest. An alternate member may, after a public hearing if he requests one, be removed by the Governing Body for cause. Alternate members may participate in discussion of the proceedings, but may not vote except in the absence or disqualification of a regular member of the Board of Recreation Commissioners. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate members can vote, Alternate #1 shall vote.

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
Councilman Bengivenga			X				
Councilwoman Faustini	X		X				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman Wolak						X	
Council President White		X	X				
			5	0			
Mayor Anesh – TIE ONLY							

The following ordinance #2338 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for February 3, 2025 at approximately 7 p.m.

BOND ORDINANCE #2338

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO SOUTH PLAINFIELD AVENUE, VAIL COURT, MINFORD AVENUE AND OTHER VARIOUS ROADS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,089,747 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$650,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,089,747, including a \$414,747 grant expected to be received from the New Jersey Department of Transportation Local Aid Infrastructure Fund (the "State Grant"). Although no down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose described in Section 3(a) hereof is being partially funded by the State Grant, an amount equal to \$25,000 is, nevertheless, provided for as a down payment for this purpose. Said down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and in anticipation of the receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$650,000 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 improvements to South Plainfield Avenue, Vail Court, Minford Avenue and other various roads, 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 general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 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 \$650,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

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

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

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

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

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

The following ordinance #2339 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for February 3, 2025 at approximately 7 p.m.

BOND ORDINANCE #2339

BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OF AND IMPROVEMENTS TO THE HADLEY ROAD SEWER LINES IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH 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 \$500,000. 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 \$500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the reconstruction of and improvements to the Hadley Road sewer lines, 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 \$500,000, 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 \$32,000 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(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the

opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

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

RESOLUTIONS

RESOLUTION 25-61

AUTHORIZING THE BOROUGH OF SOUTH PLAINFIELD TO UTILIZE THE MIDDLESEX COUNTY COOPERATIVE FOR THE FURNISHING AND DELIVERY OF ROCK SALT THROUGH MORTON SALT, INC. IN AN AMOUNT NOT TO EXCEED \$18,000.00

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield that it hereby authorizes the Borough of South Plainfield, in the County of Middlesex, State of New Jersey to utilize the Middlesex County cooperative for the purchase of rock salt through Morton Salt Inc., under the cooperative agreement 24-1442-R in an amount not to exceed \$18,000.00 at \$59.74 per ton.

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

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

RESOLUTION 25-62

TITLE: RESOLUTION AUTHORIZING THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY THROUGH THE SOUTH PLAINFIELD POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE 1033 PROGRAM TO ENABLE THE SOUTH PLAINFIELD POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United State Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program the Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies; and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting law enforcement agency; and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the ***Governing Body*** of the ***Borough of South Plainfield*** that the ***South Plainfield Police Department*** is hereby authorized to enroll in the 1033 Program for a one-year period from January 1, 2025 to December 31, 2025; and

NOW THEREFORE BE IT RESOLVED that ***South Plainfield Police Department*** is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include: office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the ***South Plainfield Police Department***, without restriction; and

BE IT FURTHER RESOLVED that the South Plainfield Police Department is hereby authorized to acquire "DEMIL B through Q" property, listed in the unredacted portion of the DEMIL inventory sheet if it shall become available in the period of time for which this resolution authorizes; and

BE IT FURTHER RESOLVED that the **Chief of South Plainfield Police Department** shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the **South Plainfield Police Department** shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; and requests to acquire “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes, with Program participation and all property request authorization terminating on December 31 of the current calendar year from January 1, 2025 to December 31, 2025.

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

1. Glenn Cullen, Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. Peter Papa, Police Chief
4. Lt. Lloyd McNelly, Police Department

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

RESOLUTION 25-63
AUTHORIZING THE SERVICES OF COMMERCIAL RECREATION SPECIALISTS
AS A SOLE SOURCE PROVIDER FOR THE PURCHASE AND INSTALLATION OF A KIDDIE POOL
SLIDE FOR THE COMMUNITY POOL
IN AN AMOUNT NOT TO EXCEED \$19,383.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Commercial Recreation Specialists as a sole source provider for the purchase and installation of a kiddie pool slide for the Community Pool in an amount not to exceed \$19,383.00; 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. Elizabeth Yarus, Recreation Director

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

RESOLUTION 25-64
AUTHORIZING THE APPOINTMENT OF MARK MCDONOUGH
TO THE POSITION OF FULL-TIME
BUILDING SUBCODE OFFICIAL – BUILDING ELECTRICAL INSPECTOR
EFFECTIVE JANUARY 22, 2025

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

It hereby authorizes the appointment of Mark McDonough to the full-time position of Building Subcode Official – Building Electrical Inspector, with benefits in accordance with the Borough’s Professional Manager’s Association Agreement at the annual salary of \$98,311.44 effective January 22, 2025; and

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

1. Glenn Cullen, Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. Anne Daley, Benefits
4. Carmela Miller, Payroll
5. Mark McDonough, Building Subcode Official
6. John Abbruzzese, IT

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

RESOLUTION 25-65
AUTHORIZING THE APPOINTMENT OF MARK MCDONOUGH
TO THE POSITION OF PART-TIME MECHANICAL INSPECTOR
EFFECTIVE JANUARY 22, 2025

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

It hereby authorizes the appointment of Mark McDonough to the part-time position of Mechanical Inspector, at a non-pensionable annual salary of \$7,956.75 effective January 22, 2025; and

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

1. Glenn Cullen, Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. Anne Daley, Benefits
4. Carmela Miller, Payroll
5. Mark McDonough, Mechanical Inspector

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

RESOLUTION 25-66
AUTHORIZING THE APPOINTMENT OF DOMINIC DEMICO
TO THE POSITION OF PLUMBING SUBCODE OFFICIAL
EFFECTIVE JANUARY 22, 2025

WHEREAS, in accordance with Resolution 25-64, Mark McDonough assumed the full-time position of full-time Building Subcode Official that Dominic Demico held, and whereby the governing body has decided it to be in the best interest of the Borough's Construction Department to appoint Mark McDonough to that position.

NOW THEREFORE, BE IT RESOLVED by the governing body of the Borough of South Plainfield that Dominic Demico will hold the position of Plumbing Subcode Official at his current rate of pay in accordance with the Borough salary ordinance and the Professional Managers Association Agreement.

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

1. Glenn Cullen, Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. Anne Daley, Benefits
4. Carmela Miller, Payroll
5. Dominic Demico, Plumbing Subcode Official

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

RESOLUTION: 25-67
AUTHORIZING THE REFUND OF A TAX OVERPAYMENT IN THE AMOUNT OF \$4,373.45
PERTAINING TO 415 HARVARD AVENUE IN SOUTH PLAINFIELD

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

OWNER/ADDRESS

Block 347 Lot 8.11

PRAKASH CHANDRASEKARAN
415 Harvard Ave.
South Plainfield, N.J. 07080
\$4373.45

MAKE CHECK PAYABLE TO:

PRAKASH CHANDRASEKARAN
415 Harvard Ave.
South Plainfield, N.J. 07080

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

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

RESOLUTION 25-68
AUTHORIZING THE SOLE SOURCE PROVIDER PURCHASE OF SUPPORT
AND MAINTENANCE CAD/RMS SYSTEM SERVICES FOR 2025 FROM LAWSOFT INC.
IN AN AMOUNT NOT TO EXCEED \$24,925.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the sole source provider purchase of support and maintenance of CAD/RMS and WTH ThinkGIS software for 2025 and support for NIBRS interface in accordance with FBI and NJSP repository standards from LawSoft Inc. in an amount not to exceed \$24,925.00; 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. Captain Daniel Hoppe, Police Department

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

RESOLUTION 25-69
AUTHORIZING 2024 APPROPRIATION TRANSFERS IN THE AMOUNT OF
\$75,000.00 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
4-01-20-100-000-101	Administration	S&W		5,000.00
4-01-20-110-000-101	Executive	S&W		2,000.00
4-01-20-145-000-101	Tax Collection	S&W		2,000.00
4-01-20-150-000-101	Tax Assessing	S&W		3,000.00
4-01-21-185-000-101	Zoning	S&W		2,000.00
4-01-22-195-001-102	Code Enforcement	S&W		7,000.00
4-01-25-240-001-105	Police	S&W		14,000.00
4-01-25-265-002-204	Fire Official	O&E		5,000.00
4-01-26-290-003-102	Snow	S&W		8,000.00
4-01-26-305-003-101	Recycling	S&W		10,000.00
4-01-26-290-002-101	Road Repairs & Maintenance	S&W		5,000.00
4-01-26-310-000-415	Public Buildings & Grounds	O&E		5,000.00
4-01-26-315-000-101	Vehicle Maintenance	S&W		5,000.00
4-01-28-370-001-204	Recreation	O&E		2,000.00
Total FROM:				75,000.00
TO:				AMOUNT
4-01-23-210-000-651	Other Insurance	O&E		11,000.00
4-01-25-240-003-241	Crossing Guards	O&E		20,000.00
4-01-30-410-001-403	Municipal Support	O&E		2,000.00
4-01-30-415-001-101	Accumulated Leave	O&E		11,000.00
4-01-25-240-004-225	Tow Yard	O&E		12,000.00
4-01-26-290-003-321	Snow	O&E		3,000.00
4-01-31-420-001-555	Electric	O&E		5,000.00
4-01-31-435-002-555	Street Lights	O&E		5,000.00
4-01-31-445-001-581	Water	O&E		4,000.00
4-01-36-472-000-675	SSI	Statutory		2,000.00
Total TO:				75,000.00

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

RESOLUTION 25-70

AUTHORIZING THE SOLE SOURCE PROVIDER SERVICES OF FLOCK SAFETY FOR SUPPORT, USE AND MAINTENANCE OF A CAMERA AND DATA SYSTEM FOR THE TERM OF 2023-2024 FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$20,000.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the sole source provider services of Flock Safety for support, use and maintenance of a camera and data system for the term of 2023-2024 for the Police Department in an amount not to exceed \$20,000.00; and

BE IT FURTHER RESOLVED that the Mayor and Police Chief are hereby authorized to execute contract for same; 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. Captain Hoppe, Police Department

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

RESOLUTION 25-71

RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS AS MODIFIED

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) (hereinafter "Amended HFA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough of South Plainfield's (the "Borough") Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 54 units and a Prospective Need or New Construction Obligation of 208 units; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions” (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for P.L. 2024, c.2 containing the Vacant and Developable land information that serves the basis for calculating the land capacity factor; and

WHEREAS, the Borough has reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, Land Use Board approvals, configuration and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, based upon the foregoing, the Borough relies on the DCA calculations of the Borough’s fair share obligations as modified herein to account for the Borough’s review of the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, Land Use Board approvals, configuration and accessibility to ascertain whether these identified developable lands may accommodate development, and as further set forth in detail and explained in the attached memo prepared by the Borough’s Affordable Housing Planner, and the Borough seeks to commit to provide its faire share of 54 units present need and 206 units prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Borough also reserves the right to adjust its position in the event of any rulings in the Montvale case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Prospective Need Obligation should be lower than described herein; and

WHEREAS, in light of the above, the Mayor and Council of the Borough of South Plainfield find that it is in the best interests of the Borough of South Plainfield to commit to the modified present need and prospective need Fourth Round affordable housing faire share numbers set forth herein, subject to the reservations set forth herein; and

WHEREAS, in accordance with the AOC Directive #14-24 dated December 13, 2024, the Mayor and Council find that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of the Borough of South Plainfield to direct the filing of an action in the form of a declaratory judgment complaint within 48 hours after adoption of the within Resolution of fair share obligations, or by February 3, 2025, whichever is sooner;

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

1. All of the above Whereas clauses are incorporated into the operative clauses of this Resolution.
2. The Borough of South Plainfield hereby commits to the DCA’s Round 4 Present Need Obligation of 54 units and a modification of the DCA’s Round 4 Prospective Need Obligation of 208 units to 206 units as explained above and in the attached memo from the Borough’s Affordable Housing Planner, and subject to all reservations of rights set forth above.
3. The Borough of South Plainfield hereby directs its Borough Attorney to file a declaratory judgment complaint in Middlesex County within 48 hours after adoption of the within Resolution and attaching this Resolution as an exhibit with the attached memo.

4. The Borough of South Plainfield hereby authorizes its Borough Attorney to submit and/or file the within Resolution with attached memo with the Program or any other such entity as may be determined to be appropriate.

5. This Resolution shall take effect immediately according to law.

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

**RESOLUTION 25-72
AUTHORIZING THE AWARD OF A BID TO MTB, LLC
FOR THE 2025 SENIOR CENTER ROOF PROJECT
IN AN AMOUNT NOT TO EXCEED \$119,500.00 PLUS PLYWOOD UNIT COST**

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, State of New Jersey, that:

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

WHEREAS, a need has been determined that a new roof for the South Plainfield Senior Center is necessary; and

WHEREAS bids were solicited and opened on Tuesday, January 14, 2025 at 11:00 a.m. and the following picked-up bid packages and submitted bids as follows:

BIDDER	BASE BID	UNIT COST FOR PLYWOOD
MTB LLC	\$119,500.00	\$5.00
Northeast Roof Maintenance	\$141,500.00	\$180.00
Strober Wright Roofing	\$148,000.00	\$88.00
Badger Roofing	\$165,000.00	\$280.00
Grayson Contracting	\$171,630.00	\$176.00
Arista Builders & Designers	\$213,000.00	\$160.00
USA General Contractors	\$226,000.00	\$576.00
Safeway Contracting	\$300,975.00	\$300.00
Reliance Home Builders	\$419,800.00	\$400.00

WHEREAS, the bids have been reviewed by the Borough's Sonnenfeld & Trocchia Architect firm and the Borough Attorney and as such it has been determined that MTB, LLC. is the lowest qualified bidder and it is recommended the bid be awarded to them in the amount of \$119,500.00 plus the unit cost of \$5.00 for plywood as-needed for the 2025 Senior Center New Roof Project; and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available through the current fund budget and/or via capital bonding that will be mostly off-set by grant funding.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract if applicable for the aforementioned vendor.

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

RESOLUTION 25-73
AUTHORIZING THE SERVICES OF SEALMASTER
AS A SOLE SOURCE PROVIDER FOR THE PURCHASE OF MACHINE SPECIFIC
MATERIALS FOR THE BOROUGH'S CRACK SEALER MACHINE
IN AN AMOUNT NOT TO EXCEED \$35,000.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Sealmaster located at 6853 Ruppsville Road, Allentown, NJ 18106 as a sole source provider for the purchase of machine specific materials for the Borough's crack sealer machine for work used in roadway improvements in 2024 in an amount not to exceed \$35,000.00; and

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

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

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

RESOLUTION 25-74
AUTHORIZING 2024 APPROPRIATION TRANSFERS IN THE AMOUNT OF
\$25,000.00 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
4-01-26-305-003-101	Recycling		S&W	3,000.00
4-01-26-305-003-261	Recycling		O&E	12,000.00
4-01-20-100-000-101	Administration		S&W	2,000.00
4-01-20-140-001-235	Data Processing		O&E	2,000.00
4-01-20-150-000-235	Assessing		O&E	2,000.00
4-01-20-165-001-101	Engineering		S&W	2,000.00
4-01-25-252-000-101	OEM		S&W	2,000.00
Total FROM:				25,000.00
TO:				AMOUNT
4-01-26-290-002-445	Road Repairs & Maintenance		O&E	6,000.00
4-01-26-315-000-401	Vehicle Maintenance		O&E	19,000.00
Total TO:				25,000.00

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

RESOLUTION 25-75
AUTHORIZING THE HIRING OF PART-TIME 2025 SUMMER PERSONNEL
FOR LEGENDS CAMP AND COMMUNITY POOL

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, New Jersey that at the recommendation of the Director of Recreation, authorization is hereby given for employing the following people for seasonal work for the South Plainfield Recreation Department at rates pursuant to the Salary Ordinance:

SUMMER PART-TIME PERSONNEL:

Legends Camp			
Position	First Name	Last Name	
Director	Renee	Eggert	
Assistant Director	Shaun	Boffard	
Assistant Director	Anthony	Eggert	
Camp Certified Teacher	Elizabeth	Yarus	

Community Pool			
Position	First Name	Last Name	
Head Manager	William	Nickel	
Assistant Manager (Tier 3)	Dominic	Faustini	
Assistant Manager (Tier 3)	Bridgette	Wahlers	
Assistant Manager (Tier 3)	Jessica	Romero	
Assistant Manager (Tier 3)	Samantha	Wick	
Assistant Manager (Tier 2)	Nicholas	Robertson	

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		X	X				
Councilwoman Faustini							X
Councilwoman Mott			X				
Councilman Smith			X				
Councilman Wolak			X				
Council President White	X					X	
			4	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 25-76
AUTHORIZING THE SERVICES OF NAJARIAN ASSOCIATES
IN OBTAINING NJDEP PERMITS FOR THE NEW DPW FUELING STATION
IN AN AMOUNT NOT TO EXCEED \$8,250.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Najarian Associates for in obtaining NJDEP permits for the new DPW fueling station in an amount not to exceed \$8,250.00.

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
4. John Freeman, Najarian Associates

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

RESOLUTION 25-77

ACCEPTING THE RETIREMENT OF NANCY MCMAHON FROM THE BOROUGH OF SOUTH PLAINFIELD WITH A TARGET EFFECTIVE DATE OF MARCH 1ST 2025 AND AUTHORIZING MODIFICATION OF RETIREMENT TERMS

WHEREAS, Nancy McMahon currently holds a position with the Borough of South Plainfield and has expressed her intention to retire; and

WHEREAS, the current labor agreement requires employees to reach the age of 62½ years, maintain 15 years of service in the Public Employee Retirement System (PERS), and complete ten years of service with the Borough to receive certain retirement benefits; and

WHEREAS, Nancy McMahon has completed approximately 17 years of PERS service time and ten years of service with the Borough but has not yet reached the age requirement; and

WHEREAS, Nancy McMahon has experienced significant, health and medical issues and has received donated leave time from other employees as a result of same through April 2025; and

WHEREAS, the Borough of South Plainfield and Nancy McMahon have reached an agreement on the terms of her retirement and the benefits thereof; and

WHEREAS, this retirement is subject to and contingent to final approval by the New Jersey Division of Pensions and Benefits.

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

1. Accepts the retirement of Nancy McMahon with a targeted effective date of March 1st, 2025. subject to approval by the New Jersey Division of Pensions and Benefits; and
2. Authorizes a modification of the standard retirement requirements to waive the age requirement of 62½ years; and
3. Authorizes the provision of lifetime benefits to Nancy McMahon upon her retirement as if all standard retirement requirements had been met; and
4. Authorizes the Mayor and Municipal Clerk to execute any necessary documentation to effectuate this resolution.

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

1. Glenn Cullen, Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. Anne Daley, Benefits
4. Carmela Miller, Payroll
5. John Abbruzzese, IT
6. Nancy McMahon

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

CORRESPONDENCE - Mayor Anesh Accepted all Correspondence:

- Board of Health Monthly Report – December 2024
- Health Advisory Board Minutes – December 10, 2024
- NJDCA \$500,000.00 Grant for Capital Improvements - Roof and Windows

PAYMENT OF BILLS

Current Fund	4-01	299,978.96
Current Fund	5-01	930,711.91
Pool Utility	4-26	1,235.00
Pool Utility	5-26	239.94
Sewer Utility	4-07	1,267.72
Sewer Utility	5-07	13,970.90
Sewer Utility Capital	C-08	0.00
General Capital	C-04	207,527.86
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	647.12
Land for Rec & Consv.	T-10	0.00
Legends Camp Trust	T-11	18.90
Dog Trust	T-12	2,400.00
Treasurers Trust	T-13	16,102.00
Recreation Trust	T-14	4,444.90
Senior Citizen Trust	T-16	0.00
Total All Funds:		\$1,478,545.21
Plus wires totaling:		\$5,588,416.37
GRAND TOTAL:		\$7,066,961.58

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

**RESOLUTION 25-78
AUTHORIZING A CLOSED SESSION MEETING**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council of the Borough of South Plainfield wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Borough Council to discuss certain matter(s) in private, and in this case for the purpose of the Borough Council to discuss the below matters all of which requires attorney-client privilege:

- Contractual – Middlesex Water
- Contractual – Block 85, Lot 2

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Plainfield that it will go into an Executive Session for the purpose of Borough Council to discuss the aforementioned matters all of which requires attorney-client privilege in this regard;

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved. Interested parties may contact the Borough Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – was absent this evening.

Engineer Miller – reported progress.

Clerk Antonides – reported progress.

Chief Papa – said he is working on having a fraud prevention seminar at the Senior Center in the near future.

Councilwoman Mott – said she is happy to be the liaison for the DPW this year and went on to say she has received many compliments with the recent snow plowing by the DPW. Councilwoman Mott further reported that Kristina Nieradka, who is in charge of Clean Communities, handles the Adopt-A-Spot Program and there are plenty of spots available to adopt. If anyone is interested, please contact Kristina at our DPW.

Councilman Smith – thanked all who attended the Lunar New Year, it was a great time. Councilman Smith thanked Chief Papa for the E-Bike signage as he has seen many residents and non-residents riding the e-bikes on the wrong side of the road and popping wheelies. Councilman Smith said he recently attended the Environmental Advisory Board meeting that is for the beautification of our town and looks forward to working with this board this year. The Green Team meeting will be on the 23rd of this month.

Councilwoman Faustini – reported that the registration for the early bird pool will be available soon and the camp will be available by the end of February. The Built By Me STEM Program registration will be available next week for grades one through five.

Councilman Wolak – was absent this evening.

Councilman White – reported that the Revolving Sushi restaurant should be open in a month or so and concluded by quoting Dr Martin Luther King Jr., “Life’s most urgent and persistent question is what are you doing for others?”.

Council President Bengivenga – noted that the ordinance for paving of South Plainfield Avenue is partially paid for by a NJDOT grant and the other ordinance on the agenda tonight is the result of a half million-dollar grant from the NJ DCA for improvements to the Municipal Building and a new roof for the Senior Center. Over the past three years we have received a lot of grant funding for our various projects which have been a large savings for the taxpayers.

Mayor Anesh – reported progress.

Mayor Anesh announced at this time, 7:58 pm, we will be going into closed session of which no further action is anticipated for this evening.

ADJOURNMENT

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Councilman Bengivenga made a motion to adjourn at 8:19 p.m., seconded by Council President White and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk