

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
JUNE 25, 7:00 P.M., SPECIAL VIRTUAL MEETING**
***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	n/a		
Chief Papa	n/a		

Flag Salute: was led by Mayor Anesh

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 awaited virtual hand raises and unmuted all microphones. There were no comments from the public.

RESOLUTIONS

RESOLUTION 25-236

**AUTHORIZING CHANGE ORDER NO. 2 TO TOPLINE CONSTRUCTION FOR IMPROVEMENTS TO
SOUTH PLAINFIELD AVENUE TO INCREASE THE SCOPE OF THE PROJECT TO INCLUDE
ADDITIONAL ROAD IMPROVEMENTS RESULTING IN AN INCREASE TO THE CONTRACT
AMOUNT BY \$70,708.85**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes Change Order No. 2 to Topline Construction to expand the additional project scope of improvements to the South Plainfield Avenue Project to now include additional road improvements. The original contract amount of \$969,348.79 and was increased by \$123,087.34 with Change Order No. 1 for a new contract amount of \$1,092,436.13, but now will be increased by an additional \$70,708.85 for Change Order No. 2 to now reflect a new total contract amount of \$1,163,144.98; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of South Plainfield that a copy of this resolution be distributed to the following:

1. Glenn Cullen, CFO/BA
2. Amy Antonides, Municipal Clerk

3. Len Miller, Borough Engineer/Superintendent DPW
4. Top Line Construction
5. John Freeman, Najarian Associates

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 25-237
A RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY ENDORSING THE FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN AS ADOPTED BY THE
PLANNING BOARD

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive 14-24, the Borough of South Plainfield (the “Borough”) filed a timely Fourth Round DJ Complaint with the Affordable Housing Dispute Resolution Program (the “Program”), along with its binding Resolution on January 23, 2025, accepting the Fourth Round Present and Prospective Need; and

WHEREAS, on February 27, 2025, in response to the DJ Complaint, New Jersey Builders Association filed an Answer/Objection of Interested Party challenging the Borough’s modification of its “Prospective Need” Obligation; and

WHEREAS, the Program considered the challenge filed by New Jersey Builders Association and, after a settlement conference was conducted, the Superior Court, Law Division held that the “Present Need” Obligation is fixed at 54 affordable units and the “Prospective Need” Obligation is fixed at 206 affordable units for the Fourth Round Housing Cycle; and

WHEREAS, the entry of the Decision and Order Fixing Municipal Obligations for “Present Need” and “Prospective Need” for the Fourth Round Housing Cycle dated April 4, 2025 gave the Borough automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

WHEREAS, in accordance with the Amended FHA, the Borough’s affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 24, 2025 and adopted the 2025 Fourth Round Housing Element and Fair Share Plan on the same day; and

WHEREAS, a true copy of the Resolution of the Planning Board adopting the 2025 Fourth Round Housing Element and Fair Share Plan is attached hereto as Exhibit A; and

WHEREAS, the Borough Council of the Borough of South Plainfield wishes to endorse the 2025 Fourth Round Housing Element and Fair Share Plan and seeks a compliance certification of such plan from the Program;

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

1. It hereby endorses the 2025 Fourth Round Housing Element and Fair Share Plan as adopted by the on June 24, 2025 via the Planning Board Resolution attached hereto as Exhibit A.
2. It authorizes and directs its Attorney to file with the Program (i) the 2025 Fourth Round Housing Element and Fair Share Plan; (ii) the Resolutions of the Planning Board adopting and the Borough Council endorsing

the 2025 Fourth Round Housing Element and Fair Share Plan; and (iii) any additional documents the professionals deem necessary or desirable.

3. It reserves the right to amend the 2025 Fourth Round Housing Element and Fair Share Plan should that be necessary.

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 25-238
RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY ADOPTING THE AFFORDABLE
HOUSING TRUST FUND SPENDING PLAN FOR THE BOROUGH

WHEREAS, the Borough of South Plainfield has prepared a Fourth Round Housing Element and Fair Share Plan that addresses its regional fair share of the Affordable Housing need in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 to 171, and the Amended Fair Housing Act, N.J.S.A. 52-27D-301 to 329; and

WHEREAS, a Development Fee Ordinance was originally approved by the Council on Affordable Housing (“COAH”) in 2008, and subsequently amended and approved by the Court in 2017; and

WHEREAS, the Development Fee Ordinance established an Affordable Housing Trust Fund which includes, but is not limited to development fees, payments from developers in lieu of construction of affordable housing units on-site, barrier free escrow funds, repayments from Affordable Housing Program loans, recapture funds, and proceeds from the sale of affordable housing units; and

WHEREAS, in accordance with the Amended Fair Housing Act, the Borough has prepared an updated Spending Plan (attached hereto as Exhibit A), which accounts for the collection and expenditure of all current and future Affordable Housing Trust Fund monies and will contribute to the development of affordable housing within the Borough; and

WHEREAS, the Affordable Housing Planner drafted a Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Borough desires to submit its Spending Plan to the Affordable Housing Resolution Dispute Program for its review and approval;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that it adopts the Spending Plan attached hereto as Exhibit A.

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 2025-239
AUTHORIZING A CONTRACT WITH THE FIRM OF PIAZZA & ASSOCIATES, INC.
TO ACT AS THE BOROUGH'S AFFORDABLE HOUSING ADMINISTRATIVE AGENT.

WHEREAS, there exists a need for professional services as Affordable Housing Administrative Agent; and

WHEREAS, in response to this need, the Borough of South Plainfield advertised a Request for Professional Services for an Affordable Housing Administrative Agent; and

WHEREAS, the Mayor and Council approve of the proposal of Piazza & Associates, Inc., which entity had previously performed services for the Borough in a satisfactory manner; and

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. That the firm of Piazza & Associates, Inc. is hereby appointed Affordable Housing Administrative Agent for the period of three (3) years effective the date an agreement is executed, and shall perform all administrative services under the contract authorized herein, and subject to Chapter 504 of the Borough Code entitled "Affordable Housing";

2. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest to an agreement with the firm of Piazza & Associates, Inc.;

3. That this contract is awarded as a Professional Service in accordance with N.J.S.A. 40A:11-5(1)(a)(I) of the Local Public Contracts Law as it is for services to be performed by persons authorized by law to practice a recognized profession;

4. That notice of this action shall be printed once in the official notice of the Borough of South Plainfield; and

5. That this Resolution shall take effect immediately.

6. That a certified copy of this Resolution shall be provided by the Borough Clerk to Piazza & Associates, Inc., Borough Administrator, Chief Financial Officer, and the Affordable Housing Attorney.

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							

ADJOURNMENT

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Councilman Smith made a motion to adjourn at 7:03 p.m., seconded by Councilman Bengivenga and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk