

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
DECEMBER 7 2015, 7:00 P.M.
AGENDA MEETING**

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 meeting having been provided to the Borough's two official newspapers and also published on the Borough's website.

The roll call was administered by Amy Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman Barletta	X		
Councilman Bengivenga	X		
Councilman Diana		X	
Councilman Richkus	X		
Councilman Rusnak	X		
Council President White	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller	X		

Councilman elect Wolak was also present.

Clerk Antonides advised that Councilman Diana could not make it this evening due to the birth of his new son, Harrison.

Review of Agenda Items: Clerk Antonides reviewed all the items on the agenda for this evening. Mayor Anesh asked if the Council has any comments on the agenda this evening.

Councilman Bengivenga said he would like to make a motion to remove Ordinance 2041 from the table as after reading it over he feels that there are some variables contained within it that could cause some conflicts and needs to be looked out further. Councilman Barletta seconded the motion. Councilman Barletta said he would like to have Paul take a look at this Ordinance to make sure we are doing the right thing and added that he isn't sure how he feels about this Ordinance at this time. Councilman Richkus asked where the conflicts are. Councilman Bengivenga explained as an example that the Planning and Zoning Boards by statute have the right to appoint their own Chairs and that our Governing Body has no say in that. Councilman Bengivenga said that the part of the ordinance that says a volunteer can only be voting members on two committee and if they are on more they cannot be a voting member conflicts with other boards that require a certain amount of voting members. According to this ordinance how is it decided as to what boards the member can be a voting member on or not a voting member. For example if a member sits on the Library Board, the Zoning Board and the Recreation Committee who decides which of these that member will be voting or non-voting members; is it the Council, is it the member, is it the board? Councilman Richkus said so this is more speculation than actual contradiction and you're making assumptions we will be in violation. Mr. Paul Rizzo, Esq. said it is not speculation it is more like potential conflicts. Logistically this becomes somewhat of a nightmare. Mr. Rizzo said it is worth taking another look into this, but is not suggesting that the concept be abandoned all together. Councilman Bengivenga said his concerns are that if things are not spelled out better it can cause some ramifications down the line. Councilman Barletta asked why would we want to even appoint someone to a board if they are not going to be able to vote. Mayor Anesh said this is self-governing and over legislating. Mayor Anesh said that if it is a Council or a Mayoral appointment and they don't want a member to serve in more than two committees, than just don't appoint them to a third, especially if they won't be able to be a participating voter of that 3rd board. Most of the terms are for three years and it would seem to him that the easiest thing to do is just not appoint them to a third board where they would not be able to vote in lieu of having a complex ordinance. Mayor Anesh said what we do need to have in place is some kind of policy regarding attendance as you can appoint someone to a board and for whatever reason they decide to stop showing up. Mayor Anesh said to sum up he doesn't feel that an ordinance that limits the numbers of boards you can serve and be a voting member on is unnecessary and unwarranted, however, having some policy about attendance is not a bad idea. If we have a willingness of someone who wants to volunteer on more than two boards, we should let them with respect to the Council if they cannot find anyone else to fill those vacancies. Councilman Barletta said he feels we should maintain this on a case by case basis and leave it up to the discretion of the Mayor and Council pertaining to attendance as there are many legitimate reasons of why someone may not be able to attend some meetings. Councilman Richkus clarified that the proposed ordinance does say "may" be removed. Council President White added that recently with Cultural Arts they were facing a couple members that have not attended any meetings in excess of a year and the Chair did reach out to them and it appears there was no longer interest with them to serve on this board so the Mayor and Council at their discretion did remove those members.

Councilman White said that there is also value in the Chair assessing their own membership. Councilman Rusnak did concur and mentioned the differences between the excused absence of letting the board know why your missing meetings opposed to someone not showing up to six months of meetings and never saying a word to anyone about it. Councilman Bengivenga said one of the other issues we have, for example, is with Traffic Safety whereas the Board of Ed liaison cannot attend those meetings because they have a legitimate conflict in that Traffic Safety meets on the same day as the Board of Ed. Councilman Rusank asked Paul if we had something on record for the Council that if you miss three or more meetings you better have a good legitimate reason. Councilman Bengivenga said he does recall something like that from back in 2009/2010 about this and will look into it to see if he can find it.

At this time the Mayor reiterated that we have a motion and second on the floor to remove Ordinance 2041 from the agenda and asked for a roll call:

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta		x	X				
Councilman Bengivenga	x		X				
Councilman Diana						X	
Councilman Richkus				x			
Councilman Rusnak			X				
Council President White			X				
		VOTE:	4	1			
Mayor Anesh – TIE ONLY							

Ordinance 2041 was removed from this evening’s agenda.

Councilman Richkus asked to have Resolution #15-357 separated out. There were no further comments by the Council.

**RESOLUTION #15-340
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:

- Contract Negotiation – Oak Park Owner LLC / Asarco Property

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 and/or a contract(s) is signed and/or the negotiations are formally settled. 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 Barletta			X				
Councilman Bengivenga	x		X				
Councilman Diana						X	
Councilman Richkus			X				
Councilman Rusnak		x	X				
Council President White			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

PUBLIC COMMENT ON AGENDA ITEMS ONLY: Mayor Anesh opened the floor for public comments.

Debbie Boyle of Van Fleet, said the majority of the volunteers on these committees, whether it be one or five, if they are there all the time and contributing members she doesn't understand what the issue is. Ms. Boyle asked why this ordinance came up. Whether you are a republican or democrat should have nothing to do with it, or is it about the nasty little negative email that went out?

Councilman Richkus said he would like to see more people get involved because a lot of people feel that if one particular political party is in charge than it is filled with political people from that side. So this ordinance is to encourage more people to come out and get involved as he has had many people say to him that they would like to get involved but are not with that party. Ms. Boyle questioned that and said she feels on the committees there are a diverse group which contradicts what he just said. Mayor Anesh said it is true that we have diversity already on our boards and committees that have been long on them long before he was Mayor and with this Governing Body. Mayor Anesh said he doesn't feel that this is even the issue, but in fact that we just have boards and committees that no body desires to serve on. The more popular requests are usually for Planning, Zoning and the Library. This ordinance can potentially remove someone that has stepped up to serve on one of the less popular boards. We have vacancies and we do a lot of public outreach to try to get applicants. Clerk Antonides verified that she has advertised for 2016 board vacancies three times now.

Suzanne Lepore, reiterated Ms. Boyle's comments saying that if someone is on multiple boards and they attend the meetings, then let them be on it if no one else is interested in those boards. The Cultural Arts Commission has sometimes gone several years with vacancies on it. We typically have openings on it. If there is any candidate that would like to be on this commission and they are on other boards, she said she would still want them on her board if they are attentive. To conclude Ms. Lepore asked to please reconsider limited the number of boards one can serve on.

With no further public comments made, Mayor Anesh closed the floor from public comments.

ADJOURN AGENDA MEETING: With no further comments, Mayor Anesh asked for a motion to adjourn from the Agenda Meeting. Council President White made a motion to adjourn from the Agenda Meeting at 7:22 p.m., seconded by Councilman Barletta and unanimously carried by an all in favor.

Respectfully Submitted By:

Amy Antonides

Amy Antonides, RMC/CMC