

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
OCTOBER 2, 2017 7:03 P.M.
PUBLIC 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 Clerk Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman Bengivenga	X		
Councilman Dean	X		
Councilwoman Faustini	X		
Councilman Vesce	X		
Councilman Wolak	X		
Council President White	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo Esq.	X		
Engineer Miller	X		

Flag Salute: was led by Mayor Anesh and Council President White led the invocation.

Public Comment: Mayor Anesh opened the floor for public comment on agenda items only. With no comments from the public, Mayor Anesh closed the floor.

Proclamations: Domestic Violence Awareness Month
Breast Cancer Awareness Month
Italian Heritage & Culture Month
Dyslexia Awareness Month

The aforementioned proclamations were all read in full by Mayor Anesh and presented to each applicable entity. Everyone extended a round of applause and photographs were taken.

Authorizing the Approval of Council Minutes:

September 18, 2017 – Agenda
September 18, 2017 - Public

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

ORDINANCE – FIRST READING BY TITLE – was read by Clerk Antonides for the following Ordinance 2092. Mayor Anesh set the public hearing for October 16, 2017 at approximately 7:00 p.m.

ORDINANCE NO. 2092

A CAPITAL ORDINANCE AUTHORIZING THE “ACQUISITION OF AIRPACKS, MASKS, BOTTLES AND OTHER FIRE BREATHING APPARATUS” AT A COST NOT TO EXCEED \$212,000.00, IN THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY as follows:

Section 1. The aforementioned assets be funded by an \$192,473.00 from the U.S. Department of Homeland Security and \$19,527.00 from existing funds in the Capital Improvement Funds. The funding requirements shall be identified by asset as follows:

Fire Breathing Apparatus	\$212,000.00
Totals	<u>\$212,000.00</u>

Section 2. That the improvements described in Section 1 hereof shall be authorized as Capital Improvements for the Borough of South Plainfield in the County of Middlesex, New Jersey.

Section 3. It is hereby determined and declared by this Mayor and Borough Council as follows:

- A. That the maximum estimated amount of money to be raised from all sources for the purposes stated in Section 1, hereof, is \$212,000.00.
- B. That the cost for the equipment shall be \$19,527.00 from the Capital Improvement Fund and \$192,473.00 from Homeland Security Grants.
- C. The estimated useful life of said improvements is hereby determined to be five (5) years.

Section 4. That the total amount of the appropriation to be expended for Architectural and inspection costs, legal costs, advertisement of ordinance and other expenses as provided in Section 48:2-20 of the Revised Statutes, is not to exceed \$1,000.00.

Section 5. This ordinance shall take effect after final passage and publication in accordance with the law.

Introduction of Ordinance #2092: October 2, 2017

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

ORDINANCE 2093 – WAS TABLED UNTIL THE NEXT MEETING

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH

COMPENSATION FOR THE YEARS 2016 THROUGH 2020 FOR SUPERIOR OFFICERS–

ORDINANCE – FIRST READING BY TITLE – was read by Clerk Antonides for the following Ordinance 2094. Mayor Anesh set the public hearing for October 16, 2017 at approximately 7:00 p.m.

ORDINANCE 2094

AN ORDINANCE REPEALING ORDINANCE 2090 AND REPLACING WITH ORDINANCE 2094 APPROVING A MASTER LICENSE AGREEMENT (“MLA”) WITH NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS FOR THE INSTALLATION OF SMALL CELL EQUIPMENT IN PUBLIC RIGHTS-OF-WAY

The ordinance #2094 read by title upon first reading herewith has been introduced at the meeting of the Mayor and Borough Council of the Borough of South Plainfield, held on October 2, 2017. In summary, this ordinance repeals Ordinance 2090 in its entirety to now amend the name to be New York SMSA Limited Partnership D/B/A Verizon Wireless. The nature of this ordinance approves a master license agreement with New York SMSA Limited Partnership D/B/A Verizon Wireless for the installation of small cell equipment in public rights-of-way within the Borough of South Plainfield. The public hearing where further consideration will be made will be held on October 16, 2017 at approximately 7:00 p.m. at the Municipal Building located at 2480 Plainfield Avenue, South Plainfield, NJ. A full complete copy of this ordinance shall be provided, free of charge prior to adoption, to all those who request said copy at the Borough Clerk’s office during normal business hours of 8 a.m. to 4 p.m., or emailed upon request. A copy is also located on the municipal website and may be freely viewed and printed.

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

RESOLUTIONS

RESOLUTION 2017-359

**RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING THE EXECUTION OF AN ADDENDUM
TO THE 1994 COOPERATION AGREEMENTS BETWEEN THE
COUNTY OF MIDDLESEX AND THE BOROUGH OF SOUTH PLAINFIELD**

WHEREAS, the County of Middlesex and the Borough of South Plainfield entered into Cooperation Agreements for federal fiscal years 1994, 1995 and 1996 to provide a means of conducting certain community development activities utilizing Community Development Block Grant (“CDBG”) funds and HOME Investment Partnerships funds from the U.S. Department of Housing and Urban Development; and

WHEREAS, the Cooperation Agreements are renewed every three years, with the most recent renewal covering federal fiscal years 2015, 2016 and 2017; and

WHEREAS, said Cooperation Agreements are up for renewal for years 2018, 2019 and 2020; and

WHEREAS, it has been determined that the Cooperation Agreements must be amended to include a provision required in the Transportation, Housing and Urban Development and Related Agencies Appropriations Act of 2014; and

WHEREAS, the County of Middlesex has requested that the Borough execute an addendum to the 1994 Cooperation Agreements that includes such a provision, which execution must be authorized by resolution; and

WHEREAS, the Borough of South Plainfield desires to execute an addendum to the 1994 Cooperation Agreements.

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

1. That the Governing Body is hereby authorized to enter into an Addendum to the 1995 Cooperation Agreements with the County of Middlesex for the utilization of Community Development Block Grant (“CDBG”) funds and HOME Investment Partnerships funds from the U.S. Department of Housing and Urban Development for federal fiscal years 2018, 2019 and 2020.

2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to the Addendum, and any other documents necessary to effectuate the terms of this resolution. Said Addendum shall be in a form acceptable to the Borough Attorney and in a form substantially the same as the attached Schedule A.

3. That this resolution shall become effective immediately.

4. That a copy of the Addendum referenced herein shall be kept on file and made available for public inspection at the Borough Clerk’s Office during normal business hours.

5. That a certified copy of this resolution, together with a copy of the Addendum to the Agreements, shall be forwarded to the County of Middlesex Board of Chosen Freeholders, and to Paul Buckley, Division Head, County of Middlesex Public Housing Agency, Division of Housing, Community Development and Social Services.

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

RESOLUTION 2017 – 360

AUTHORIZING THE NJ STATE CONTRACT SERVICES OF GOVDEALS FOR THE RETROACTIVE AUCTION OF THREE MUNICIPAL VEHICLES DEEMED TO HAVE OUTLIVED THEIR USEFUL LIFE EFFECTIVE SEPTEMBER 19, 2017

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

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

NOW THEREFORE, BE IT RESOLVED by the Borough of South Plainfield, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-

83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of

the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough of South Plainfield.

- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:
 - A) Year: 1993
 Model: E-One Hurricane Cab
 95 foot tower ladder with 1500 gpm pump. Diesel generator, Can carry 1000 feet of five inch hose. 250 water tank.
 VIN #4ENDABA83P1002537 and the odometer reading is 37,265
 - B) 1990 Ford L8000 5 Yard Dump
 VIN#: 1FDXK82A62VA10693
 50,000 MILES
 - C) 1999 Chevy 3500 Express Van
 VIN#: 1GCHG35R3X1112240
 110,000 MILES
- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and identification Agreement concerning use of said surplus property.
- (6) The Borough of South Plainfield reserves the right to accept or reject any bid submitted.

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

**RESOLUTION 2017-361
 AUTHORIZING THE PLACE TO PLACE TRANSFER FOR AN EXPANSION OF PREMISES TO SRI
 LIQUORS, INC. PERTAINING TO THEIR BROAD PACKAGE CONSUMPTION LICENSE 1222-32-009-005
 LOCATED AT 6001 HADLEY ROAD, SOUTH PLAINFIELD**

WHEREAS, an application has been filed for a Place-To-Place Transfer for an expansion of premises of a Plenary Retail Consumption License with Broad Package Privilege 1222-32-009-005, for the purposes of expanding the premises under license wherein sale, service, and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey does hereby approve, effective this date of this resolution the expansion of the aforesaid Plenary Retail Consumption License with Broad Package Privilege with the licensed premises located at 6001 Hadley Road, South Plainfield, NJ 07080 to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

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

RESOLUTION: 2017-362
AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$3,200.01 FOR ANNE HOWARTH OF 919 TOMPKINS AVENUE.

WHEREAS, the Tax Collector advises that the following taxpayer and/or their agent have overpaid their taxes and have requested a refund:

Block: 12 Lot: 44
Wells Fargo Real Estate Tax Services
Attn: Financial Support
1 Home Campus MAC F2302-04D
Des Moines, IA 50328
\$3,200.01

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				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION: 2017-363
AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$90,567.55 PERTAINING TO 1311 DURHAM AVENUE IN SOUTH PLAINFIELD

WHEREAS, the following list of taxpayers have filed appeals with the Tax Court of New Jersey and have received judgments reducing their assessments:

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Favorite Realty North, LTD 1311 Durham Avenue South Plainfield, NJ 07080	552	3	2017	\$27,938.98
			2016	\$26,828.52
			2015	\$29,652.89
			2014	\$6,147.16

Mail to:

Michael A. Vespasiano
Attorney Trust Account
331 Main Street
Chatham, NJ 07928

Total **\$90,567.55**

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				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2017-364
BOROUGH OF SOUTH PLAINFIELD
COUNTY OF MIDDLESEX**

**AUTHORIZING INSERTION OF ITEM OF REVENUE FOR BUDGET YEAR 2017 FOR THE
CLEAN COMMUNITIES GRANT IN THE AMOUNT OF \$47,963.56**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of South Plainfield in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2017 in the total sum of \$47,963.56 which is now available and is broken down as follows:

Clean Communities Grant	\$47,963.56
Total Grants	\$47,963.56

BE IT FURTHER RESOLVED, that the like sum of \$47,963.56 is hereby appropriated under the aforementioned Grants;

BE IT FURTHER RESOLVED, that two copies of this Resolution shall be forwarded to the Director of the Division of Local Government Services, and one copy shall be forwarded to the Chief Financial Officer.

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

RESOLUTION 2017-366

AUTHORIZING THE RFP SERVICE AWARD OF COMPUTER SYSTEMS MANAGEMENT AND SUPPORT SERVICES FOR THE BOROUGH OF SOUTH PLAINFIELD TO OCEAN COMPUTER GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$7,500.00 PER MONTH AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE THE CONTRACT AGREEMENT

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 without a QPA to advertise for proposals for delivery of said goods or services; and

WHEREAS, a need has been determined that the Borough of South Plainfield requires computer systems management and support services; and

WHEREAS an RFP was solicited and due on Wednesday, September 13, 2017 at 4:00 p.m. and the following submitted an RFP as follows:

Ocean Computer Group, Inc. \$7,500.00 per month base cost

WHEREAS, the RFP was reviewed by the Borough Engineer and the Borough Attorney who have verified that the lowest qualified vendor is Ocean Computer Group, Inc. in the base amount of \$7,500.00 per month and have recommended the award for same; and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available through the current budget;

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 for computer systems management and support services for the Borough of South Plainfield to Ocean Computer Group Inc. in the base amount of \$7,500.00 per month.

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

RESOLUTION 17-367

**AUTHORIZING THE BOROUGH OF SOUTH PLAINFIELD TO BID
EMERGENCY MEDICAL SERVICES**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the Borough of South Plainfield to bid emergency medical services; 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

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

RESOLUTION: 2017-368

**AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$2,061.37 FOR
LORRAINE MILLER OF 147 NEW YORK AVENUE**

WHEREAS, the Tax Collector advises that the following taxpayer and/or their agent have overpaid their taxes and have requested a refund:

Block: 427 Lot: 8
 Title Masters, LLC
 203 South Avenue East
 2nd Floor
 Westfield, NJ 07090
 \$2,061.37

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				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION: 2017-369

**AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$1,038.61 FOR A.
GONZALEZ & R. LEON FOR 204 FRED ALLEN DRIVE.**

WHEREAS, the Tax Collector advises that the following taxpayer and/or their agent have overpaid their taxes and have requested a refund:

Block: 282 Lot: 73
 Corelogic
 Attn: Refund Department
 3001 Hackberry Road
 Irving, TX 75063
 \$1,038.61

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				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman Wolak			X				
Council President White	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION No. 2017 - 370
 AUTHORIZING CHANGE ORDER NO. 3 TO STILO EXCAVATING INC. FOR THE 2017 ROAD
 IMPROVEMENTS PROJECT TO INCREASE THE SCOPE OF WORK TO INCLUDE
 ADDITIONALROAD REPAIRS AND PAVING TO PORTIONS OF ROADS ON THE ROAD REPAIR
 LIST FOR AN ADDITIONAL \$35,500.**

WHERE AS, Change Order No. 1 to Stilo Excavating for \$29,620.00 increased the original Contract Price of \$505,074.31 for the 2017 Road Improvement Project to \$534,694.31 and;

WHERE AS, Change Order No. 2 to Stilo Excavating for \$30,600.00 increased the Contract Price to \$565,294.31 and;

WHERE AS, this Change Order No. 3 for \$35,500.00 will increase the scope of work to include; additional road repairs and paving of portions of roads listed on the Road Repair List and all work shall be done in accordance with the established contract unit prices;

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorized the additional project scope in Change Order No. 3 of the 2017 Road Improvements Project. The improvements shall be installed in accordance with the unit prices established in the contract and will result in an increase to the contract amount of \$565,294.31 an additional \$35,500.00 for a new contract amount of \$600,794.31.

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, Clerk
3. Len Miller, Borough Engineer/Superintendent DPW
4. Najarian Associates
5. Stilo Excavating

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

RESOLUTION NO. 17-371

**AUTHORIZING A \$60.00 REFUND TO CHERYL NAGEL SMILEY
OF 261 E. GOLF AVENUE CANCELED SR. CENTER ACTIVITIES**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the following refund(s) to Senior(s):

Cheryl Nagel Smiley

261 E. Golf Avenue
 South Plainfield, NJ 07080
 \$60.00 – Grounds for Sculpture Trip

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of South Plainfield that the Finance Office hereby has approval to release the aforementioned refund(s).

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

RESOLUTION 17- 372

**AUTHORIZING THE PART-TIME HIRING OF ROBERT VENTIMIGLIA AT THE HOURLY RATE
OF \$12.50, WITH NO BENEFITS, FOR THE POSITION OF GROUNDSKEEPER**

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby authorizes the Borough to hire Robert Ventimiglia on a part-time basis without benefits in the position of Groundskeeper, effective October 3, 2017 at the hourly rate of \$12.50:

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. Carmela Sutor, Payroll
4. Anne Daley, Benefits
5. Len Miller, DPW Superintendent
6. Alice Tempel, Recycling/Environmental Specialist

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

RESOLUTION 2017-373

AUTHORIZING THE APPOINTMENT OF INSPECTOR MICHAEL PELLEGRINO AS ACTING FIRE SUB-CODE OFFICIAL AT AN HOURLY RATE OF \$25.00 PER HOUR IN THE AS-NEEDED ONLY ABSENCE OF JOE ABBRUZZESE

WHEREAS, Joe Abbruzzese from time to time may attend a conference, seminar, take vacation time or have some other reason for a temporary absence in his capacity as Fire Sub-Code Official; and

WHEREAS, a need exists to fill a temporary absence of the Fire Sub-Code Official on an as-needed basis in the spirit of providing continuous services to the citizens of South Plainfield;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that authorization is hereby given to appoint Inspector Michael Pellegrino as the Acting Fire Sub-Code Official on an as-needed basis only at the hourly rate of \$25.00 during times of the aforementioned absence of Joe Abbruzzese.

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

RESOLUTION 2017- 374

RESOLUTION AUTHORIZING SETTLEMENT OF 2012, 2014, 2015, 2016 and 2017 TAX APPEALS FILED BY SUSHMAA REALTY, LLC, FOR THE PROPERTY KNOWN AS 2500 HAMILTON BLVD (A) AND IDENTIFIED AS BLOCK 476, LOT 1.05, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, Sushmaa Realty, LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 2500 Hamilton Boulevard (A) and identified as Block 476, Lot 1.05, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$825,000 for all years under appeal; and

WHEREAS, Taxpayer filed appeals of the 2012, 2014, 2015, 2016 and 2017 tax assessments in the Tax Court of the State of New Jersey under docket numbers 012130-2012, 013057-2014, 010735-2015, 010214-2016 and 011008-2017; and

WHEREAS, a proposed settlement of the aforesaid tax appeals was negotiated between Taxpayer and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

WHEREAS, the Borough Appraiser, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the tax years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for all years under appeal; and

WHEREAS, pursuant to the proposed Stipulation of Settlement annexed hereto, the aforesaid tax appeals are to be resolved as follows:

- The 2012 tax appeal shall be withdrawn by Taxpayer;
- The 2014 original assessment in the amount of \$825,000 shall be reduced to \$728,440 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2014;
- The 2015 original assessment in the amount of \$825,000 shall be reduced to \$728,440 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2015;
- The 2016 original assessment in the amount of \$825,000 shall be reduced to \$728,440 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2016;
- The 2017 tax appeal shall be withdrawn by Taxpayer;
- Taxpayer has agreed to waive statutory interest provided the subject refunds are paid within sixty (60) days from the date of the entry of Judgment; and
- Refunds regarding over payments shall be made payable to “Michael A. Vespasiano, Attorney Trust Account”, and forwarded to Michael A. Vespasiano, Esq., 331 Main Street, Chatham, NJ 07928 within 60 days from the date of the entry of Judgment.

WHEREAS, the Borough of South Plainfield Tax Assessor agrees that it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

WHEREAS, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

WHEREAS, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto; and

WHEREAS, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer’s request for tax assessment reduction; and

WHEREAS, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment reductions to the Borough Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Borough.

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

1. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$728,440 total tax assessment for the 2014, 2015 and 2016 tax years for Block 476, Lot 1.05 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.

2. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by Sushmaa Realty, LLC under Docket Nos.: 012130-2012, 013057-2014, 010735-2015, 010214-2016 and 011008-2017 for the property known as 2500 Hamilton Boulevard (A) and identified as Block 476, Lot 1.05, on the Borough of South Plainfield Tax Assessment Maps which withdraws the tax appeals for Tax Years 2012 and 2017; which reduces the 2014, 2015 and 2016 total tax assessments on the Property from \$825,000 to \$728,440; which provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is paid within sixty (60) days from the issuance of Judgment; and which further provides that any refunds shall be made payable to “Michael A. Vespasiano, Attorney Trust Account” and forwarded to Michael A. Vespasiano, Esq., 331 Main Street, Chatham, NJ 07928 within 60 days from the date of the entry of Judgment.

3. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

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

**RESOLUTION 17- 375
AUTHORIZING THE PART-TIME HIRING OF KEVIN KOBER AS CLEAN COMMUNITY
PROGRAM AIDE AT AN HOURLY RATE OF \$14.54 WITH NO BENEFITS**

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby authorizes the Borough to hire Kevin Kober on a part-time basis without benefits in the position of Clean Community Program Aide, effective October 3, 2017 at the hourly rate of \$14.54 to replace Kevin Kober:

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. Alice Tempel, Recycling/Environmental Specialist
5. Anne Daley, Benefits
6. Carmella Sutor, Payroll

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

**RESOLUTION 2017-376
ACCEPTING THE RESIGNATION OF JEFFREY PELLEGRINO FROM THE
DPW AS LABORER III EFFECTIVE SEPTEMBER 29, 2017**

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

It hereby accepts the resignation of Jeffrey Pellegrino from the DPW as Laborer III effective September 29, 2017; and

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

1. Amy Antonides, Municipal Clerk
2. Len Miller, DPW Superintendent
3. Anne Daley, Benefits
4. Carmela Sutor, Payroll

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

AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:

- Zoning Board Minutes – August 1st and August 15th

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

PAYMENT OF BILLS

Current Fund	7-01	433,443.25
Current Fund	6-01	0.00
Pool Utility	6-26	0.00
Pool Utility	7-26	618.75
Sewer Utility	6-07	0.00
Sewer Utility	7-07	1,806.24
Sewer Utility Capital	C-08	53.07
General Capital	C-04	31,668.54
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	9,221.44
Dog Trust	T-12	0.00
Treasurers Trust	T-13	16,084.28
Recreation Trust	T-14	3,869.51
TOTAL ALL FUNDS		\$496,765.08

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

COUNCIL REPORTS:

Borough Attorney Rizzo Esq. – reported progress.

Administrator Cullen – welcomed back Amy not just tonight but every day of the week as it’s great to have her back. Mr. Cullen explained that ordinance 2092 introduced this evening is being funded by \$192,000.00 by a FEMA grant. The Ledger just released a tax report for the County and South Plainfield came in as second lowest taxes again. Cranbury seems to always come in first. To conclude Mr. Cullen wished Councilwoman Faustini a happy birthday.

Engineer Miller – gave a brief update on the status of the 2017 road improvements saying that they are on going. Belmont will be done next week with drainage repair and paving. Because such low rates came in, it has enabled us to add a few more roads into our program for this year. The dog park is still moving along. Mr. Miller concluded by saying that he met with the water company recently to review the upcoming projects.

Clerk Antonides – Clerk Antonides thanked Glenn Cullen, Diane Janus, Andrew Nguyen, Anne Daley and Carmella Sutor for all their help during her leave of absence and expressed how much she appreciated all their time and effort. On another note, Clerk Antonides reminded everyone of the poll worker training class scheduled on Tuesday, October 17th at 7:00 p.m. at the Senior Center.

Councilman Dean – thanked the governing body for their support this evening with the hiring of the new employees for the Clean Communities program and the groundskeeper. Councilman Dean said he noticed the speed humps put in on West Fairview. Councilman Dean inquired with Lt. DeLair about the Geary Drive sector of

town if speed bumps were considered over there. He didn't believe a speed study was done there. One of the residents in the area has a petition signed to request speed humps. Mayor Anesh said it was his understanding that the speed report came back that the speed was actually low in that area. Councilman Dean said that perhaps it's not so much the speed as it is the volume of cars especially in the morning hours. Other issues are the amount of cars parked on the street and there being no sidewalks for pedestrians. There is a concern about pedestrians in the roadway. There is also a sharp radius bend in the road. A speed hump may help ease some safety concerns.

Councilwoman Faustini – advised that some folks have asked why the lights are not on yet by the PAL fields and it is because we are just waiting for PSE&G to make the connection. We are still making progress with the dog park and are on target to open it by the end of the month. The Senior Center membership is up to 500 members. Flu shots are available at Twin City Pharmacy. There will be a Fall Festival at the Library on October 14th with a special guest reader. The fire department open house is on the same day. To conclude, the evangelical church of Scotch Plains is going to extend its “service to service” mission this year to South Plainfield for those in need on Sunday October 8th. They will be wearing teal colored shirts.

Councilman Bengivenga – mentioned the recent NJ.com article regarding abstract ratables over the past five to six years is a real testament to this administration as we've been fortunate to keep controls over our spending while promoting important new projects; road improvements, community pool, dog park and many more. Councilman Bengivenga briefly went over the do not block the box program and his concerns. Councilman Vesce is familiar with this and will look into it.

Councilman Vesce – also welcomed Amy back and is glad she is on the road to recovery. Echoed Councilman Deans comments about thanking the Council for the hiring of the groundskeeper and clean community help. Our road projects are well underway for 2017. Councilman Vesce said he did speak to a representative from the water company last week who indicated that they are going to be doing a renewal project on Plainfield Avenue with pipes. It won't be done this year or during school. Hopefully we can schedule it for next year.

Councilman Wolak – reported progress.

Council President White – welcomed Lynx Staffing to town. They will have their grand opening and ribbon cutting tomorrow. The Walgreens property owners on South Plainfield Ave. are in discussions with a couple national brand corporations. The owner of the property in turn are really great to work with. Council President White concluded by saying he hopes to make an announcement in the future.

Mayor Anesh – Reported progress.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Debbie Boyle of Van Fleet expressed her concerns regarding parking issues near the Riley School then went on to mention that the Historical Society and Business Association hosted a book signing and gave away 40 books. It was a very nice event. Mrs. Boyle then went on to remind everyone of various events forthcoming throughout South Plainfield

Suzanne Lepore of Bullard Place reminded everyone of some upcoming Cultural Arts events such as a book signing at the library and line dancing at the Senior Center on October 28th at 7 p.m.

Mr. Chris Springer of 2012 Perry Street said he recently attended a rally to extend the greenway that is in Metuchen. Their plan is to extend the greenway into the dismal swamp area and hopefully to Metuchen Road. It would be a great benefit to our town. It is great for bike riding, running and walking. Mr. Springer said he would like to inform more residents about this. Councilman Dean said that there is talk about obtaining some funding for this however clean-up efforts have to be done first. Mayor Anesh suggested to contact the Observer and Tapp to help get the word out.

With no further comments from the public, Mayor Anesh closed the floor.
There was no closed session for this evening.

ADJOURNMENT

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilwoman Faustini made a motion to adjourn at 7:52 p.m., seconded by Councilman Bengivenga and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk