

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
JANUARY 13, 2020 7:08 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:08 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		
Councilwoman Mott	X		
Councilman Smith	X		
Councilman White	X		
Councilman Wolak	X		
Council President Faustini	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller	X		

Flag Salute: was led by Mayor Anesh and Councilman Smith 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.

Authorizing the Approval of Council Minutes:

- December 16, 2019 – Agenda Meeting
- December 16, 2019 – Public Meeting
- December 16, 2019 – Executive Session

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

January 4, 2020 – Reorganization

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

Proclamation - Dr. Martin Luther King, Jr. – was read in full by Mayor Anesh. Mayor Anesh asked Mr. Calvin Gross to come forward and accept the proclamation. Everyone extended a round of applause and photographs were taken by the media present.

ORDINANCES:

The following Ordinance 2162 was read by Clerk Antonides by title on first reading. Mayor Anesh set the public hearing for January 27, 2020 at approximately 7 p.m.

**ORDINANCE NO. 2162
AN ORDINANCE AMENDING CHAPTER 317 OF THE
CODE OF THE BOROUGH ENTITLED “PARKS AND RECREATION AREAS”.**

WHEREAS, New Jersey statute, N.J.S.A. 40:12-6 provides that the Board of Recreation Commissioners shall have full control over all lands, playgrounds, and recreation places acquired or leased by a municipality, and may adopt suitable rules, regulations, and bylaws for the use thereof and conduct of all persons while using the same; and

WHEREAS, the Borough Code provides in Chapter 317-5(A) that the Borough Council may adopt an application form to be used by the Recreation Commission whenever any group, association, or organization desires to use park facilities for a particular purpose, when the provision is in conflict with the State’s statute;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 317, Section 317-5(A) be revised to eliminate the last sentence of said paragraph which currently reads, “The Borough Council may adopt an application form to be used by the Recreation Commission for such situations.” It is the intention of the Borough Council that such amendment will allow the Recreation Commission to create or adopt any necessary application forms in accordance with the powers provided by New Jersey statute.

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

The following Ordinance 2163 was read by Clerk Antonides by title on first reading. Mayor Anesh set the public hearing for January 27, 2020 at approximately 7 p.m.

BOND ORDINANCE #2163

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE POOL HOUSE BUILDING, PARKING LOT, CADY LANE AND OTHER VARIOUS SITE IMPROVEMENTS, ALL WITHIN THE POOL UTILITY IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$420,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$420,000, including the sum of \$20,000 from the Pool Capital Improvement Fund as the down payment required by the Local Bond

Law. The 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, negotiable bonds are hereby authorized to be issued in the principal amount of \$400,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various improvements to the Pool Utility, including, but not limited to, the pool house, the parking lot and miscellaneous site improvements, 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 \$400,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$30,000 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 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 real 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 Mott			X				
Councilman Smith			X				
Councilman White			X				
Councilman Wolak			X				
Council President Faustini	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2164 was read by Clerk Antonides by title on first reading. Mayor Anesh set the public hearing for January 27, 2020 at approximately 7 p.m.

BOND ORDINANCE #2164

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,375,000 THEREFOR AND RE-APPROPRIATING \$150,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$207,800 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,375,000, including (i) two grants previously received from the State of New Jersey Department of Transportation (the "State Grants"), one in the amount of \$542,200 for improvements to Saint Nicholas Avenue and the other in the amount of \$625,000 for improvements to Corporate Boulevard and Cragwood Road, as more fully described in Section 3(a) and (ii) unspent proceeds of obligations previously issued in the amount of \$150,000 authorized by Bond Ordinance #2110 of the Borough, finally adopted April 16, 2018, as re-appropriated by Bond Ordinance #2124 of the Borough, finally adopted

February 4, 2019, which are no longer needed for its original purpose and which are hereby re-appropriated pursuant to N.J.S.A 40A:2-39 (the "Unspent Proceeds"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the project since the project is being partially funded by the State Grants.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grants or the Unspent Proceeds, negotiable bonds are hereby authorized to be issued in the principal amount of \$207,800 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 various roads, including Saint Nicholas Avenue, Corporate Boulevard and Cragwood Road, 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 \$207,800, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$120,000 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 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 real 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 Mott			X				
Councilman Smith			X				
Councilman White			X				
Councilman Wolak	x		X				
Council President Faustini			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2165 was read by Clerk Antonides by title on first reading. Mayor Anesh set the public hearing for January 27, 2020 at approximately 7 p.m.

BOND ORDINANCE #2165

BOND ORDINANCE AMENDING BOND ORDINANCE #2145, FINALLY ADOPTED JUNE 17, 2019, IN ORDER TO AMEND THE LIST OF ROADS ON FILE IN THE OFFICE OF THE CLERK AND PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$372,750 FOR ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$355,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of Bond Ordinance #2145, finally adopted June 17, 2019 (the "Original Bond Ordinance"), of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") is hereby amended in order to refer to a revised list of roads on file in the Office of the Clerk.

Section 2. The improvement described in Section 4(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 4(a), there is hereby appropriated the supplemental amount of \$372,750, such sum being in addition to the \$672,000 appropriated therefor by the Original Bond Ordinance and including the sum of \$17,750 as the additional down payment from the Capital

Improvement Fund required by the Local Bond Law. The additional 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 3. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$355,000 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 4. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is road improvements, including resurfacing of roads and the installation of storm sewer inlets and piping, such improvements to be undertaken in concert with PSE&G, all as set forth on an amended list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length herein, 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 \$995,000, including the \$640,000 authorized by the Original Bond Ordinance and the \$355,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$1,044,750, including the \$672,000 appropriated by the Original Bond Ordinance and the \$372,750 appropriated herein.

Section 5. 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 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 6. 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 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 4(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 \$355,000, 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. Of this amount, \$70,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$30,000 is estimated therefor herein.

Section 8. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 3 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 4(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 9. Any grant moneys received for the purpose described in Section 4(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 10. 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 11. 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 real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 12. 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 Mott			X				
Councilman Smith			X				
Councilman White	x		X				
Councilman Wolak			X				
Council President Faustini			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2166 was read by Clerk Antonides by title on first reading. Mayor Anesh set the public hearing for January 27, 2020 at approximately 7 p.m.

#2166

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$230,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$230,000. 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 \$230,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various sewer utility improvements, including, but not limited to sanitary sewer main improvements on Hadley Road and New Brunswick Avenue, 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 \$230,000, 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 \$50,000 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 real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. The appropriation authorized by this bond ordinance provides in full for the (i) \$153,776.35 emergency appropriation created by a resolution of the Borough duly adopted on November 18, 2019, and entitled, “AMENDING RESOLUTION 19-324 OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT AUTHORIZED AN EMERGENCY APPROPRIATION FOR THE PURPOSE OF A SANITARY SEWER REPAIR ON NEW BRUNSWICK AVENUE IN THE SEWER UTILITY THAT WAS IN THE AMOUNT OF \$118,470.41 TO NOW BE \$153,776.35 PURSUANT TO N.J.S.A. 40A:4-46 TO PROVIDE FOR EXTRAORDINARY EXPENSES RESULTING FROM A SANITARY SEWER MAIN BREAK”, and (ii) \$54,049.98 emergency appropriation created by a resolution of the Borough duly adopted January 13, 2020, and entitled, “RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION FOR THE PURPOSE OF A SANITARY SEWER REPAIR ON HADLEY ROAD IN THE SEWER UTILITY IN THE AMOUNT OF \$54,049.98 PURSUANT TO N.J.S.A. 40A:4-46 TO PROVIDE FOR EXTRAORDINARY EXPENSES RESULTING FROM A SANITARY SEWER MAIN BREAK” and accordingly, said emergency appropriations shall not be provided for in the Borough’s 2020 municipal budget.

Section 12. 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 Mott			X				
Councilman Smith		x	X				
Councilman White			X				
Councilman Wolak	x		X				
Council President Faustini			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2167 was read by Clerk Antonides by title on first reading. Mayor Anesh set the public hearing for January 27, 2020 at approximately 7 p.m.

ORDINANCE 2167

AN ORDINANCE AMENDING ORDINANCE 2160 THAT PROVIDES FOR THE COMPENSATION OF EMPLOYEES OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2020 THROUGH 2023 FOR NON-UNION PROFESSIONALS AND GOVERNING BODY

The ordinance #2167 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 January 13, 2020. In summary, this ordinance amends Ordinance 2160 that provides for the compensation of and method of payment of such compensation for the years 2020 through 2023 for non-union professionals and Governing Body to add a full-time salary for the Zoning Officer. The public hearing where further consideration will be made will be held on January 27, 2020 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				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman White		x	X				
Councilman Wolak			X				
Council President Faustini	x		X				
VOTE:			6	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS:

RESOLUTION 20-55

AMENDING RESOLUTION 19-358 THAT CONFIRMS THE APPOINTMENT OF COMMUNITY EMERGENCY RESPONSE TEAM (CERT) MEMBERSHIP TO ADD KEITH SLICNER

WHEREAS, the volunteer Community Emergency Response Team (CERT) Program was created to educate people about disaster preparedness and train them in the basic skills needed to assist others when professional responders are not immediately available; and

WHEREAS, the volunteer Community Emergency Response Team falls within the Borough’s Office of Emergency Management (OEM) and is also comprised of volunteer South Plainfield Amateur Radio Club members; and

WHEREAS, all CERT members are trained by the Office of Emergency Management to assist and provide aid, as needed, for emergency disaster response and to educate and promote disaster preparedness and awareness to the community;

NOW, THEREFORE, BE IT RESOLVED that Resolution 19-358 is hereby amended to add Keith Slicner as member of the CERT Team, numbered 27 below to comprise of the Borough of South Plainfield’s Community Emergency Response Team lead by the Borough’s Office of Emergency Management:

OEM LEADERSHIP:

1. James Parker, OEM Coordinator
2. Captain Charles Siedenbergl – Deputy OEM Coordinator
3. Captain Matthew Koep – Deputy OEM Coordinator
4. Lt. Wendell Born – Deputy OEM Coordinator

COMMUNITY EMERGENCY RESPONSE TEAM (CERT):

- | | |
|---------------------|--------------------|
| 1. Derryck White | |
| 2. Marvin Bronstein | |
| 3. Wayne Grennier | 24. Gino Leonardis |
| 4. Eric Myers | 25. Adriana Arias |
| 5. Tim Holloran | 26. Amanda Fugate |
| 6. John Anesh | 27. Keith Slicner |
| 7. Larry Makoski | |
| 8. Chuck Merryman | |

9. Tom Walsh
10. Harry Chiovarou
11. Bill Meixner
12. Drew Moore
13. Ron Hepburn
14. Dennis Hall
15. Dave Hackett
16. Sharon Padula
17. Cliff Perrino
18. Phillip DeFort
19. Roberto Morales
20. Michael Sesta
21. William Russell
22. Harlan Gray
23. William Carlson

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

RESOLUTION 20-56

AUTHORIZING THE OFFICIAL POLICE TOWING OPERATORS FOR THE 2020 CALENDAR YEAR PURSUANT TO CHAPTER 434-11 OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD

WHEREAS, pursuant to Chapter 434-11 of the Code of the Borough of South Plainfield, the Police Department has sought proposals from various towing operators for the police vehicle towing for the 2020 calendar year; and

WHEREAS, the operators of towing/wrecking establishments in the Borough of South Plainfield have made application in accordance with Chapter 434-11 of the Code of the Borough of South Plainfield for renewal of the license to operate on the rotation towing/wrecker list for the year 2020; and

WHEREAS, after proper review of the renewal application and inspection of the facilities by the South Plainfield Police Department it was deemed that following towing operators met the requirements of the Borough Code and are hereby appointed as the official police towers for the calendar year 2020:

Light Duty

1. J&L Auto Body
2. JVD Towing Service
3. Majestic Towing
4. Matthew's Service
5. R&C Auto Body
6. Sullivan's Auto Body
7. Tripoli Towing & Transport

Heavy Duty

1. George Logan Towing Inc.
2. B&L Recovery & Towing

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the official towing operators for the South Plainfield Police Department be and hereby are as stated above for the year 2020.

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

**RESOLUTION 20-57
AUTHORIZING THE APPOINTMENT OF SCOTT SMITH TO THE POSITION OF
SUPERVISOR MECHANIC I AT THE HOURLY RATE OF \$40.98**

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

WHEREAS, a need exists to supplement the workforce of the Department of Public Works; and

WHEREAS, at the recommended by the Administrator and the Superintendent of Public Works Scott Smith is to be appointed to the position of Supervisor Mechanic I at the hourly rate of \$40.98 with benefits effective January 14, 2020;

NOW THEREFORE BE IT RESOLVED by the South Plainfield Borough Council that the aforementioned employee be appointed accordingly for the Department of Public Works with a salary pursuant to the current salary ordinance;

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded as follows:

1. Glenn Cullen, CFO/Administrator
2. Amy Antonides, Municipal Clerk
3. Len Miller, DPW Supervisor
4. Anne Daley, Benefits
5. Carmela Miller, Payroll

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

**RESOLUTION 20-58
AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$1,266.51 PERTAINING TO 720
HARVARD AVENUE AND CANCEL MONIES LEVIED FOR THE 1ST AND 2ND QUARTERS OF 2020**

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

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>
US Bank Trust NA 720 Harvard Avenue South Plainfield, NJ 07080	404.02	1.03	2018	\$1,266.51

Make check payable to:

Stavitsky & Associates, LLC
 Attorney Trust Account
 350 Passaic Avenue
 Fairfield, NJ 07004
Total

\$1,266.51 *

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.

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 1st and 2nd quarters of 2020 in the amount of **\$6,089.00**.

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

RESOLUTION 20-59

AUTHORIZING THE CANCELLATION OF PRIOR YEAR UNEXPENDED BALANCES IN CURRENT FUND TO BE CREDITED TO SURPLUS

WHEREAS, the following CY2019 Current Fund budget appropriation reserve balances remain unexpended:

CURRENT FUND

<u>ACCT #</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
9-01-23-220-000-601	Health Benefits O&E	\$50,000.00
Total Current Operations		<u>\$50,000.00</u>

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that the above listed unexpended balances in the Current Fund be cancelled.

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

RESOLUTION 20-60

RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION FOR THE PURPOSE OF A SANITARY SEWER REPAIR ON HADLEY ROAD IN THE SEWER UTILITY IN THE AMOUNT OF \$54,049.98 PURSUANT TO N.J.S.A. 40A:4-46 TO PROVIDE FOR EXTRAORDINARY EXPENSES RESULTING FROM A SANITARY SEWER MAIN BREAK

WHEREAS, it has been found necessary to make an emergency appropriation to meet certain expenses incurred or to be incurred as a result of the extraordinary findings of a sanitary sewer main break that occurred at the end of the 2019 calendar year when there were no more governing body meetings on the 2019 calendar, and as such requires the appropriation of funds of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey (the “Borough”) in the Sewer Utility, in the amount of an additional \$54,049.98; and

WHEREAS, N.J.S.A 40A:4-46 provides that it shall be lawful to make such appropriation and such appropriations shall be raised in full as a deferred charge in the subsequent year:

NOW, THEREFORE BE IT RESOLVED (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:

1. Pursuant to N.J.S.A. 40A:4-46, a special emergency appropriation is hereby made in the additional amount of \$54,049.98,
2. The appropriation set forth in Section 1 hereof shall be raised in the 2020 Current Fund Budget.
3. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
4. This resolution shall take effect immediately

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

**RESOLUTION 20-61
AUTHORIZING THE EMERGENT SERVICES OF STILO EXCAVATING
FOR AN EMERGENCY REPAIR OF A SANITARY SEWER ON
HADLEY ROAD IN THE AMOUNT OF \$46,430.00**

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for the emergent services of Stilo Excavating for an emergency repair of a sanitary sewer, that took place on Hadley Road that occurred at the end of the 2019 calendar year when there were no more governing body meetings on the 2019 calendar, in the amount of \$46,430.00; and

BE IT FURTHER RESOLVED that funds for this purpose, which could not be bid out due to the extreme nature of the emergency that took place that occurred at the end of the 2019 calendar year when there were no more governing body meetings on the 2019 calendar, are provided through Resolution 20-60 that authorizes an emergency appropriation pursuant to N.J.S.A. 40A:4-46 to provide for extraordinary expenses resulting from a sanitary sewer main break;

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute the contract for said emergent services and copies of this Resolution shall be forwarded as follows:

1. Municipal Clerk
2. Chief Financial Officer
3. Len Miller, DPW Superintendent

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

RESOLUTION 20-62
AUTHORIZING THE EMERGENT SERVICES OF PUMPING SERVICES INC.
FOR AN EMERGENCY REPAIR OF A SANITARY SEWER ON
HADLEY ROAD IN THE AMOUNT OF \$7,619.98

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for the emergent services of Pumping Services Inc. for an emergency repair of a sanitary sewer, that took place on Hadley Road, that occurred at the end of the 2019 calendar year when there were no more governing body meetings on the 2019 calendar in the amount of \$7,619.98; and

BE IT FURTHER RESOLVED that funds for this purpose, which could not be bid out due to the extreme nature of the emergency that took place that occurred at the end of the 2019 calendar year when there were no more governing body meetings on the 2019 calendar, are provided through Resolution 20-60 that authorizes an emergency appropriation pursuant to N.J.S.A. 40A:4-46 to provide for extraordinary expenses resulting from a sanitary sewer main break;

NOW THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute the contract for said emergent services and copies of this Resolution shall be forwarded as follows:

1. Municipal Clerk
2. Chief Financial Officer
3. Len Miller, DPW Superintendent

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

RESOLUTION No. 20-63
AUTHORIZING MAJESTIC TOWING AND TRANSPORT TO BE THE OFFICIAL POLICE TOWING OPERATOR FOR
THE 2020 CALENDAR YEAR PURSUANT TO CHAPTER 434-11 OF THE CODE OF THE BOROUGH OF SOUTH
PLAINFIELD

WHEREAS, pursuant to Chapter 434-11 of the Code of the Borough of South Plainfield, the Police Department has sought proposals from various towing operators for the police vehicle towing for the 2020 calendar year and only one bid was received from:

Majestic Towing and Transport

WHEREAS, only one of the operators of towing/wrecking establishments in the Borough of South Plainfield have made application in accordance with Chapter 434-11 of the Code of the Borough of South Plainfield for renewal of the license to operate on the rotation towing/wrecker list for the year 2020; and

WHEREAS, after proper review of the renewal application and inspection of the facilities by the South Plainfield Police Department it was deemed that the proposal that had the lowest towing fees and that also met the requirements of the Code is:

Majestic Towing:

- Towing- \$65.00 for hook-up
- If more than 5 miles away \$3.00 per mile, \$1.50 per mile to vehicle
- Jump Starts - \$65
- Lock Outs - \$65
- Tire Repairs - \$15.00 plus service fee
- Tire Changes: \$65

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the official towing operator for the South Plainfield Police Department be and hereby issued to Majestic Towing and Transport for the year 2020.

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

**RESOLUTION 20-64
AUTHORIZING A REPLACEMENT PROJECT OF PSE&G.**

WHEREAS, PSE&G has informed the Borough of a proposal to replace nine to 12 miles of gas lines and service connections as referenced in Exhibit “A” attached; and

WHEREAS, some of the work is to be done on roads that have been paved for only a year or less; and

WHEREAS, due to the fairly recent paving status of roads, which PSE&G refers to as “moratorium roads”, PSE&G proposes to do directional drilling between curbs and sidewalks to avoid digging of trenches; and

WHEREAS, PSE&G further proposes to install directional drill dual mains; and

WHEREAS, the project will also include moving meters from inside of homes to outside of homes and 1,684 services are to be replaced; and

WHEREAS, it is expected to take six to nine months to complete the project; and

WHEREAS, PSE&G has represented that Ferraro Construction will be the Contractor for the project, existing pipe will be abandoned in place, and mark-outs will be called before digging begins; and

WHEREAS, PSE&G has represented that their project has been approved by the Board of Public Utilities; and

WHEREAS, at the request of PSE&G, the Borough allowed them to begin their project with direct burial of lines as of January 6, 2020 which does not include directional drilling;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that PSE&G is authorized to proceed with the proposed project, including directional digging and directional drill dual mains, in accordance with the map attached hereto as Exhibit A and conditioned upon the following:

1. PSE&G is to provide written proof of approval from the Board of Public Utilities of directional drilling and of their project in general.
2. PSE&G is to provide proof of the Borough being named jointly on any bonds required of and provided by the Contractor or proof of a separate bond naming the Borough as an insured in an amount and form as acceptable to the Borough.

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

RESOLUTION # 20-65
AUTHORIZING THE SERVICES OF SEALMASTER FOR THE RENTAL OF AN ASPHALT HOT BOX IN AN
AMOUNT NOT TO EXCEED \$3,200.00 PER MONTH

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Sealmaster for the rental of an asphalt hot box in an amount not to exceed \$3,200.00; 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, Borough Engineer/Superintendent DPW

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

RESOLUTION 20-66
AUTHORIZING 2019 APPROPRIATION TRANSFERS IN THE AMOUNT OF
\$39,000.00 FOR 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.

Borough of South Plainfield			
Transfers			
2019			
CURRENT FUND			
FROM:			AMOUNT
9-01-20-155-000-221	Legal	O&E	5,000.00
9-01-23-220-000-621	Health Insurance	O&E	20,000.00
9-01-26-315-000-102	Vehicle Maintenance	S&W	5,000.00
9-01-28-370-001-101	Recreation	S&W	2,500.00
9-01-28-370-001-209	Recreation	O&E	1,500.00
9-01-36-472-000-675	SSI	Statutory	5,000.00
Total FROM:			39,000.00
TO:			AMOUNT
9-01-22-195-001-403	Code Enforcement	O & E	2,000.00
9-01-25-240-003-241	Crossing Guards	O & E	6,000.00
9-01-28-370-002-204	Office on Aging	O & E	1,000.00
9-01-26-290-003-321	Snow	O & E	5,000.00
9-01-25-240-001-102	Police	S&W	5,000.00
9-01-25-240-001-204	Police	O & E	1,500.00
9-01-30-415-001-101	Accumulated Leave	O & E	15,000.00
9-01-31-440-001-541	Telephone	O & E	2,500.00
9-01-31-445-001-581	Water	O & E	1,000.00
Total TO:			39,000.00

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

**RESOLUTION 20-67
AUTHORIZING THE PART-TIME LEVEL-I HIRING OF CODY O'CONNOR FOR THE DPW
AT THE HOURLY RATE OF \$14.00 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 on a part-time basis Cody O'Connor as Level-I. for the DPW, without benefits, at the hourly rate of \$14.00 pursuant to the salary ordinance for such.

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 Miller, Payroll
4. Anne Daley, Benefits
5. Len Miller, DPW Superintendent

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

RESOLUTION 20-68
AUTHORIZING THE SOLE SOURCE PROVIDER PURCHASE OF SUPPORT
AND MAINTENANCE CAD/RMS SYSTEM SERVICES FROM LAW SOFT INC.
IN AN AMOUNT NOT TO EXCEED \$22,465.00

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 system services from Law Soft Inc. in an amount not to exceed \$22,465.00; 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. James Parker, Police Chief

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

RESOLUTION # 20-69
AUTHORIZING THE SERVICES OF PATTI CONSTRUCTION LLC FOR CINDER BLOCK REPAIR TO THE
FOUNDATION OF THE COMMUNITY POOL BUILDING
IN AN AMOUNT NOT TO EXCEED \$4,800.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Patti Construction LLC for cinder block repair to the foundation of the community pool building in an amount not to exceed \$4,800.00; 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, Borough Engineer/Superintendent DPW

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

RESOLUTION # 20-70
AUTHORIZING THE SERVICES OF PATTI CONSTRUCTION LLC
FOR WINDOW REPAIR TO THE COMMUNITY POOL BUILDING
IN AN AMOUNT NOT TO EXCEED \$7,700.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Patti Construction LLC for window repair to the community pool building in an amount not to exceed \$7,700.00; 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, Borough Engineer/Superintendent DPW

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

AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:

- Moody’s Investor’s Service Report
- Planning Board Minutes – November 12, 2019
- Recycling Monthly Report – November 2019
- Environmental Commission Monthly Report – November 2019
- Environmental Commission Minutes – November 13, 2019
- Property Maintenance Monthly Report – December 2019

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

PAYMENT OF BILLS

Current Fund	19-01	151,491.61
Current Fund	20-01	32,647.72
Pool Utility	20-26	0.00
Pool Utility	19-26	0.00
Sewer Utility	20-07	3,750.00
Sewer Utility	19-07	12,684.67
Sewer Utility Capital	C-08	8,790.60
General Capital	C-04	41,794.72
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	21,575.62
Dog Trust	T-12	0.00
Treasurers Trust	T-13	53,469.53
Recreation Trust	T-14	6,064.14
Senior Citizen Trust	T-16	6,309.00
TOTAL ALL FUNDS		\$338,577.61

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – reported that the pool walls are anticipated to be prepped this week. The island has already been built and they are hoping to pour castings later this week.

Engineer Miller – thanked the Mayor and Council for promoting Scott Smith this evening, it is a well-deserved promotion. Mr. Miller said that we will soon be going out to bid for 2020 road improvements. We are hoping by going out to bid earlier we will secure good prices.

Clerk Antonides – reported progress.

Councilman Smith – advised that he attended an Environmental Commission meeting recently and is looking forward to working with them.

Councilman Wolak – reported progress.

Councilman White – thanked the Mayor and Council for the proclamation this evening honoring Dr. Martin Luther King Jr. Councilman White referred to his famous quote “What are you doing for others” and suggested that every day we ask ourselves that question.

Councilwoman Mott – reported progress.

Councilman Bengivenga – congratulated Scott Smith on his promotion saying he does a very good job and went on to report progress.

Council President Faustini – advised the Mayor and Council to be aware of the invitation to the Buddhist Lite event that is forthcoming.

Mayor Anesh – reported progress.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Sandy Doyon of 105 Elizabethtown Court asked who oversees Social Services and went on to explain that there seems to be a breakdown of communication between the school and Social Services. Mayor Anesh advised that Social Services is not a Council Committee assignment, however, he is scheduled to meet again with Dr. Lishak and will bring this concern up with her.

Leon Gwiazdowski of 2309 Selene Avenue asked if his neighbor has been in touch with anyone. Mr. Rizzo Esq. said no, however, in the note that Mr. Gwiazdowski gave him last week she indicated that the tree contractor will be there to tend to the matter in a week or so. We need to wait and see, there is nothing more that we can do at this time.

Debbie Boyle of Van Fleet announced a few upcoming events in town, such as the Mayor’s Wellness blood drive, and career day.

ADJOURNMENT

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Councilman White made a motion to adjourn at 7:33 p.m., seconded by Councilman Bengivenga and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk