

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
APRIL 19, 2021 7:00 P.M.
PUBLIC MEETING**

***Due to the COVID-19 outbreak, this meeting was transmitted virtually via the Webex platform**

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 remote meeting having been provided to the Borough's two official newspapers and also published on the Borough's website. Instructions for accessing the remote public meeting are found on the Borough's website next to the agendas. Documentation pertaining to the remote meeting can be found electronically on the Borough's website.

The roll call was administered by Clerk Antonides as follows:

| COUNCIL | Present | Absent | Late |
|-------------------------|---------|--------|------|
| Councilman Bengivenga | X | | |
| Councilwoman Faustini | X | | |
| | | | |
| Councilwoman Mott | X | | |
| Councilman Smith | X | | |
| Councilman Wolak | X | | |
| Council President White | X | | |
| Mayor Anesh | X | | |
| ALSO PRESENT | | | |
| Administrator Cullen | X | | |
| Clerk Antonides | X | | |
| Attorney Paul Rizzo | X | | |
| Engineer Miller | X | | |

Flag Salute: was led by Mayor Anesh and Councilwoman Faustini led the invocation.

Mayor Anesh again reviewed some basic rules for conducting the virtual meeting this evening. All lines will be muted until such time that the floor is open for public comment. Each phone call or virtual hand raise will be taken one at a time. To unmute the microphone, just click on the red microphone picture that has a line through it. It will then turn green indicating you have been unmuted and may begin to speak. Callers may dial 1-646-922-2010 followed by the access code of 126 663 1990 #. Using the pound button will mute and unmute the voice feature for any phone callers.

Public Comment: Mayor Anesh opened the floor for public comment on agenda items only. Mayor Anesh awaited virtual hand raises; he then un-muted all microphones. With no comments from the public, Mayor Anesh closed the floor.

Authorizing the Approval of Council Minutes:

April 5, 2021 – Agenda Meeting
April 5, 2021 - Public Meeting
April 5, 2021 – Executive Session

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

The below ordinance 2198 was and read by title by Clerk Antonides on the second reading. Mayor Anesh opened the floor for public comment and with no comments from the public closed the floor.

ORDINANCE 2198
AN ORDINANCE AMENDING CHAPTER 187 OF THE CODE OF THE
BOROUGH OF SOUTH PLAINFIELD, TITLED VEHICLES AND TRAFFIC.

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 187 of the Code of the Borough titled Vehicles and Traffic, Article II, Section 187-9, Section 187-10, and Section 187-23 be amended as follows:

Article II. Parking, Stopping and Standing.

Section 187-9. No Parking, Both Sides, Entire Roadway. Shall be amended to delete Cady Lane from Subsection A;

Section 187-10. No Parking, Certain Sections of Roadway. Shall be amended in Subsection A to add as paragraph 4, Cady Lane:

- a. Entire west side.
- b. From the southernmost point of the parking lot to the intersection of Avon Avenue.

All other numbered provisions in this Section shall be adjusted accordingly.

Section 187-23. No Parking Within 30 Feet of Commercial Building, Commercial Store or Public School in Designated Fire Zones.

- A(35) - Delete "Aldi" so that said provision reads "1620 Park Avenue";
- A(36) - Delete "Walgreens" so that said provision reads "140 South Plainfield Avenue";
- A(37) - Delete "Sky Zone Trampoline Park" so that said provision reads "600 Hadley Road";

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

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

The below ordinance 2199 was and read by title by Clerk Antonides on the second reading. Mayor Anesh opened the floor for public comment and with no comments from the public closed the floor.

ORDINANCE 2199
AN ORDINANCE AMENDING ORDINANCE 2143 THAT AMENDS CHAPTER 510, SECTION 510-3 TITLED "FEES"
OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 510 of the Code of the Borough titled "Construction Codes, Uniform", §510-3 "Fees", Sub-Section "B" (4) "Electrical." be amended as follows:

§510-3 "Fees"

B. Subcode fees established pursuant to N.J.A.C. 5:23-2.25

(4) Electrical: *Residential Minimum Fee:\$75.00, Commercial Minimum Fee:\$100.00*

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

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

The below ordinance 2200 was and read by title by Clerk Antonides on the second reading. Mayor Anesh opened the floor for public comment and with no comments from the public closed the floor.

Councilman Wolak expressed concerns about the severity of this ordinance saying that he feels it to be overbearing, however completely respects the concerns that residents have regarding invasive bamboo.

ORDINANCE 2200
AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
ADOPTING REGULATIONS FOR THE
PLANTING, GROWING AND/OR CONTAINMENT OF BAMBOO.

WHEREAS, it has been found that certain types of bamboo spread rapidly underground through the root systems and underground rhizomes, thereby damaging and infesting nearby property, and that they are not native to the Borough, but nevertheless, there presently exists within the Borough running bamboo that has expanded beyond the borders of properties upon which it was originally grown, and is causing damage to adjoining property; and

WHEREAS, such invasive forms of bamboo will, by their nature, invade, infest and damage other plants, roads, sidewalks, buildings and structures in nearby properties and areas; and

WHEREAS, it is found that invasive forms of bamboo are not readily controlled by customary or readily available agricultural measures;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Code of the Borough shall be amended to add a new Chapter 334 to be entitled "PLANTING, GROWING, AND/OR CONTAINMENT OF BAMBOO", as follows:

334-1. PURPOSE AND INTENT.

The purpose of this Ordinance is to control the planting, growing, maintenance and/or containment of bamboo in the Borough of South Plainfield, and to preserve and protect private and public property from the damaging spread of running bamboo.

334-2. DEFINITIONS.

A. Buffer Zone – A distance of at least ten (10) feet from any lane, street, or road, whether public or private, or such distance from any neighboring property, whether private or public, whichever is more restrictive for the bamboo owner.

B. Running Bamboo – Any monopodial (running) woody grass from the genera of bamboos, including, but not limited to, *Bambusa*, *Phyllostachys* and *Pseudosasa*, as well as common bamboo, golden bamboo and arrow bamboo.

C. Clumping Bamboo – Any sympodial (clumping) woody grass from the genera of bamboos, including, but not limited to, *Fargesia* and *Bambusa*, as well as other non-running species.

D. Bamboo Owner(s) – Any property owner(s) who, or which, have bamboo on their property, whether such bamboo was planted by the property owner, by prior property owner, or has spread onto the property from an adjoining property.

E. Borough – The Borough of South Plainfield, Middlesex County, New Jersey.

F. Notice – Any written notice by, from or on behalf of the Borough, notifying the Running Bamboo Property Owner(s) that they are in violation of this Ordinance and directing them to fix the violation. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current real property tax list on file with the Borough. A copy may also be posted on the property in question.

G. Root Barrier – An underground barrier used to contain the root system of Running Bamboo.

334-3. BAMBOO PLANTING PROHIBITED, CONTAINMENT AND REMOVAL.

A. Prohibition – No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install, cause or permit the planting or installation of running bamboo upon any property located within the Borough.

B. Duty to Confine – In the event any running bamboo is located upon any property within the Borough prior to the effective date of this Ordinance, the owner and occupant of said property shall jointly and severally be responsible to confine such running bamboo to prevent the encroachment, spread, invasion or intrusion of same onto any buffer zone, or any other private or public property. The root system may be contained within an above-ground planter or within an underground Root Barrier. The Root Barrier shall be constructed in accordance with the following specifications:

- a. The barrier shall be composed of high-density polypropylene or polyethylene, with a minimum thickness of 40 mm.
- b. Each portion of the barrier shall be joined together by the use of stainless-steel strips or clamps.
- c. The barrier shall be a minimum of 30 inches deep, with 2-3 inches of the barrier above grade the entire perimeter of the bamboo area.
- d. When installed, the barrier shall slant outward from the bottom to the top.

In lieu of confining running bamboo, the property owner or occupant may elect to totally remove the bamboo from the property and all affected properties. Failure to properly confine running bamboo shall require removal. The cost of such removal shall be at the running bamboo owner's expense.

C. Removal – In cases where running bamboo has spread onto an adjoining property, the owner of the property in which the running bamboo originated shall be responsible for any removal, containment, and/or penalties, as defined within this Ordinance. In the event running bamboo is present on the effective date of this Ordinance, and a complaint is received by the Borough regarding an encroachment of any running bamboo, and the Property Maintenance Official of the Borough, after observation and/or inspection determines that there is an encroachment or invasion on any adjoining/neighborly private or public property, or public right-of-way, or in any buffer zone, or in the event such determination is made by the Property Maintenance Official regardless of the receipt of a complaint, the Borough shall serve notice to the running bamboo owner(s) in writing that the running bamboo has invaded other private or public property, buffer zone or public right-of-way, and demand remediation of the encroachment of the running bamboo from the affected property, and demand approved confinement against future encroachment. The notice shall be provided to the running bamboo owner(s), as well as to the owner of any affected property, by certified mail, return receipt requested, and regular mail. Within thirty (30) days of receipt of such notice, the running bamboo owner(s) shall submit to the Property Maintenance Official a plan for remediation of the encroachment of the running bamboo from the affected property, which plan shall include restoration of the affected property after remediation of the encroachment. A copy of such plan must also be provided to the owner of the affected property. Within ninety (90) days of receipt of approval of a plan of remediation and restoration by the Property Maintenance Official, the remediation and restoration shall be completed to the satisfaction of the Property Maintenance Official.

334-4. EXEMPTIONS.

Planting and maintaining of non-running bamboo plants shall be permitted here the root system of such clumping plants is entirely contained within an above-ground level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container in which it is planted.

334-5. RESERVATION OF RIGHTS, VIOLATIONS AND PENALTIES.

This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of running bamboo on their own property caused by the spread of running bamboo from another property owner.

Any property owner, whether a person, firm, corporation or other legal entity, or occupant of property, violating any provision of this Ordinance shall be subject to the following penalties upon conviction of such violation:

- A. A fine not to exceed One Hundred (\$100.00) Dollars for each day on which a violation has occurred or imprisonment in the County Jail for a term of not more than Thirty (30) days, or both.
- B. Each day on which a violation occurs shall constitute a separate offense under this Ordinance.
- C. When an encroachment is upon public property or a public right-of-way, and the running bamboo owner(s) and/or occupant(s) has not complied with the written Notice provided as set forth above, the Borough, at its discretion, may remove or contract for the removal of such running bamboo from the public property or public right-of-way. The cost of such removal shall be the responsibility of the running bamboo owner(s) and occupant(s), jointly and severally, and shall be paid or assessed as a lien as against the property on which the running bamboo originated. The cost of such removal from Borough-owned property and/or public right-of-way shall include the installation of an appropriate Root Barrier to prevent future spread of running bamboo.

334-6. SEVERABILITY.

If any part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality or invalidity shall not affect any of the remaining provisions or parts of this Ordinance, and those remaining provisions shall remain in full force and effect.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

| COUNCIL | MOTION | 2 ND | AYES | NAYS | ABSTAIN | ABSENT | RECUSE |
|-------------------------------|--------|-----------------|----------|----------|---------|--------|--------|
| Councilman Bengivenga | | X | X | | | | |
| Councilwoman Faustini | | | X | | | | |
| Councilwoman Mott | | | X | | | | |
| Councilman Smith | X | | X | | | | |
| Councilman Wolak | | | | X | | | |
| Council President White | | | X | | | | |
| | | VOTE: | 5 | 1 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

The below ordinance 2201 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for May 3, 2021 at approx. 7 p.m.

ORDINANCE # 2201

CALENDAR YEAR 2021

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A:4-45.14

WHEREAS, the Local Government Cap Law, N.J.S. A. 40A:4-45.1 *et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of South Plainfield find it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of its citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$614,354.25 in {A1298313.1 }

excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2021 budget year, the final appropriations of the Borough of South Plainfield shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$614,354.25 and that the 2021 municipal budget for the Borough of South Plainfield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

The below ordinance 2202 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for May 3, 2021 at approx. 7 p.m.

BOND ORDINANCE #2202

BOND ORDINANCE AMENDING THE DESCRIPTION IN SECTION 3(a) OF BOND ORDINANCE NUMBERED 2192 OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, FINALLY ADOPTED FEBRUARY 16, 2021, IN ORDER TO INCLUDE IMPROVEMENTS TO NEW MARKET AVENUE

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 One. The description in Section 3(a) of Bond Ordinance #2192 of the Borough of South Plainfield, in the County of Middlesex, Jersey (the “Borough”), finally adopted February 16, 2021 and entitled “BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE PART OF THE COST THEREOF”, is hereby amended to include improvements to New Market Avenue and to read as follows:

“Improvements to Camden Avenue, Clark Lane, Roosevelt Avenue, Redding Avenue and New Market Avenue, including, but not limited to, reconstruction and milling, and further including all work and materials necessary therefor and incidental thereto.”

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

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

The below ordinance 2203 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for May 3, 2021 at approx. 7 p.m.

ORDINANCE 2203
AN ORDINANCE AMENDING ORDINANCE 2172 THAT PROVIDES FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEAR 2021 FOR PART TIME SEASONAL COMMUNITY POOL HELP

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

SECTION 1. The rates of compensation for each employee of the Borough of South Plainfield shall be on an annual basis as follows except where indicated. Such rates of pay shall be effective on January 1st of the years shown.

Pool Budget 2021

Employees

| Employee Type | Rate per Hour | Stipend for Summer |
|--------------------------------------|---------------|--------------------|
| Pool Attendant (Non-Certified Staff) | \$11.25 | |
| Lifeguard (Tier 1) | \$13.25 | |
| Lifeguard (Tier 2) | \$13.75 | |
| Lifeguard (Tier 3) | \$14.25 | |
| Assistant Managers | \$19.00 | |
| Head Manager | | \$14,500.00 |
| Assistant Swim Coach | | \$2,250.00 |
| Head Swim Coach | | \$5,500.00 |

*Swim Instruction will pay an additional \$1.00/per hour from guard rate.

SECTION 2. INCONSISTENCY – All ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. EFFECTIVE DATE – This ordinance shall become effective after publication in accordance with the law.

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

BUDGET RESOLUTIONS:

**RESOLUTION 21-142A
AUTHORIZING THE MUNICIPAL CLERK TO READ THE PROPOSED
2021 BUDGET BY TITLE ONLY**

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget may be read by title only at the time of the public hearing, providing that at least one week prior to the date of the public hearing, a complete copy of the approved budget as advertised has been posted in the Municipal Building, with copies available to any persons requesting same as well as posted on the Municipal Website; and

WHEREAS, the Municipal Clerk shall fulfill her responsibilities of insuring the availability of the Municipal Budget to the public;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the CY 2021 Municipal Budget be read by title only and not in full.

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

- Glenn Cullen, CFO
- Amy Antonides, Municipal Clerk

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

**RESOLUTION #21-142B
AUTHORIZING AND CONDUCTING A SELF-EXAMINATION OF THE 2021 MUNICIPAL BUDGET**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of South Plainfield has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of South Plainfield that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

RESOLUTION 21-142C

CERTIFYING THAT THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD HAS COMPLIED WITH HIRING PRACTICES UNDER N.J.S.A. 40A:4-5

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the Governing Body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the Governing Body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the Governing Body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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

RESOLUTION 21-142D

RESOLUTION TO ANTICIPATE MISCELLANEOUS REVENUES IN THE 2021 BUDGET USING THE THREE-YEAR AVERAGE OF REALIZED REVENUES FROM THE PRIOR THREE YEARS

WHEREAS, the COVID-19 pandemic had an adverse effect on the anticipated municipal revenues in the 2020 municipal current and utility fund budgets; and

WHEREAS, Section 1 of P.L. 2020, c.74 amended N.J.S.A 40A:4-26 authorized the Director of the Division of Local Government Services (“Division”) to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2021 budget, and, if necessary, in future years and

WHEREAS, for FY2021, the Director authorizes the use of a three-year average for the calculation of affected revenues; and

WHEREAS, the Chief Financial Officer of the Borough of South Plainfield, certifies that the following revenues were affected in 2020 by the COVID-19 pandemic and that the three-year average of the amounts realized in 2018-2020 be anticipated in the introduced budget for 2021;

| Revenue Category | 2018 | 2019 | 2020 | Average |
|----------------------------------|----------------|----------------|----------------|----------------|
| Hotel Tax | 396,759 | 387,827 | 246,783 | 343,789 |
| Uniform Construction Code | 956,473 | 815,415 | 701,424 | 824,437 |
| Municipal Court | 624,559 | 503,519 | 269,251 | 465,776 |

NOW, THEREFORE BE IT RESOLVED by the Borough of South Plainfield in the County of Middlesex, State of New Jersey that the above referenced revenues be anticipated using the three-year average as permitted by the amendments to 40A:4-26, adopted by the P.L. 2020, c.74.

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

Mayor Anesh turned the floor over to Mr. Cullen who provided an update on the status of the introduced 2021 municipal budget.

Mr. Cullen said a lot of municipalities have not introduced their budget yet because, like South Plainfield, no one has received any guidance from the state yet regarding the American Rescue Plan. For this reason, we pushed back our public hearing date to June 7th. The Borough expects to receive some \$2.1 million to be spread out over two years. The 2021 municipal budget is \$32,519,000.00 of that \$22,802,000.00 are municipal combined taxes which is roughly \$89.00 per household. Since 2019 our court revenues are down \$334,000.00, Building Department revenues are down \$150,000.00 and hotel tax is down \$63,000.00. Where we are hit very hard is with our Sewer which is down 2/3 of a million dollars which has to do with a lot of industry in town that have been closed down due to the pandemic thus not operating at the {A1298313.1 }

level it was. The Borough has had reductions in salary and wages close to \$400,000.00 from the previous year, which reflected a combination of layoffs, alternating staff and schedules and cutting overtime. We made a lot of proactive moves. Some things we have no control over such as pensions, health benefits, snow emergencies. There are a lot of moving parts with this budget and we have made a lot of proactive moves which is why last year we did not see our surplus shrink. It actually increased modestly, however; the concern is that we are entering our second consecutive year with significant revenue losses. Hopefully we will receive our American Rescue Plan guidelines by the time of our public hearing on June 7th. Mr. Cullen concluded by advising that our ratable base is up by \$9 million.

Councilman Bengivenga reiterated what Mr. Cullen said regarding the many unknowns still taking place with this budget as well as with others throughout the state. We have been able to really get a hold of our expenses over the past year and a half. So financially we are in a great position as is evidenced by our S&P ratings. Glenn has helped put ourselves in the position where we can whether through this pandemic but at the same time, be able to be patient enough to wait to see what will be coming in from other sources of revenue. Councilman Bengivenga concluded by saying he looks forward over the next month and a half working with everyone on council as well as administration to figure out we can achieve a reasonable adopted budget.

Mayor Anesh reminded everyone that the public hearing for budget is scheduled for June 7th and the 3 introduced ordinances this evening will have their public hearing on May 3rd.

Mayor Anesh pointed out that the areas in which we are showing a loss in our budget are the same exact areas that municipalities all over New Jersey are also showing a loss for.

RESOLUTION 21-142E
AUTHORIZING THE INTRODUCTION OF THE 2021 MUNICIPAL BUDGET

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield that it hereby introduces the 2021 Municipal Budget pursuant to the attached 2021 proposed municipal budget, read by title by the Municipal Clerk of the Borough of South Plainfield during introduction on April 19, 2021; and

BE IT FURTHER RESOLVED that a public hearing relative to said budget will be conducted on June 7, 2021 7:00 p.m., Borough Hall, 2480 Plainfield Avenue, South Plainfield, NJ 07080. A full complete copy of the proposed 2021 Budget is available for public inspection in the office of the Borough Clerk during normal business hours as well as is posted on the Municipal Website; and

BE IT FURTHER RESOLVED that the 2021 Municipal Budget Revenue and Appropriation Summaries shall be published in The Courier News and The Observer prior to the aforementioned public hearing.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following;

1. Director of Local Government Services
2. Glenn Cullen, Chief Financial Officer/Administrator
3. Amy Antonides, Municipal Clerk
4. The Courier News and The Observer

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

RESOLUTIONS

RESOLUTION: 21-143

AUTHORIZING THE REFUND OF A TAX OVERPAYMENT IN THE AMOUNT OF \$477.98 PERTAINING TO 170 ROBERT PLACE IN SOUTH PLAINFIELD

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

OWNER/ADDRESS

Block 172 Lot 35
Shirley Hlavaty
170 Robert Place
South Plainfield, NJ 07080
\$477.98

MAKE CHECK PAYABLE TO:

Shirley Hlavaty
170 Robert Place
South Plainfield, NJ 07080

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

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

RESOLUTION: 21-144

AUTHORIZING THE REFUND OF A TAX OVERPAYMENT IN THE AMOUNT OF \$2430.57 PERTAINING TO 6,10,12 CELEBRATIONS WAY IN SOUTH PLAINFIELD

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

OWNER/ADDRESS

Block 517 Lot 1 Q -C1606, -C1610 & -C1612
JSM AT TINGLEY
1260 STELTON ROAD
PISCATAWAY, NJ 08854
\$2430.57

MAKE CHECK PAYABLE TO:

JSM AT TINGLEY LLC
1260 STELTON ROAD
PISCATAWAY, NJ 08854

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 | | | | |
| Councilwoman Faustini | | x | X | | | | |
| Councilwoman Mott | | | X | | | | |
| Councilman Smith | | | X | | | | |
| Councilman Wolak | | | X | | | | |
| Council President White | x | | X | | | | |
| | | VOTE: | 6 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 21-145

AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$19,038.00 PERTAINING TO 51 CRAGWOOD ROAD

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> |
|--|--------------|------------|-------------|---------------|
| Cragwood Associates, LLC 51 Cragwood Road South Plainfield, NJ 07080 | 528.01 | 45.09 | 2020 | \$19,038.00 |

Make check payable to:

Wolf Vespasiano, Attorney Trust Account
and Cragwood Associates LLC
331 Main Street
Chatham, NJ 07928

Total **\$19,038.00 ***

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 | | | | |
| Councilwoman Faustini | | x | X | | | | |
| Councilwoman Mott | | | X | | | | |
| Councilman Smith | | | X | | | | |
| Councilman Wolak | | | X | | | | |
| Council President White | x | | X | | | | |
| | | VOTE: | 6 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION: 21-146

AUTHORIZING THE REFUND AND CANCELLATION OF TAXES FOR 100% DISABLED VETERAN PERTAINING TO 101 ELIZABETHTOWN COURT IN SOUTH PLAINFIELD

WHEREAS, property known as Lot **34** in Township Block **137** more commonly known as **101 Elizabethtown Court in South Plainfield, NJ** is owned by **Curtis Thomas and Bernadette Thomas**; and

WHEREAS, **Curtis Thomas**, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A. 54:4-3.30, causing his property to be exempt from taxation at the local level commencing on **March 4, 2021** as verified by the Tax Assessor; and

WHEREAS, the Tax Bills for the four quarters of Calendar Year 2021 were generated from the 2020 Assessor’s Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. {A1298313.1 }

54:4-64, thus presenting this property owner with tax bills for 2021, while the property is correctly classified as being Tax Exempt for the same period;

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel and refund monies levied for the 1st quarter of 2021 in the amount of **\$534.69**; and

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 2nd quarter of 2021 in the amount of **\$1,850.82**; and

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 3rd and 4th quarters of 2021, and 1st and 2nd quarters of 2022 once the preliminary bills are determined.

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) of **\$534.69**, as mentioned above.

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

RESOLUTION 21-147

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A SHARED SERVICE CONTRACT BETWEEN THE COUNTY OF MIDDLESEX AND THE BOROUGH OF SOUTH PLAINFIELD FOR A LITTER PICK-UP PROGRAM

WHEREAS, Middlesex County has undertaken a Clean Communities Program for residents of the County; and

WHEREAS, the Program will be implemented by the County Division of Environmental Health/Solid Waste Management (DSWM); and

WHEREAS, The Middlesex County DSWM will provide the Borough of South Plainfield with funding to pick-up litter on County maintained roads between May 1 and November 30, 2021 and for the years 2022 and 2023 litter may be picked-up any time between March 1st and November 30th; and

WHEREAS, the County will provide reimbursement to the Borough of South Plainfield for the actual labor cost of each litter pick-up event.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that it hereby authorizes the Mayor and Municipal Clerk to execute the Agreement with Middlesex County to implement this Program with the Borough of South Plainfield pursuant to the terms and conditions in accordance with the Agreement

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

1. Alice Tempel, Recycling Coordinator
2. Len Miller, DPW Supervisor
3. Chief Financial Officer
4. Municipal Clerk
5. County of Middlesex

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

**RESOLUTION 21-148
RECOMMENDING THE RENAMING OF THE DISMAL SWAMP CONSERVATION AREA
TO THE PETER G. BARNES, III PRESERVATION AREA**

WHEREAS, the Dismal Swamp Conservation Area (the “Dismal Swamp”) is approximately 660 acres of freshwater wetlands, forested uplands, and meadows in a densely populated, highly developed central part of the state, offering a unique natural habitat, including federal priority wetlands, as set forth in the Dismal Swamp Preservation Act, N.J.S.A. 40:55D-88.2; and

WHEREAS, the Dismal Swamp is located in Middlesex County, spanning the Township of Edison, Borough of Metuchen and the Borough of South Plainfield; and

WHEREAS, the Borough of South Plainfield wishes to recommend changing the name of the Dismal Swamp to the Peter G. Barnes, III Preservation Area (PGBPA); and

WHEREAS, Peter G. Barnes III, who passed away on February 22, 2021 was a lawyer and politician who represented the 18th Legislative District, which includes the Borough of South Plainfield, and later was appointed as Judge in the Superior Court of New Jersey, Middlesex Vicinage; and

WHEREAS, the Borough of South Plainfield desires to honor Peter G. Barnes III’s public service to Middlesex County in making such recommendation.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough Council recommends the renaming of the Dismal Swamp Conservation Area to the Peter G. Barnes, III Preservation Area.

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

1. Dismal Swamp Preservation Commission

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

**RESOLUTION 21-149
AUTHORIZING THE DISPOSAL OF IT EQUIPMENT THAT IS DEEMED TO HAVE OUTLIVED ITS USEFUL LIFE, IS
PERMANENTLY DAMAGED,
AND HOLDS NO MONETARY VALUE**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes John Abbruzzese, IT Officer, to dispose of the following items deemed to have outlived its useful life and/or is permanently damaged, and that holds no monetary value;

- #1249- Gateway Monitor, Model #FPD1730

BE IT RESOLVED that the aforementioned item(s) are also to be removed from the Borough of South Plainfield’s asset inventory; 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. John Abbruzzese, IT Department

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

**RESOLUTION 21-150
AUTHORIZING THE PURCHASE OF MULCH FROM BRITTON INDUSTRIES
FOR THE DPW IN AN AMOUNT NOT TO EXCEED \$4,263.75**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase of mulch from Britton Industries for the DPW in an amount not to exceed \$4,263.75: and

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

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

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

**RESOLUTION 21-151
AUTHORIZING A 2021 TEMPORARY BUDGET AMENDMENT
OF \$650,000.00 IN THE CURRENT FUND**

WHEREAS, N.J.S.A. 40a:4-19 Local Budget Act provides that where any contracts, commitments or payments are to be made prior to the final adoption of the budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is prior to the adoption of the FY 2021 Budget, and

WHEREAS, the temporary budget set forth below does not exceed twenty-six and one quarter percent of the total appropriations in the previous year's budget (exclusive of any appropriations made for Debt Service, Capital Improvements Fund and Public Assistance).

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the temporary appropriations are hereby amended to add the following amounts and that a certified copy of this resolution is transmitted to the Chief Financial Officer.

| CURRENT FUND | | | AMOUNT |
|---------------------------|-----------------------------|-----------|----------------|
| 1-01-20-100-000-101 | Administration | S&W | 10,000 |
| 1-01-20-110-000-101 | Executive | S&W | 5,000 |
| 1-01-20-140-000-101 | Computer | S&W | 10,000 |
| 1-01-22-195-001-101 | Code Enforcement | S&W | 15,000 |
| 1-01-23-220-000-611 | Health Insurance | O&E | 50,000 |
| 1-01-25-240-001-101 | Police | S&W | 200,000 |
| 1-01-25-240-001-475 | Police | O&E | 10,000 |
| 1-01-25-240-003-241 | Crossing Guards | O&E | 10,000 |
| 1-01-25-250-000-102 | 911 | S&W | 100,000 |
| 1-01-25-265-001-475 | Fire Department | O&E | 10,000 |
| 1-01-25-265-002-101 | Fire Official | S&W | 25,000 |
| 1-01-26-290-001-101 | Public Works Administration | S&W | 5,000 |
| 1-01-26-290-002-101 | Road Repair & Maintenance | S&W | 35,000 |
| 1-01-26-290-002-435 | Road Repair & Maintenance | O&E | 5,000 |
| 1-01-26-305-003-101 | Recycling | S&W | 5,000 |
| 1-01-26-305-003-235 | Recycling | O&E | 20,000 |
| 1-01-26-310-000-101 | Public Buildings & Grounds | S&W | 30,000 |
| 1-01-26-310-000-235 | Public Buildings & Grounds | O&E | 5,000 |
| 1-01-26-310-000-415 | Public Buildings & Grounds | O&E | 5,000 |
| 1-01-26-315-000-101 | Vehicle Maintenance | S&W | 5,000 |
| 1-01-28-370-001-101 | Recreation | S&W | 10,000 |
| 1-01-28-370-002-101 | Office on Aging | S&W | 15,000 |
| 1-01-28-370-002-403 | Office on Aging | O&E | 2,800 |
| 1-01-28-370-003-101 | Cultural Arts | S&W | 200 |
| 1-01-43-490-000-101 | Court | S&W | 30,000 |
| 1-01-36-472-000-675 | SSI | Statutory | 20,000 |
| 1-01-44-901-000-235 | Capital Improvement Fund | Capital | 12,000 |
| TOTAL CURRENT FUND | | | 650,000 |

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

**RESOLUTION 21-152
AUTHORIZING THE TAX COLLECTOR TO PREPARE AND MAIL
3RD QUARTER ESTIMATED TAX BILLS**

WHEREAS, the 2021 budgets for the Borough of South Plainfield have not yet been adopted and,

WHEREAS, the Tax Collector will be unable to send out final 2021 bills by the statutory date of June 14th due to the lack of a tax rate certified by the Borough of South Plainfield

WHEREAS, NJSA 54:4-66.3 determines that the tax collector may, by resolution of the governing body, send out estimated tax bills for the third quarter, and,

WHEREAS, it is in the best interest of the Borough of South Plainfield to send out estimated bills for the third quarter, 2021 based on an estimated tax levy of **\$94,976,153.38** and an estimated tax rate of **6.559** per \$100 of assessed value to be reconciled through the fourth quarter, 2021 billing to be mailed upon receipt of a certified tax rate,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the Borough of South Plainfield, State of New Jersey, that the Tax Collector is to prepare, and mail estimated 3rd quarter, 2021 tax bills, and,

BE IT FURTHER RESOLVED that pursuant to NJSA 54:4-66.3, the due date of the estimated 3rd quarter tax bills shall be the later of August 1, the additional interest-free period authorized pursuant to {A1298313.1 }

R.S.54:4-67, or the twenty-fifth calendar day after the date that the estimated tax bill for the third installment was mailed or otherwise delivered. Any payment received after this time may be charged interest back to August 1.

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

- a. Kimberly Clifford, CTC
- b. Glenn Cullen, CMFO
- c. Amy Antonides, RMC/CMC

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

**RESOLUTION 21-153
AUTHORIZING THE APPOINTMENT OF ELIZABETH YARUS TO THE POSITION
OF POOL ADMINISTRATOR AT THE SALARY OF \$10,589.00 FOR THE 2021 POOL SEASON**

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

WHEREAS, a need exists for a pool administration to oversee the operations of the community pool; and

WHEREAS, at the recommended by the Administrator and the Recreation Commission to appoint Elizabeth Yarus to the position of Pool Administrator at the salary of \$10,589.00 for the 2021 pool season pursuant to Ordinance 2193.

NOW THEREFORE BE IT RESOLVED by the South Plainfield Borough Council that the aforementioned employee be appointed accordingly for the community pool 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. Elizabeth Yarus, Recreation Director
- 4. Anne Daley, Benefits
- 5. Carmela Miller, Payroll

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

**RESOLUTION 21-154
AMENDING RESOLUTION 20-64 THAT AUTHORIZES
A REPLACEMENT PROJECT OF PSE&G
TO NOW INCLUDE ELIZABETH AND CAMDEN AVENUES.**

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;

WHEREAS, the Governing Body of the Borough of South Plainfield now wish to amend Resolution 20-64 to now include both Elizabeth and Camden Avenues for the project.

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 project, including directional digging and directional drill dual mains, and to now amend Resolution 20-64 to include both Elizabeth and Camden Avenues in the project.

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

CORRESPONDENCE

- Note Sale Bid Results
- Board of Health Monthly Report – March 2021
- Environmental Commission Minutes – February 10, 2021
- BEDAG Minutes – February 3, 2021
- Health Advisory Board Minutes – September 15, 2020
- Recycling Monthly Report – March 2021

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

PAYMENT OF BILLS

| | | |
|------------------------|------|---------------------|
| Current Fund | 0-01 | 28,141.00 |
| Current Fund | 1-01 | 143,626.00 |
| Pool Utility | 0-26 | 0.00 |
| Pool Utility | 1-26 | 122.00 |
| Sewer Utility | 0-07 | 0.00 |
| Sewer Utility | 1-07 | 1,059.09 |
| Sewer Utility Capital | C-08 | 0.00 |
| General Capital | C-04 | 53,552.00 |
| Pool Capital | C-27 | 0.00 |
| Election Account | E-18 | 0.00 |
| Grant Fund | G-02 | 475.00 |
| Dog Trust | T-12 | 4,091.10 |
| Treasurers Trust | T-13 | 772.00 |
| Recreation Trust | T-14 | 0.00 |
| Senior Citizen Trust | T-16 | 0.00 |
| TOTAL ALL FUNDS | | \$231,838.19 |

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – reported progress.

Engineer Miller – provided an update regarding the capital projects. Mr. Miller said he will be meeting tomorrow to discuss the Pal and Pool parking lot projects as well as the Camden and Elizabeth Avenues project. We are still working on the plans for the Durham Avenue project and once they are approved by the DOT we will look to go out to bid.

Clerk Antonides – reminded everyone that on Saturday, May 1st we will be holding our rabies clinic at the DPW from 9:00 a.m. to 12 noon. Masks are required and social distance must be maintained.

Councilman Wolak – thanked all who volunteered to help clean-up the town this past Saturday and thanked Mr. Cullen for his thorough explanation of the budget.

Councilman Smith – expressed his appreciation to the Environmental Commission and the volunteers for clean-up week, they worked really hard. Councilman Smith went on to thank the Knights of Columbus for the phenomenal clean-up they did and would like to have some preventative measures put in place to help prevent all the illegal litter dumping in that area. April 24th the Environmental Commission will be handing out free tree seedlings to those who wish to plant a tree. Councilman Smith concluded by thanking Mr. Cullen for his work on the budget and Mr. Rizzo Esq. for all his help.

Mr. Cullen advised that he has been in touch with Mr. Miller to discuss the possibility of installing barriers in that area to help deter the litter dumping by the Elks Club.

Councilman Bengivenga – thanked the council for their support to change the dismal swamps name. Former Senator Peter Barnes really tried his best and was dedicated to the dismal swamp area. He was the type of guy where it didn't matter what side of the political fence you were on. He will be greatly missed, and this resolution tonight is well deserved in his honor.

Councilwoman Mott – said she doesn't understand the mentality of someone throwing something out their car window. Councilwoman Mott said that she spoke to Chief Parker about increasing the patrols in the area where all the litter seems to be. Councilwoman Mott thanked Mr. Miller and congratulated the four members of the DPW for obtaining their CDL licenses.

Councilwoman Faustini – thanked all who came out to help with the clean-up day on Saturday. Councilwoman Faustini thanked Mr. Cullen and the Administration and Finance Committee with their hard work in putting the budget together. Councilwoman Faustini concluded by advising that April 30th is the last day for early bird sign-up for the community pool. Councilwoman Faustini also congratulated all South Plainfield athletes who are just starting the new season.

Council President White – said that former Senator Barnes was a good man and a true civil servant. Havana Bay Cuban Restaurant & Bar located at Hadley Center will be having their ribbon cutting this weekend.

Mayor Anesh – provided an update on the Covid-19 numbers. South Plainfield has had 2,815 cases to date. Anyone age 16+ can now register for the vaccination. Mayor Anesh said he encourages all residents to register to get vaccinated.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment reiterating the aforementioned remote directions for making remote public comment.

Debbie Boyle of Van Fleet expressed her thoughts and prayers to the Barnes family and went on to advise of upcoming events throughout the Borough.

Rosa Zaremba of 248 Sprague Avenue advised that on behalf of the Cultural Arts Commission, advised that they will be having a second in a three-part photography workshop via zoom on April 28th at 7:00 p.m.

Without further comment from the public, Mayor Anesh closed the floor and announced that at this time, 7:51 p.m. we will be going into a virtual breakout executive session. Everyone is welcome to remain in the virtual meeting room until our return.

ADJOURNMENT

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Council President White made a motion to adjourn at 8:11 p.m., seconded by Councilwoman Faustini and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk