

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
AUGUST 16, 2021 7:12 P.M.  
PUBLIC MEETING**

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

**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:12 p.m. Mayor Anesh read the sunshine statement and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met with adequate notice of this remote hybrid meeting having been provided to the Borough's two official newspapers and also published on the Borough's website. Instructions for accessing the remote public meeting are found on the Borough's website next to the agendas. Documentation pertaining to the remote meeting can be found electronically on the Borough's website.

The roll call was administered by Clerk Antonides as follows:

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

**Flag Salute:** was led by Mayor Anesh and Councilman Wolak led the invocation.

Mayor Anesh again reviewed some basic rules for conducting the hybrid virtual meeting this evening. All lines will be muted until such time that the floor is open for public comment. Each phone call or virtual hand raise will be taken one at a time. To unmute the microphone, just click on the red microphone picture that has a line through it. It will then turn green indicating you have been unmuted and may begin to speak. Callers may dial 1-646-922-2010 followed by the access code 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 also awaited virtual hand raises; he then unmuted all microphones. With no comments from the public in-person and virtual, Mayor Anesh closed the floor.

**Authorizing the Approval of Council Minutes:**

July 12, 2021 – Agenda Meeting

July 12, 2021 - Public Meeting

July 12, 2021 – Special Meeting

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

The below ordinance 2207 was and read by title by Clerk Antonides on the second reading. Mayor Anesh opened the floor for public hearing.

Marina from Parlin, NJ stressed her support for this ordinance saying how much cannabis has helped her through cancer and surgery. Marina thanked the Council for their consideration.

Mayor Anesh clarified that the municipality has no jurisdiction over medical marijuana. The only thing this ordinance before us considers is recreational marijuana only.

Mr. Hugh Giordano of UFCW Local 152 (a Cannabis Labor Union), said he is glad to hear we are allowing some of the cannabis industry in the area and that we are not considering a complete ban of it and went on to explain what his Union represents.

Nancy Grennier asked for clarification of the classes. Mayor Anesh explained that it basically allows for everything except of retail and growing.

Stephanie Bonanno of Grant Avenue expressed her concerns cannabis getting into the hands of those under age 21 and asked what will prevent that from happening saying that South Plainfield is a family-oriented town. Mayor Anesh explained that we are not allowing for growing or retail sales and what other towns allow is not something South Plainfield can control. The legalization of cannabis was approved through a state referendum last year. Unfortunately, the state has yet to come out with their regulations yet, and despite that they are forcing municipalities to adopt an ordinance within a certain window of time, which isn't particularly fair. We would have much preferred knowing what the states regulations are in this regard.

Sue Mazzio of Banta Road asked where the M3 zones are located and expressed concerns about the odor the cannabis will produce, and asked who will oversee the legalities of this. Mayor Anesh reiterated that the state has not put forth the regulations as of yet and then went on to explain the locations of the M3 zones.

Christine Lee expressed her concern regarding the odor from cannabis and asked if we can amend this ordinance in the future. Mayor Anesh advised that there is no cultivation which is where odor issues exist and doesn't believe there will be an odor issue with the manufacturing side. As of now, we have no state regulations to refer to in this regard. Mr. Rizzo Esq. advised that anyone that starts a business under this ordinance would then be grandfathered in.

Councilman Bengivenga clarified that cannabis retail business is prohibited in this ordinance, however, most of our neighboring towns are approving all the classes of recreational marijuana.

Darlene Cullen of TapInto asked what would happen if the council did not approve this ordinance since the state has not produced what the regulations are. Mr. Rizzo Esq. said then ALL classes would be permitted, therefore we do need to take some action to protect us. Mrs. Cullen said it isn't fair of the state to force us to take action without putting forth the regulations. Mayor Anesh said he agrees.

Cindy Eichler of Park Avenue asked what the benefit is to South Plainfield to allow these classes of the cannabis. Mayor Anesh said that it allows the town the charge a small sales tax.

Mr. Edward (Lefty) Grimes pointed out that we already have drug dealers selling to our children all kinds of hard drugs and that our children are well exposed to the black market already.

With no further comments from the public, Mayor Anesh asked if the Council had any comments. Councilman Smith said that he voted no on the introduction of this ordinance because the state did not provide us with any regulations, and he said he will still vote no tonight on that basis. Councilman Wolak reminded everyone that this ordinance prohibits any retail sale of cannabis. Councilman Bengivenga said he understands Councilman Smith's point saying he will vote to approve this ordinance tonight because of the fact that it does not allow for any retail sales. It will help bring in jobs, revenue and ratables into South Plainfield. Promoting our industry is a big part of our town and at the same time feels this ordinance does protect the family aspects of our town. With no further comments from the public and council, Mayor Anesh closed the floor.

**ORDINANCE 2207**  
**AN ORDINANCE PROHIBITING ALL CLASSES OF CANNABIS LICENSED**  
**BUSINESSES IN RESIDENTIAL, COMMERCIAL AND HISTORICAL**  
**DOWNTOWN DISTRICTS (R1.5, R10, R15, R1-2, SC-1, SC-2, AH-1,**  
**AH-2, AH-3, AH-4, PRD-1, OBC-1, OBC-2, OBC-3, OBC-4, OPA-1, OPA-2**  
**M-1, M-2, HDD, RH, HAM-1); AND PERMITTING LICENSED CANNABIS**  
**BUSINESS CLASSES 2 (MANUFACTURER), 3 (WHOLESALE),**  
**4 (DISTRIBUTOR) WITHIN DESIGNATED AREAS OF THE M-3 ZONE**  
**WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE**  
**BOROUGH OF SOUTH PLAINFIELD.**

**WHEREAS**, the State of New Jersey has, by statute, enacted the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”) which legalizes the recreational use of marijuana by adults 21 years of age and older and establishes a comprehensive regulatory and licensing scheme for commercial recreation (adult use) cannabis operations, use and possession;

**WHEREAS**, the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments, cannabis distributors or cannabis delivery services allowed to operate within the municipal boundaries, as well as the location, manner and times of operation of such establishments, distributors or delivery services, and to establish civil penalties for the violations of any such regulations; and

**WHEREAS**, the Act also authorized municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors or delivery services anywhere in the municipality; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including the following:

- Class 1 Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer License, for facilities involved in the manufacturing, preparation and packaging of cannabis items;
- Class 3 Cannabis Wholesaler License, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor License, for businesses involved in transporting cannabis plants in bulk from once licensed cultivator to another licensed cultivator, or cannabis in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retail License, for locations at which cannabis items and related supplies are sold to consumers;
- Class 6 Cannabis Delivery License, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, which service would include the ability of the consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to the consumer; and

**WHEREAS**, the Act also provides that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (by August 21, 2021); and

**WHEREAS**, the failure of municipalities to adopt any regulation or prohibition shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five (5) year period following the failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Mayor and Council of the Borough of South Plainfield has determined that, due to present and potential impacts that allowing cannabis businesses may have on New Jersey municipalities in general and on the Borough of South Plainfield in particular, it is at this time necessary and appropriate to amend the Code of the Borough of South Plainfield to prohibit Class 1 (Cultivator), Class 5 (Retailer), and Class 6 (Delivery) cannabis business from operating anywhere in the Borough of South Plainfield, except for the delivery of cannabis items and related supplies by a delivery service. It is further deemed appropriate to amend the Code of the Borough of South Plainfield to permit Class 2 (Manufacturer), Class 3 (Wholesaler), and Class 4 (Distributor) businesses in designated M-3 industrial zones, and to create a new chapter establishing a Cannabis Transfer User Tax;

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

AMEND Chapter 540, Zoning, Article II, Word Usage and Definitions, Section 540-5, to add the following new definitions:

Cannabis: Any and all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacturer, salt, derivative, mixture, preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2021, c. for use in cannabis products as set forth in this Act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other product. Cannabis does not include medical cannabis dispensed or registered to qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act”.

Cannabis Cultivator: Any licensed person or entity that grows, cultivates or produces cannabis in this State, and sells and may transport this cannabis to other cannabis cultivators or useable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivators License.

Cannabis Delivery Service: Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies filed by cannabis retailer to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis directly through the cannabis delivery service, which after presenting the purchase order of the cannabis retailer for fulfillment, is delivered to that consumer. This person shall hold a Class 6 Cannabis Delivery License.

Cannabis Distributor: Shall mean any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishments to another class of licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributors License.

Cannabis Manufacturer: Shall mean any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing and packaging cannabis items, and selling, and optionally transporting, these items to the other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturers License.

Cannabis Retailer: Shall mean any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers, and sells these to the consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retail License.

Cannabis Wholesaler: Shall mean any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers and may transport cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

Article XII, Administration and Enforcement, shall be amended to create a new Section 540-78, which shall be titled “Prohibited Uses” and shall read as follows:

Any use not specifically permitted in the zoning district established by this Chapter is hereby specifically prohibited from that district, and further provided that the following uses and activities shall be specifically prohibited in any zone in the Borough:

- Class 1 - Licensed Cannabis Cultivator
- Class 5 - Licensed Cannabis Retailer
- Class 6 - Licensed Cannabis Delivery

Article VII, Zone District Regulations, shall be amended to create a new section, 540-45 (a)(6) which shall read as follows:

Class 2 (Licensed Cannabis Manufacturer), Class 3 (Licensed Cannabis Wholesaler), and Class 4 (Licensed Cannabis Distributor) shall be permitted in those M-3 industrial zones as depicted in the shaded green areas of the map attached as Schedule A to this Ordinance, which map shall be available in the office of the Borough Clerk, limited to two

Licensed Cannabis Manufacturers, two Licensed Cannabis Wholesalers, and one Licensed Cannabis Distributor having been granted licenses and permission of the Borough to operate at any given time.

The Code of the Borough of South Plainfield shall be further amended to create a new chapter entitled “Establishment of Cannabis Transfer Tax and User Tax in the Borough of South Plainfield” within the geographical boundaries of the Borough. This tax shall be imposed on receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment.

A one percent (1%) transfer tax shall be collected from receipts from each sale by a cannabis wholesaler located within the geographical boundaries of the Borough.

A user tax is hereby also established at the same rate (2%) of the transfer tax contained herein and shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to P.L. 2021 c. 16, from the license holder’s establishment that is located in the Borough to any other license holder’s establishments, whether located in the Borough or another municipality.

The transfer tax or user tax imposed by this Ordinance shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the “Sale and Use Tax Act” (N.J.S.A. 54:32B-1, et seq.). The transfer tax or user tax will be assessed and collected pursuant to established State law and Administrative rules and regulations regarding same.

**BE IT FURTHER ORDAINED** as follows:

Any article, section, paragraph, subsection, clause or other provision of the Code of the Borough of South Plainfield inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency;

If any section, paragraph, subsection, clause, provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective;

After introduction, the Borough Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Council of the Borough of South Plainfield within 35 days after referral, a report, including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies in any other matter as the Board deems appropriate;

After introduction, the Borough Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least ten (10) days prior to the scheduled hearing, a copy of this Ordinance and the Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to:

- A. The clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected property; and
- B. The Middlesex County Planning Board.

After adoption, the Borough Clerk is hereby directed to file a copy of this Ordinance with the Middlesex County Planning Board in accordance with N.J.S.A. 40:55D-16;

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law and filing with the Middlesex County Planning Board.

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

The below ordinance 2209 was and read by title by Clerk Antonides on the second reading. Mayor Anesh opened the floor for public hearing. With no comments from the public, closed the floor.

**BOND ORDINANCE #2209**

**BOND ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$649,000 FOR IMPROVEMENTS TO VARIOUS ROADS, INCLUDING \$250,000 OF AN AMOUNT NOT NEEDED FOR ITS ORIGINAL PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$380,000 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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$250,000 of the proceeds of obligations originally made available pursuant to the following bond ordinance of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), is no longer necessary for the purpose for which the obligations previously were authorized:

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
2187	Improvements to Durham Avenue, including, but not limited to, milling, paving and storm sewer improvements, and further including all work and materials necessary therefor and incidental thereto, finally adopted December 21, 2020.	\$250,000
Total:		\$250,000

Section 2. The amount described in Section 1 hereof and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to the purpose described in Section 5(a) below.

Section 3. The improvement described in Section 5(a) of this bond ordinance is hereby authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 5(a), there is hereby appropriated the sum of \$649,000, including the \$250,000 reappropriated pursuant to Section 2 hereof and further including \$19,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 4. In order to finance the cost of the improvement or purpose not covered by application of the reappropriated amount and the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$380,000 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 5. (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, but not limited to, milling and paving, all as set forth on a list on file in the Office of the Clerk, and further 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 4 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 6. 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 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 7. 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 8. The following additional matters are hereby determined, declared, recited and stated: (a) The improvement or purpose described in Section 5(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 \$380,000, 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.

Section 9. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 4 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described in Section 5(a) of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 10. Any grant moneys received for the purpose described in Section 5(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 11. 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 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 12. 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 13. 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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilwoman Faustini			X				
Councilwoman Mott		x	X				
Councilman Smith			X				
Councilman Wolak			X				
Council President White	x		X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

The below ordinance 2210 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for September 7<sup>th</sup> at 7:00 p.m.

**ORDINANCE 2210**

**AN ORDINANCE AMENDING ORDINANCE 2143 THAT AMENDS AND CODIFYS ORDINANCES 730, 922, 115, 1184, 1363, AND 2143 THAT ESTABLISHES A STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY AND FEES IN 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 that Ordinance No. 1953 is hereby amended as follows:

**Section 3.**

b) Subcode fees: Established pursuant to N.J.A.C. Section 5:23-2.25

**1. BUILDING**

**(i) New Construction:**

**Residential R-3 & R-5**

**\$0.025** per cubic foot volume as per N.J.A.C. 5:23-2.28, **Minimum fee \$75.00**

Certificate of Occupancy R-3, R-4 & R-5: **\$125.00** per dwelling unit

State permit surcharge fee per cubic ft volume as per NJ DCA fee Schedule

**All Other Use Groups**

**\$0.035** per cubic foot volume as per N.J.A.C. 5:23-2.28, **Minimum fee \$125.00**

Certificate of Occupancy: **10% of permit fee, Minimum fee \$250.00**

State Permit surcharge fees shall be in accordance with NJ DCA fee schedule

**(ii) Additions**

**Residential R-3 & R-5**

**\$0.025** per cubic foot volume as per N.J.A.C. 5:23-2.28, **Minimum Fee \$75.00**

Certificate of Occupancy R-3, R-4, & R-5: **\$125.00**

State Permit surcharge fees shall be in accordance with NJ DCA fee schedule

**All Other Use Groups**

**\$0.035** per cubic foot volume as per N.J.A.C. 5:23-2.28, **Minimum Fee \$125.00**

Certificate of Occupancy: **10% of permit fee, Minimum fee \$250.00**

State Permit surcharge fees shall be in accordance with NJ DCA fee schedule

**(iii) Alterations, Renovations, Reconstruction & Repairs**

**Residential R-3 & R-5**

**\$25.00 per \$1,000.00 construction cost. Minimum fee: \$75.00**

State Permit surcharge fees shall be in accordance with NJ DCA fee schedule

Above ground swimming pools: **\$100.00 Minimum fee**

In ground swimming pools: **\$500.00 fee**

Reconstruction Certificate of Occupancy: **\$100.00**

**All other Use groups**

**\$30.00 per \$1,000 construction cost. Minimum fee: \$100.00**

State Permit surcharge fees shall be in accordance with NJ DCA fee schedule

In ground swimming pools: **\$750.00 Minimum fee**

Reconstruction Certificate of Occupancy: **\$250.00**

**(iv) Fees for combination of (i), (ii) & (iii) shall be calculated separately.**

**2. Plumbing & Mechanical**

**\$20 per fixture, piece of equipment or appliance** connected to the plumbing system.

**Residential Minimum Fee: \$75.00 Commercial Minimum fee: \$100**

**Residential \$75.00 per special device- Commercial \$100 per Special Device:** Furnaces, Boilers, Hot water heaters, Gas/oil piping, Sewer connection, water service connection, sewer pumps, grease traps, oil separators, refrigeration units, backflow preventers, active solar systems, annual sprinkler inspection, quarterly or annual cross connection permits and interceptors.

South Plainfield residents 65 or older may have the water heater replacement fee waived.

**3. Fire: Residential Minimum Fee: \$75 Commercial Minimum Fee: \$100**

Smoke detectors:

**1 to 6 \$75.00**

**7 to 20 \$125.00**

**Each additional 25 detectors \$50**

Sprinkler heads

**1 to 10 \$100.00**

**11 to 50 \$150.00**

**51 to 200 \$275.00**

**201 to 400 \$800.00**

**401 to 1000 \$1000.00**

**Over 1000 \$1,500.00**

Solar PV Systems: **\$75.00 minimum residential fee, \$100.00 minimum commercial fee**

Kitchen Exhaust systems: **\$125.00**

Pre-Engineered systems: **\$125.00**

Gas or Oil Appliances: **\$75.00** (not connected to plumbing system)

Crematoriums: **\$365.00** Incinerators: **\$365.00** Standpipes: **\$365.00**

**4. Electrical: \$75.00 minimum residential fee, \$100.00 minimum commercial fee**

**A. Receptacles, Lights, Switches-** \$75 fee for 1-25 devices, \$1 fee for each additional device thereafter

**Includes:** Intercom Devices, Smoke Detector Commercial, Thermostats, Heat Detectors Commercial, Communication Outlets, Circuit outlets, Burglar Alarm Commercial, Light Standards 8ft or less, Commercial Pools

## Light Standards--

### B. Motors:

- 1HP to 10HP: \$25
- 11HP to 50HP: \$60
- 51HP to 100HP: \$120
- 101HP + :\$580

### C. Transformers- Generators-HVAC Units:

- 1KW to 10 KW: \$25
- 11KW to 45 KW: \$60
- 46KW to 112.5 KW: \$120
- 112.6 KW + :\$580

### D. Service: Each- Main Pane- Disconnect- Sub-Panel

- 0 AMP to 225 AMP: \$60
- 226 AMP to 1000 AMP: \$120
- 1001 AMP +: \$580

### E. Alarms-Burglary- Security: Commercial Only: Fee \$75

### F. Private Pools, Spas and Hot Tubs: Fee \$75

### G. Photovoltaic:

- 1KW to 50 KW: \$75
- 51KW to 100 KW: \$120
- 101 KW + :\$580

### H. Commercial Pools Annual Inspections: \$175 Fee

## 5. Demolition of structures

5,000 square feet or less: **\$250.00** fee

Over 5,000 square ft: **\$1,000** fee

No State Fee

## 6. Fire Repair

**\$25.00 per thousand cost of construction. Minimum fee: \$100.00**

**R-3 & R-5 Maximum fee \$1,000.00**

## 7. Elevators

Enforced by the Department of Community Affairs-Elevator Safety Unit  
(609) 984-7833

## 8. Signs

Signs to up to 50 sq ft: **\$85.00 per sign**

Signs 51 to 100 square ft: **\$150.00 per sign**

Signs 101 to 250 square feet: **\$250.00 per sign**

Does not include cost for sign footing/foundation if applicable

## 9. Tank Removal & Installation

Residential Tanks: **\$100.00 per tank**

All other Tanks: **\$275.00 per tank**

No state fee for tank removal

## 10. Commercial Change of Owner/Commercial Tenant Certificate of Use:

Change of owner Fee: **\$250.00** Tenant Certificate of Use Fee : **\$100**

## 11. Certificate of Municipal Compliance for Smoke detector & Carbon Monoxide

One to four families between 10:00am and 12:00pm: **\$65.00 per dwelling unit**

Multi-family between 10:00 am and 12:00pm: **\$50.00 per dwelling unit**

One to four families at a special time: **\$125.00 per dwelling unit**

Multi-family at a special time: **\$100.00 per dwelling unit**  
 Reprint of any issued certificate: **\$25.00**  
 1<sup>st</sup> re-inspection for failed or missed inspection: **\$35.00 per dwelling unit**  
 2<sup>nd</sup> re-inspection for failed or missed inspection: **cost of initial inspection**

**12. Other Uniform Construction Code fees**

- a) Certificate of continued occupancy issued pursuant to N.J.A.C. 5:23-2.23  
**R-3 & R-5: \$100.00**  
**All other Use Groups: \$250.00**
- b) Change of Use  
**R-3 & R-5: \$100.00 All other Use Groups: \$250.00**
- c) Variation  
**R-3 & R-5: \$50.00 All other Use Groups: \$150.00**
- d) Renewal of Temporary Certificate of Occupancy:  
**All Use Groups: \$50.00**
- e) Asbestos Abatement Project pursuant to N.J.A.C. 5:23-8.5  
**Permit Fee: \$106.00 Certificate of Occupancy Fee: \$21.00**
- f) Plan review fee  
**20% of permit fee**
- g) Lapsed permit reinstatement  
**R-3 & R-5: \$100.00 All other Use Groups: \$125.00**
- h) Lead Hazard Abatement work  
**Permit Fee: \$140.00 Clearance Certificate: \$50.00**
- i) Application to Construction Board of Appeals:  
**Fee \$100.00**

**13. Zoning Permits:**  
 Residential Fee: **\$50.00**  
 Commercial Fee: **\$100.00**

**14. Zoning Ordinance with Map or Master Plan:**  
**Fee \$50.00**

**15. Development Review Ordinance:**  
**Fee \$35.00**

**16. Bounced or returned check fee: \$20**

**17. Zoning Verification Letter: \$35**

This ordinance will become effective immediately upon publication in accordance with the law.

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

The below ordinance 2211 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for September 7<sup>th</sup> at 7:00 p.m.

**ORDINANCE 2211**  
**AN ORDINANCE VACATING THE BOROUGH'S AUTHORITY AND CONTROL OVER A PORTION OF POMPONIO AVENUE IN THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**WHEREAS**, Pomponio Avenue is a right-of-way depicted on the Borough's current Tax Map; and

**WHEREAS**, a portion of Pomponio Avenue was previously vacated, there being no public benefit to such; and

**WHEREAS**, the Borough believes there is no public benefit to continuing the remainder of Pomponio Avenue as a right-of-way and has no need for such; and

**WHEREAS**, a request has been made for the Borough to vacate its authority and control over the remaining portion of Pomponio Avenue; and

**WHEREAS**, the remaining portion of Pomponio Avenue is undeveloped;

**WHEREAS**, N.J.S.A. 40:67-19 authorizes the Borough to release and extinguish public rights, and the rights of the Borough, arising from the dedication of the street;

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

1. The rights of the public and the Borough of South Plainfield in and to Pomponio Avenue as described more particularly in the attached Schedule A are hereby extinguished and vacated.
2. The Borough Clerk shall, within 60 days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the Borough to be a true copy thereof, together with proof of publication, in the Office of the Clerk of the County of Middlesex in accordance with the provisions of N.J.S.A. 40:67-21.

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

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

Ordinance 2212 was tabled this evening until the September 7<sup>th</sup> Council meeting.

**RESOLUTIONS**

**RESOLUTION 21-232**  
**AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY STEFAN ZAREMBA FOR PUBLIC IMPROVEMENTS TO BLOCK 174, LOT 14, AND ACCEPTANCE OF THE MAINTENANCE BONDS IN THE AMOUNT OF \$1,728.00**

**WHEREAS**, the Borough of South Plainfield is in possession of a Performance Bond from Stefan Zaremba for public improvements located at Block 174, Lot 14; and

WHEREAS, the applicant has submitted the Maintenance Bond in the amount of \$1,728.00; and

WHEREAS, the Borough Engineer has given approval of the form and content of the aforementioned Maintenance Bond.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at the aforementioned Block(s) and Lot(s).

COUNCIL	MOTION	2 <sup>ND</sup>	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			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-233**

**AUTHORIZING THE REFUND OF A TAX OVERPAYMENT IN THE AMOUNT OF \$279.93 PERTAINING TO 108 O’KEEFE LANE 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 137 Lot 22**

Keith Benson  
108 O’Keefe Lane  
South Plainfield, N.J. 07080

**MAKE CHECK PAYABLE TO:**

Keith Benson  
108 O’Keefe Lane  
South Plainfield, N.J. 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 <sup>ND</sup>	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			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-234**

**AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY HARVARD AVENUE MINOR SUBDIVISION FOR STILO FOR PUBLIC IMPROVEMENTS TO BLOCK 347, LOTS 8.10 & 8.11, AND ACCEPTANCE OF THE MAINTENANCE BONDS IN THE AMOUNT OF \$7,882.00**

WHEREAS the Borough of South Plainfield is in possession of a Performance Bond from Harvard Avenue Minor Subdivision for Stilo for public improvements located at Block 347, Lots 8.10 & 8.11; and

**WHEREAS**, the applicant has submitted the Maintenance Bond in the amount of \$7,882.00; and

**WHEREAS**, the Borough Engineer has given approval of the form and content of the aforementioned Maintenance Bond.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at the aforementioned Block(s) and Lot(s).

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION: 21-235**

**AUTHORIZING A CONSTRUCTION PERMIT REFUND IN THE AMOUNT OF \$150.00 TO PATRICIA MIKELL DUE TO A CANCELLATION OF PROJECT**

**WHEREAS**, the Construction Official confirms that a permit was for a construction related project at 1115 Worth Drive and as such, the applicant cancelled and has requested a refund of the \$150.00 permit fee for her furnace because it was previously approved.

**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 refund check(s) in the amount(s) of \$150.00 to the following:

**Patricia Mikell**  
**250 Jerdan Way**  
**Apt. 113**  
**Prince Frederick, MD 20678**

**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 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION: 21-236**

**AUTHORIZING THE PUBLIC AUCTION BY THE POLICE DEPARTMENT FOR ABANDONED UNCLAIMED VEHICLE(S)**

**WHEREAS**, the South Plainfield Police Department in accordance with R.S. 39:10A-1, are in possession of abandoned vehicles due to the failure of the owners claiming such and are now desirous of conducting a public auction on August 27, 2021 at 11:00 a.m. at 2480 Plainfield Avenue, South Plainfield, New Jersey for the following abandoned vehicles:

YEAR	MAKE	MODEL	VIN#	STATUS	MIN. BID
1994	Brick	ES	1G4BR82P3RR427457	FAIR	\$ 250.00
1996	Ford	Mustang	1FALP45X4TF163442	FAIR	\$1,000.00

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South

Plainfield that the South Plainfield Police Department are hereby authorized to publicly advertise and auction the aforementioned vehicles deemed to be abandoned by their owner(s).

COUNCIL	MOTION	2 <sup>ND</sup>	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: 21-237**

**AUTHORIZING A CONSTRUCTION PERMIT REFUND IN THE AMOUNT OF \$264.00 TO TRINITY SOLAR DUE TO A CANCELLATION OF PROJECT**

**WHEREAS**, the Construction Official confirms that a permit was for a construction related project at 420 Pitt Street and as such, the applicant cancelled and has requested a refund of the \$264.00 permit fee for solar panel installation;

**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 refund check(s) in the amount(s) of \$264.00 to the following:

**Trinity Solar**  
**Attn: Barbara Martinez**  
**2211 Allenwood Road**  
**Wall, NJ 07719**

**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 <sup>ND</sup>	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 21-238**

**AUTHORIZING THE PURCHASE AND SERVICES OF ABSOLUTE FIRE PROTECTION FOR FRONT BRAKES ON A FIRE TRUCK IN AN AMOUNT NOT TO EXCEED \$9,829.17**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase and services of Absolute Fire Protection for front brakes on a fire truck in an amount not to exceed \$9,829.17: and

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

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

COUNCIL	MOTION	2 <sup>ND</sup>	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 21-239**  
**AUTHORIZING THE SERVICES OF PINTO BROTHERS DISPOSAL**  
**FOR PUBLIC LITTER CAN REMOVAL FOR A ONE YEAR TERM**  
**IN AN AMOUNT NOT TO EXCEED \$5,700.00**

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40A:11 any expenditure of public funds in excess of \$17,500 requires the advertisement for proposals for delivery of said goods or services; and

**WHEREAS**, a need has been determined to provide public litter can removal services; and

**WHEREAS**, since it was anticipated the contractual amount for said services to be under \$17,500 RFP's were solicited instead of formal bids to trash haulers. There was only one provider that submitted a proposal by the deadline. The following one RFP was submitted:

- Pinto Brother Disposal                      \$5,700.00 (\$475.00/month)

**WHEREAS**, the RFP's have been reviewed by the Borough Recycling Coordinator, and it is their recommendation that the RFP of Pinto Brother Disposal for public litter can removal service for a one-year term in an amount not to exceed \$5,700.00 be accepted and a contract be awarded; and

**WHEREAS** funds for said purpose have been certified by the Chief Financial Officer and are available in the 2021 current budget charged to the Clean Communities Grant G-02-41-709-001-301;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given to award a contract for public litter can removal services for a period of a one-year term from August 1, 2021 to July 31, 2022 at a cost not to exceed \$5,700.00 be awarded to Pinto Brother Disposal.

**FURTHER BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement if applicable with Pinto Brother Disposal, the lowest responsible contractor for the services described.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-240**  
**AUTHORIZING THE PURCHASE AND SERVICES OF TOPP SOLUTIONS**  
**FOR RECORDING SOFTWARE FOR THE COURT IN AN AMOUNT NOT TO EXCEED \$5,567.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase and services of Topp Solutions for recording software for the Court in an amount not to exceed \$5,567.00: 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

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-241**

**AUTHORIZING THE REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$397.37 PERTAINING TO 1113 MALTBY AVE 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 18 Lot 19**

William Mcknight & Eva Gaddis  
1113 Maltby Ave.  
South Plainfield, N.J. 07080

**MAKE CHECK PAYABLE TO:**

William Mcknight & Eva Gaddis  
1113 Maltby Ave.  
South Plainfield, N.J. 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 <sup>ND</sup>	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 21-242**

**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;

Inventory Tag Numbers:

2286      1664      1444      2557      2130  
2295      1912      0784      1913      881  
2289

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 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-243**

**AUTHORIZING THE SERVICES OF HERON’S TREE SERVICE FOR TREE REMOVAL AT VARIOUS LOCATIONS IN AN AMOUNT NOT TO EXCEED \$8,200.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the services of Heron’s Tree Service for tree removal at various locations in an amount not to exceed \$8,200.00: 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, DPW Superintendent

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-244**

**AUTHORIZING THE EMERGENT REPAIR SERVICES OF ABSOLUTE FIRE PROTECTION FOR A PUMPER TRUCK IN AN AMOUNT NOT TO EXCEED \$6,851.74**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the emergent repair services of Absolute Fire Protection for a pumper truck in an amount not to exceed \$6,851.74: and

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

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

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-245**  
**AUTHORIZING THE TEMPORARY HIRE OF KARON SHUEY AS OMNIBUS OPERATOR AT THE HOURLY RATE**  
**OF \$17.75 RETROACTIVE TO AUGUST 9, 2021**

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

It hereby authorizes the temporary hire of Karon Shuey as Omnibus Operator at the hourly rate of \$17.75 retroactive to August 9, 2021 until the return of the permanent Omnibus Operator who is away on medical leave, and

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

1. Amy Antonides, Municipal Clerk
2. Carmela Miller, Payroll
3. Anne Daley, Benefits
4. Tree Olano, Senior Center Director

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-246**  
**AUTHORIZING AWARD OF BID TO FISCHER CONTRACTING INC.**  
**FOR IMPROVEMENTS TO METUCHEN ROAD**  
**IN AN AMOUNT NOT TO EXCEED \$491,954.66**  
**AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK**  
**TO EXECUTE CONTRACT FOR SAME**

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

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40A:11, any expenditure of public funds in excess of \$17,500 requires municipalities to advertise for proposals for delivery of said goods or services; and

**WHEREAS**, a need has been determined that improvements for Metuchen Road are necessary; and

**WHEREAS** bids were solicited and opened on Tuesday, August 10, 2021 at 10:00 a.m. and the following picked-up bid packages from the Borough Engineer and submitted base bids as follows:

Fischer Contracting Inc.	\$491,954.66
Stilo Excavation Inc.	\$493,452.45
Top Line Construction	\$509,129.83
Black Rock Enterprises	\$553,000.00
Capital Paving & Contracting	\$679,182.00
Lima Charlie Construction	\$735,330.00

**WHEREAS**, the bids have been reviewed by the Borough's Engineer and Attorney and as such it has been determined that Fischer Contracting Inc. is the lowest bidder and it is recommended they be awarded said bid in the base bid amount of \$491,954.66 and that the bid be accepted, and a contract be awarded to Fischer Contracting Inc.; and

**WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available through capital funding.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract for the aforementioned project.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-247  
AUTHORIZING VARIOUS COMMUNITY POOL RELATED REFUNDS**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the following refunds related to the community pool as recommended by the Recreation Director:

Francisley Muradas  
113 Kenwood Avenue  
South Plainfield, NJ 07080  
\$80.00 for Swim Lessons

Valerie Boucher  
781 Tobia Road  
Bridgewater, NJ 08807  
\$125.00 for Guest Book Pass

The following reflects refunds for Advanced Beginner Swim Lessons:

Janice Banaria  
8 Rauer Court  
South Plainfield, NJ 07080 (\$40.00)

Michelle Clark  
1451 So. End Parkway  
Plainfield, NJ 07060 (\$40.00)

Randy Gemenden  
698 Cedarbrook Avenue  
South Plainfield, NJ 07080 (\$40.00)

Bridget Holmes  
190 Zwolak Court  
South Plainfield, NJ 07080 (\$40.00)

Luciana Rangel  
1702 Wickford Road  
South Plainfield, NJ 07080 (\$40.00)

Elizabeth McKenna  
219 Clifford Street  
South Plainfield, NJ 07080 (\$40.00)

Ingrid Larreta  
322 Church Street  
South Plainfield, NJ 07080 (\$40.00)

Sabina Nowak  
506 So. Plainfield Avenue  
South Plainfield, NJ 07080 (\$40.00)

Gerrardo Rivera  
159 Manning Ave  
North Plainfield, NJ 07060 (\$120.00)

{A1298313.1 }

Chris Russoniello  
 318 Joan Street  
 South Plainfield, NJ 07080 (\$80.00)

Lamarr Spencer  
 1201 Foster Terrace  
 South Plainfield, NJ 07080 (\$80.00)

Angela Velez  
 1617 Central Avenue  
 South Plainfield, NJ 07080 (\$40.00)

Jennifer Wallitsch  
 136 Smith Street  
 South Plainfield, NJ 07080 (\$80.00)

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

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-248  
 AUTHORIZING THE FULL-TIME HIRING OF  
 RACHEL CANNALONGA AND DANIEL SMITH  
 AS TELECOMMUNICATORS AT THE ANNUAL SALARY  
 OF \$48,378.29 EFFECTIVE AUGUST 17, 2021**

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

It hereby authorizes the full-time hiring of Rachel Cannalunga and Daniel Smith as Telecommunicators for the South Plainfield Police Department to be paid the annual salary of \$48,378.29 effective August 17, 2021, and

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

1. Amy Antonides, Municipal Clerk
2. Carmela Miller, Payroll
3. Anne Daley, Benefits
4. Sgt. James McConville, Police Department

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-249**  
**AUTHORIZING THE CREDIT OF TAX APPEAL JUDGMENTS IN THE AMOUNT OF \$23,869.54**  
**PERTAINING TO MULTIPLE PROPERTIES IN SOUTH PLAINFIELD**

**WHEREAS**, the following list of taxpayers have filed appeals with the Middlesex Tax Court 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 credited.

<b><u>OWNER/ADDRESS</u></b>	<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>YEAR</u></b>	<b><u>AMOUNT</u></b>
Facefield LLP 1309 West 7 <sup>th</sup> Street South Plainfield, NJ 07080	3	33.01	2021	\$966.00
Pauls, Anthony W & Blank, Lisa 133 Redding Avenue South Plainfield, NJ 07080	60	27.01	2021	\$3,664.36
Sacco, Joseph A & Nadine M 2528 Woodland Avenue South Plainfield, NJ 07080	81	5.02	2021	\$4,469.36
Charnecky, Jennifer 108 Whispering Hills Road South Plainfield, NJ 07080	95	9	2021	\$511.66
Vill, Albert & Jacqueline 2008 Murray Avenue South Plainfield, NJ 07080	108	3	2021	\$1,970.64
Budhan, Rabindranauth & Narpatti 1216 South 11 <sup>th</sup> Street South Plainfield, NJ 07080	136	26.01	2021	\$3,780.28
Faust, Lisa & Basille, Daniel 175 Oak Tree Avenue South Plainfield, NJ 07080	249	32	2021	\$1951.32
Grow, Eric & Geoffrey 1000 Hamilton Boulevard South Plainfield, NJ 07080	309	4	2021	\$785.68
Kakar, Deepak & Kiran 411 Spicer Avenue South Plainfield, NJ 07080	362	11	2021	\$2,511.60



1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. Elizabeth Yarus, Recreation Director

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

### CORRESPONDENCE

- Recycling Monthly Report – June 2021
- Environmental Monthly Report – June 2021
- Board of Health Monthly Report – June 2021
- Zoning Board Minutes – October 6, 2020 & October 20, 2020
- Code Enforcement Lien Report
- Environmental Commission Minutes – June 9, 2021
- Community Pool Statistic Report
- Finance – BAN Cost Schedule

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

### PAYMENT OF BILLS

Current Fund	0-01	71,050.00
Current Fund	1-01	1,190,844.45
Pool Utility	0-26	2,500.00
Pool Utility	1-26	24,209.30
Sewer Utility	0-07	18,000.00
Sewer Utility	1-07	1,415,198.83
Sewer Utility Capital	C-08	0.00
General Capital	C-04	196,550.11
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	1,537.86
Dog Trust	T-12	4,260.30
Treasurers Trust	T-13	106,510.56
Recreation Trust	T-14	9,070.17
Senior Citizen Trust	T-16	0.00
<b>TOTAL ALL FUNDS</b>		<b>\$3,093,731.58</b>

COUNCIL	MOTION	2 <sup>ND</sup>	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			
<b>Mayor Anesh – TIE ONLY</b>							

**COUNCIL REPORTS:**

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – advised that the paving of Hamilton Blvd. will be taking place soon. Mr. Cullen said he is very pleased with his recent BAN sale, with an interest rate of 0.2661% through Oppenheimer. Mr. Cullen said he is also pleased with the pool this season saying that it may be the first time in some three decades that the pool has turned a profit. We have nearly 1,000 memberships, and almost 1,200 daily passes. Our new system is still fairly new for us but over all we are very pleased.

Engineer Miller – provided an update on some capital projects. The Durham Avenue road improvements are being scheduled now. The Metuchen Road Improvement bid came in some \$12K under bid of which the work will be scheduled for mostly during nighttime hours. The next repaving project is presently out to bid, and PSE&G are working to restore the roads.

Clerk Antonides – reported progress

Councilman Smith – thanked Mr. Mill and Mr. Cull for the jobs they do for our town and went on to express appreciation for Chief Parker.

Councilwoman Mott – reported progress.

Councilman Wolak – wished his daughter and granddaughter a happy birthday and went on to report progress.

Councilman Bengivenga – reported progress.

Councilwoman Faustini – thanked the Library Board for donating the beautiful new Municipal Sign in front of Borough Hall, and reminded everyone that the Labor Day Parade and fireworks will be held on Labor Day this year.

Council President White – reminded everyone that the 911 ceremony marking the 20<sup>th</sup> anniversary will take place on 9/11/2021 at 12:45 at Monument Park. Some good news, LA Fitness has begun construction again and will follow through with their plans. The owners of Hadley Square proposed a new jet space program concept which provides unlimited access to use their workspace for conference rooms etc. to compliment today’s virtual needs.

Mayor Anesh – reported progress.

**COMMENTS FROM THE PUBLIC:**

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

Mr. Marino of Durham Avenue asked what can be done to remove truck traffic on Durham Avenue saying the trucks never stop coming and asked if there are any plans for Durham Avenue in this regard. Mr. Miller advised there are plans for repaving of Durham Avenue and upgrades to the storm sewers. Mr. Marino asked how many units are going into the old Motorola site. Mr. Cullen said 410. Mr. Marino expressed his concerns about this producing even more traffic and truck traffic in that area. Mr. Miller said he doesn’t believe it will be likely to regulate trucks off an interstate in that area. Mayor Anesh said that Mr. Miller can reach out to the NJDOT to inquire, but it not optimistic it will be allowed.

Debbie Boyle of Van Fleet advised that the South Plainfield Education Foundation will host a 5K race on 9/6/2021 by the Middle school.

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Without further comment from the public, Mayor Anesh closed the floor from the public. Mayor Anesh announced that at this time, 8:26 p.m. we will be going into an executive session. Everyone is welcome to remain 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 9:33 p.m., seconded by Councilwoman Mott and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC/CMR  
Municipal Clerk