

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
SEPTEMBER 7, 2021 7:04 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 7:04 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		
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	Virtual		
Engineer Miller	X		

**Flag Salute:** was led by Mayor Anesh and Councilwoman Mott 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:**

- August 16, 2021 – Agenda Meeting
- August 16, 2021 - Public Meeting
- August 16, 2021 – Executive Session

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

The below ordinance 2210 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, Mayor Anesh closed the floor.

**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**

{A1298313.1 }

## 7. Elevators

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

## 8. Signs

Signs 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	X				
Councilwoman Faustini			X				
Councilwoman Mott	x		X				
Councilman Smith			X				
Councilman Wolak			X				
Council President White			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 second reading. Mayor Anesh opened the floor for public hearing. With no comments from the public, Mayor Anesh closed the floor.

**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>							

The below ordinance 2212 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for September 20, 2021 at approximately 7 p.m.

## ORDINANCE 2212

### AN ORDINANCE AMENDING CHAPTER 216, ARTICLES III AND IV OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD AS IT RELATES TO MISCELLANEOUS FEES

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

the following fees, as established by the South Plainfield Borough Council be and are hereby amended to include the following amended fees:

Article III, Section 216-7 “Fees Established”

A. The following fees are hereby established (~~for the documents listed~~) below:

Description of Activity Under Permit	Fee	Expiration Date
<b>VITAL STATISTICS:</b>		
Marriage License Application	\$ 28.00	
Domestic Partnership or Civil Union Appl.	\$ 28.00	
Certified Copy Fee	\$ 20.00/each	
Burial Permit Fee	\$ 5.00/each	
<b>ANIMAL LICENSING:</b>		
Dog and Cat License-Neutered/Spayed	\$ 15.00 per animal	Annually on January 31 <sup>st</sup>
Dog and Cat License-Non-Neutered/Non-Spayed	\$ 20.00 per animal	Annually on January 31 <sup>st</sup>
Dog and Cat License Replacement Fee	\$ 5.00 per license tag	
<del>Dog and Cat Late Fee</del>	<del>(Remove this late fee section in its entirety)</del>	
<b>ENGINEERING PLOT PLAN REVIEW</b>		
Engineering plot plan review/inspection	\$1,000	
<b>NOTARY</b>		
Notary Public Service Fee	\$ 2.50/each notary act.	
	All South Plainfield charitable, non-profit organizations are exempt from said notary public service fee.	
	All Veterans, who upon showing their veteran card status, are also exempt from this fee.	

#### USE OF CREDIT/DEBIT CARDS

For use of all credit and debit cards at any/all Municipal facility: 3% convenience fee

~~B. SOUTH PLAINFIELD TIGER SHARK SWIM TEAM (remove this section)~~

<del>Membership Fee:</del>		
<del>One family swim team member</del>	<del>\$ 90.00</del>	
<del>Additional swim team member</del>	<del>\$ 70.00</del>	

**B. BOARD OF HEALTH FEES:**

**ANIMAL LICENSE TYPES**

Small Animal (except dogs/cats)	\$ 75.00	Annually on March 31 <sup>st</sup>
Large Animal (except dogs/cats)	\$ 75.00	Annually on March 31 <sup>st</sup>
Poultry (Chickens)	\$ 75.00	Annually on March 31 <sup>st</sup>
Poultry – Commercial Establishment	\$ 250.00	Annually on March 31 <sup>st</sup>
Pigeons up to 3 birds	\$ 100.00	Annually on March 31 <sup>st</sup>
Operate a Pigeon Loft	\$ 150.00	

**BEE KEEPING**

Beekeeper Fee	\$ 50.00	Annually on March 31 <sup>st</sup>
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**BUSINESS ESTABLISHMENT**

Animal Hospital	\$ 100.00	Annually on March 31 <sup>st</sup>
Barber Shop	\$ 75.00	Annually on March 31 <sup>st</sup>
Beauty Shop/Salon and/or Nail Salon	\$ 75.00	Annually on March 31 <sup>st</sup>
Pet Shop	\$ 100.00	Annually on March 31 <sup>st</sup>
Spa/Massage Parlor	\$5,000.00	Annually on March 31 <sup>st</sup>
Spa/Tanning Salon	\$ 75.00	Annually on March 31 <sup>st</sup>
Tattoo Parlor	\$1,000.00	Annually on March 31 <sup>st</sup>

**CATERER**

Caterer Permit	\$ 150.00/per day	
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**FARM PRODUCE**

1 Up To 1,000 sq. feet	\$ 75.00	Annually on March 31 <sup>st</sup>
Over 1,000 sq. feet	\$ 125.00	Annually on March 31 <sup>st</sup>

**RETAIL FOOD ESTABLISHMENT**

1-1,000 sq. feet	\$ 150.00	Annually on March 31 <sup>st</sup>
1,001-5,000 sq. feet	\$ 225.00	Annually on March 31 <sup>st</sup>
5,001-10,000 sq. feet	\$ 275.00	Annually on March 31 <sup>st</sup>
Over 10,000 sq. feet	\$ 525.00	Annually on March 31 <sup>st</sup>
Milk Fee	\$ 50.00	Annually on March 31 <sup>st</sup>
Drug Store	\$ 75.00	Annually on March 31 <sup>st</sup>
Ice – Packaged Only	\$ 50.00	Annually on March 31 <sup>st</sup>
Non-Attendance of Food Course	\$ 200.00	
Plan Review for New Food Establishment	\$ 100.00	

**PUBLIC SWIMMING POOLS**

Multiple Residential Dwellings	\$ 375.00	Annually on March 31 <sup>st</sup>
Non-Residential – Seasonal	\$ 375.00	Annually on March 31 <sup>st</sup>
Non-Residential – Yearly	\$ 525.00	Annually on March 31 <sup>st</sup>

**TEMPORARY RETAIL FOOD ESTABLISHMENT**

Temporary Event	\$ 75.00 per day, per tent/per vendor	
Temporary Event	\$ 200.00 per week (per 3-7 days)	
One Day Permit (Food Trucks)	\$ 75.00 per day, per vehicle	

**REINSPECTION FEES**

1st Reinspection by Health Officer	\$ 75.00	
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2 <sup>nd</sup> Reinspection by Health Officer	\$ 100.00	
3 <sup>rd</sup> Reinspection by Health Officer	\$ 125.00	
<b>RETAIL FOOD – VEHICLE LICENSE</b>		
Prepackaged Food Only	\$ 150.00	Annually on March 31 <sup>st</sup>
Milk Fee	\$ 50.00	Annually on March 31 <sup>st</sup>
Prepackaged Ice Cream	\$ 150.00	Annually on March 31 <sup>st</sup>
Preparation of Ice Cream	\$ 200.00	Annually on March 31 <sup>st</sup>
Farm Produce Vehicle	\$ 75.00	Annually on March 31 <sup>st</sup>

**VENDING MACHINE LICENSE**

Food/Beverage Vending Machine	\$ 50.00 per machine	Annually on March 31 <sup>st</sup>
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**WHOLESALE FOOD ESTABLISHMENT**

Manufactured	\$ 175.00	Annually on March 31 <sup>st</sup>
Non-Manufactured	\$ 100.00	Annually on March 31 <sup>st</sup>

**LATE FEE**

A \$50.00 **PER MONTH** late fee will be assessed for all Board of Health licenses and permit applications received after March 31<sup>st</sup>. A late fee shall not apply to a new business that just opened after March 31<sup>st</sup> of the current licensing year; the annual fee shall apply. The South Plainfield Health Officer has the discretion to issue a summons for those who do not obtain a required permit or license

**VIOLATION**

Article IV “Copies of Public Records”, Section 216-8 “~~Charges Based upon actual costs~~”  
 (Remove current paragraph and replace with the following fee structure:) = remove

**COPYING COST PURSUANT TO THE OPEN PUBLIC RECORDS ACT N.J.S.A. 47:1A-1 et seq.**

8 ½ x 11	\$ 0.05 per page
8 ½ x 14	\$ 0.07 per page
Emailed Records	\$ 0.00 per page
Special Service Charge	TBD based upon actual costs

All other fees and provisions of these Articles shall remain in full force and effect. This amendment becomes effective January 1, 2022 after final adoption and advertisement 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				
Councilman Smith	x		X				
Councilman Wolak		x	X				
Council President White			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

The below ordinance 2213 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for September 20, 2021 at approximately 7 p.m.

**ORDINANCE 2213**

**A CAPITAL ORDINANCE AUTHORIZING “STORM SEWER IMPROVEMENTS” IN AND THROUGHOUT THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

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

Section 1. The aforementioned assets be funded through the American Rescue plan Act:

{A1298313.1 }



COUNCIL	MOTION	2 <sup>ND</sup>	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							

**RESOLUTION 2021-254  
ACCEPTING THE 2020 MUNICIPAL AUDIT**

**WHEREAS**, N.J.S.A. 40:A5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transaction, and

**WHEREAS**, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by Resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and, **WHEREAS**, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

As evidenced by the group affidavit form of the Governing Body, and

**WHEREAS**, such Resolution of Certification shall be adopted by the annual audit, as per the regulations of the Local Finance Board, and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgation’s of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52-27BB-52 to wit: R.S. 52:27BB-52 – “A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office”.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of South Plainfield, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said audit.

COUNCIL	MOTION	2 <sup>ND</sup>	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							

**RESOLUTION 2020- 255  
Borough of South Plainfield  
ACCEPTING THE CORRECTIVE ACTION PLAN – 2020 AUDIT**

**WHEREAS**, there exists comments entitled “Recommendations” in the 2020 Audit showing deficiencies in various departments; and

**WHEREAS**, each department was advised of the weaknesses/deficiencies within their department, and

**WHEREAS**, the Borough Auditor, in conjunction with the Borough employees and the Borough Council, discussed a Corrective Action Plan for the 2020 Audit;

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, that as per the requirements of the Federal OMB Circular No. A-128 13(d), that the attached Corrective Action Plan for the 2020 Audit Findings be submitted to the Department of Community Affairs for their review.

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

**RESOLUTION 21-256**

**AUTHORIZING THE RECLASSIFICATION OF ALEX NIERADKA AS FULL-TIME PUBLIC SAFETY TELECOMMUNICATOR LEVEL 1 FOR THE SOUTH PLAINFIELD POLICE DEPARTMENT TO PUBLIC SAFETY TELECOMMUNICATOR LEVEL 2, EFFECTIVE MAY 18, 2021**

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

It hereby reclassifies the hiring of Alex Nieradka as a full-time Public Safety Telecommunicator Level 1 for the South Plainfield Police Department to Public Safety Telecommunicator Level 2 effective May 18, 2021 at an annual salary in accordance with the salary ordinance for Public Safety Telecommunicator, 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	X				
Councilwoman Faustini			X				
Councilwoman Mott			X				
Councilman Smith	x		X				
Councilman Wolak			X				
Council President White			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-257**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

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

**WHEREAS**, The Borough Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society among persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Middlesex.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of South Plainfield, County of Middlesex, State of New Jersey hereby recognizes the following:

- The Borough Council does hereby authorize acceptance of a strategic plan for the South Plainfield Municipal Alliance grant for fiscal year 2022 in the amount of:
  - DEDR           \$11,578
  - Cash Match   \$ 2,894.50
  - In-Kind       \$ 8,683.50
- The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

**RESOLUTION 21-258  
ACCEPTING THE RETIREMENT OF TIM KELLY  
FROM THE POSITION OF TELECOMMUNICATIONS OPERATOR EFFECTIVE 1/1/2022**

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

It hereby accepts the retirement of Tim Kelly from the position of Telecommunications Operator effective 1/1/2022; and

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

- Glenn Cullen, Administrator/CFO
- Amy Antonides, Municipal Clerk
- Anne Daley, Benefits
- Carmela Sutor, Payroll
- James Parker, Chief of Police

**RESOLUTION 21-259  
ACCEPTING THE RESIGNATION OF DANIELLE HURST FROM THE ENVIRONMENTAL COMMISSION AND  
GREEN TEAM EFFECTIVE 9/1/2021**

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

It hereby accepts the resignation of Danielle Hurst from the Environmental Commission and Green Team 9/1/2021; and

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

1. Amy Antonides, Municipal Clerk
2. Alice Tempel, Environmental Specialist

COUNCIL	MOTION	2 <sup>ND</sup>	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							

**RESOLUTION 21-260**  
**AUTHORIZING THE NJ STATE CONTRACT SERVICES OF OCEAN COMPUTER GROUP**  
**TO PROVIDE BARRACUDA BACK-UP SUBSCRIPTION SERVICES**  
**IN AN AMOUNT NOT TO EXCEED \$11,880.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the state contract services of Ocean Computer Group to provide Barracuda Back-up Subscription Services in an amount not to exceed \$11,880.00 pursuant to state contract number A89967/89968; 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

COUNCIL	MOTION	2 <sup>ND</sup>	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							

**RESOLUTION 21-261**  
**AUTHORIZING THE NJ STATE CONTRACT SERVICES OF OCEAN COMPUTER GROUP**  
**TO PROVIDE MICROSOFT OFFICE SUBSCRIPTION SERVICES FOR THE BOROUGH**  
**AND POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$16,272.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the state contract services of Ocean Computer Group to provide Microsoft Office Subscription Services for the Borough and Police Department in an amount not to exceed \$16,272.00 pursuant to state contract number A89967/89968; 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

COUNCIL	MOTION	2 <sup>ND</sup>	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				

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

**RESOLUTION 21-262  
AUTHORIZING THE EMERGENT REPAIR SERVICES OF FISCHER CONTRACTING  
FOR STORM SEWER REPAIRS IN AN AMOUNT NOT TO EXCEED \$18,000.00**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the emergent repair services of Fischer Contracting for storm sewer repairs at the following locations in a total amount not to exceed \$18,000.00:

1151 Worth Drive	\$ 9,000.00
1415 Central Avenue	\$ 9,000.00
<b>TOTAL COST:</b>	<b>\$18,000.00</b>

**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	X				
Councilwoman Faustini			X				
Councilwoman Mott			X				
Councilman Smith	x		X				
Councilman Wolak			X				
Council President White			X				
	<b>VOTE:</b>		<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-263  
SUPPORTING AN ANTI-IDLING POLICY  
IN THE BOROUGH OF SOUTH PLAINFIELD**

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

**WHEREAS**, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates; and

**WHEREAS**, vehicles idling occurs in locations (e.g. school grounds, parking lots, distribution centers, strip malls, construction sites, business centers, etc.) where New Jerseyans can be exposed to concentrated sources of air pollutant emissions; and

**WHEREAS**, the United States Environmental Protection Agency has classified diesel exhaust as likely to be carcinogenic to humans; and

**WHEREAS**, numerous scientific studies have found links between exposure to fine particles and health effects including premature death, and increased incidents of asthma, allergies, and other breathing disorders; and

**WHEREAS**, asthma is a significant public health concern in New Jersey, especially among children (up to 25% of New Jersey’s school-age children are asthmatic) and the elderly; and

**WHEREAS**, the reduction in fine-particle emissions from diesel engines could prevent 16,000 new asthma cases annually and save \$770 million to \$10 billion in health care and related costs in the State; and

**WHEREAS**, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO2), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

**WHEREAS**, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

**WHEREAS**, idling is not generally beneficial to a vehicle’s engine because it wears engine parts; and

**WHEREAS**, idling more than 10 seconds uses more fuel and emits more pollutants than turning an engine off and on again; and

**WHEREAS**, current state law prohibits the idling of vehicles for more than three minutes and studies have shown that an anti-idling policy will save fuel, prolong engine life, and improve air quality.

**NOW THEREFORE BE IT RESOLVED** that the Borough Council of South Plainfield, County of Middlesex, State of New Jersey supports a strong anti-idling policy by government agencies, schools, businesses and other organizations and will:

1. Make enforcing existing violations and penalties under New Jersey’s existing no-idling law a priority for all municipal Peace Officers pursuant to C.39:3-70.2 and C.26:2C-1;
2. Encourage drivers of any gasoline or diesel-powered motor vehicle to turn off their engines immediately at school drop-off and pickup points; drive-thru’s of any kind; convenience stores, garbage and school bus pickups, etc., to minimize exposure to vehicle emissions;
3. Maintain municipal vehicles to eliminate any visible exhaust and complying with the annual inspection requirement for those vehicles;
4. Require municipal-owned vehicles, including police vehicles and emergency services such as fire and ambulance, to turn off vehicle engines as long as it does not infringe on safety.
5. Promote the widespread use of emission controls in construction contracts; and
6. Support broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

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

**RESOLUTION 2021-264**

**RESOLUTION AUTHORIZING SETTLEMENT OF CORRECTION OF ERROR TAX APPEAL FILED BY THE BOROUGH OF SOUTH PLAINFIELD FOR THE PROPERTY KNOWN AS METUCHEN ROAD AND IDENTIFIED AS BLOCK 255, LOT 23.02 ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, Robert Stewart c/o American Steel Erectors (hereinafter referred to as “Taxpayer”) is the owner of the property known as Metuchen Road and identified as Block 255, Lot 23.02 on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$330,300 for Tax Years 2019, 2020 and 2021; and

**WHEREAS**, the Borough of South Plainfield (hereinafter referred to as “Municipality”) filed a Correction of Error Complaint pursuant to N.J.S.A. 54:51A-7 in the Tax Court of the State of New Jersey under Docket Number 010128-2021 to correct the 2019, 2020 and 2021 tax assessments; and

**WHEREAS**, the error in the assessment levied upon Block 255, Lot 23.02 was the result of the physical attributes of the property and shall be corrected so as to remove the improvement from the total assessment; and

**WHEREAS**, pursuant to the proposed Stipulation of Settlement annexed hereto, the aforesaid tax appeal is to be resolved as follows:

- The 2019 assessment, based upon said correction and reduction, will be \$303,500;
- The 2020 assessment, based upon said correction and reduction, will be \$303,500;
- The 2021 assessment, based upon said correction and reduction, will be \$303,500;
- The tax refund shall be effectuated without statutory interest and paid in the form of credits to the next quarterly tax payment due following entry of the Tax Court Judgment;

**WHEREAS**, the Borough of South Plainfield Tax Assessor agrees that it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeal pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto; and

**WHEREAS**, the aforesaid correction and reduction in the total assessment is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

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

**WHEREAS**, the Mayor and Borough Council make this correction and reduction in the total assessment with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer's request for tax assessment reduction.

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

1. The total tax assessment for Tax Years 2019, 2020 and 2021 for Block 255, Lot 23.02 shall be adjusted to \$303,500.
2. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeal filed by the Borough of South Plainfield under Docket No. 010128-2021 for the Property known as Metuchen Road and identified as Block 255, Lot 23.02 on the Borough of South Plainfield Tax Assessment Maps which corrects and reduces the total tax assessment on the Property from \$330,300 to \$303,500 for Tax Years 2019, 2020 and 2021; and which provides that the tax refund shall be effectuated without statutory interest and paid in the form of credits to the next quarterly tax payment due following entry of the Tax Court Judgment.
3. This settlement shall be without prejudice to the Borough's dealings with any other taxpayer's request or appeal for a tax assessment reduction.

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

**RESOLUTION 21-265  
AUTHORIZING THE EMERGENCY EXTENSION OF SERVICES FOR SCHOOL CROSSING  
GUARD SERVICES WITH DMS SYSTEMS FOR THE 2021-2022 SCHOOL YEAR  
AT THE HOURLY RATE OF \$19.50**

**WHEREAS**, an urgent need has been determined for School Crossing Guard services for the 2021–2022 school year which is to commence on September 2, 2021; and

**WHEREAS**, sealed bids for School Crossing Guard Services were received and publicly opened on June 11, 2019 at 10:00 a.m., of which only one bid was received; and

**WHEREAS**, DMS Systems, Inc., 50 Lewis Avenue, Jersey City, New Jersey 07306 was determined to be the lowest qualified bidder, in the amount of \$16.45 per guard per hour for a one-year term to expire June 30, 2020; and

**WHEREAS**, in accordance with the Local Public Contracts Law, N.J.S.A. 40A: 11-15, said agreement may be extended for two (2) one-year terms (2020-2021 and 2021-2022); and

**WHEREAS**, due to Governor Murphy's executive order to increase said services each year through 2024, the hourly rate for 2020-2021 was increased to \$18.50 and as such we do not have the timeline to go out to bid for the 2021-2022 school year and therefore require another one-year emergent extension service of DMS Systems to provide crossing guard services to commence on September 2, 2021 at the new hourly rate of \$19.50; and

**WHEREAS**, the Borough reserves the right to adjust locations and/or personnel as needed; and



**WHEREAS**, the RFP has been reviewed by the Borough Engineer, and the Borough Attorney, and it is their recommendation that the RFP from Pabco Industries, LLC. for biodegradable and recyclable leaf bags in the amount not to exceed \$36,434.00 (\$0.519 per bag) be accepted and a unit price 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 account;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given to award a unit price contract to Pabco Industries, LLC for biodegradable and recyclable leaf bags at a cost not to exceed \$36,434.00 (\$0.519 per bag).

**FURTHER BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement, if applicable, with Pabco Industries, LLC., the lowest responsible provider for the services described.

COUNCIL	MOTION	2 <sup>ND</sup>	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							

**RESOLUTION 21-268  
AUTHORIZING AWARD OF BID TO STILO EXCAVATION INC.  
FOR VARIOUS STORM SEWER AND ROAD IMPROVEMENTS  
IN AN AMOUNT NOT TO EXCEED \$1,553,400.34  
WHICH INCLUDES ALTERNATES A & B  
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 various storm sewer and road improvements are necessary; and

**WHEREAS** bids were solicited and opened on Tuesday, August 31, 2021 at 10:30 a.m. and the following picked-up bid packages from the Borough Engineer and submitted bids as follows (pricing totals include alternates A & B):

Stilo Excavation Inc.	\$1,553,400.34
Top Line Construction	\$1,673,436.68
Fischer Contracting Inc.	\$1,758,491.62
P&A Construction Group	\$1,873,089.90
Z Brothers Concrete Contractors	\$1,885,886.74
Black Rock Enterprises	\$2,017,080.00
Lima Charlie Construction	\$2,074,000.00

**WHEREAS**, the bids have been reviewed by the Borough’s Engineer and Attorney and as such it has been determined that Stilo Excavation Inc. is the lowest bidder and it is recommended they be awarded to the said bidder in the total bid amount inclusive of alternates A & B of \$1,553,400.34 and that the bid be accepted, and a contract be awarded to Stilo Excavation 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	X				
Councilwoman Faustini			X				
Councilwoman Mott			X				
Councilman Smith	X		X				
Councilman Wolak			X				
Council President White			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 21-269  
AUTHORIZING THE TRANSFER OF GUEST PASSES PURCHASED BY MEMBERS TO BE CARRIED OVER TO THE  
2022 POOL SEASON**

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

It hereby authorizes the transfer of Guest Passes that were purchased in 2021 but were unable to be used due to Tropical Storm Ida to be transferred over to the 2022 Pool season. These passes are only those that were purchased separately after the 2021 season began, and

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

1. Amy Antonides, Municipal Clerk
2. Glenn Cullen, Administrator
3. Liz Yarus, recreation Director

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

**CORRESPONDENCE**

- Human Relations Committee Minutes – February 18, 2021 & April 15, 2021
- Recycling Monthly Report – July 2021
- Board of Health Monthly Report – August 2021
- Thank-You Letter to Police and Fire Departments

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>							

**PAYMENT OF BILLS**

Current Fund	0-01	0.00
Current Fund	1-01	440,060.67
Pool Utility	0-26	0.00
Pool Utility	1-26	62,582.82
Sewer Utility	0-07	0.00
Sewer Utility	1-07	1,124,009.15

Sewer Utility Capital	C-08	208,636.93
General Capital	C-04	69,702.10
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	0.00
Dog Trust	T-12	0.00
Treasurers Trust	T-13	13,710.41
Recreation Trust	T-14	2,710.79
Senior Citizen Trust	T-16	0.00
<b>TOTAL ALL FUNDS</b>		<b>\$1,921,412.87</b>

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>							

**COUNCIL REPORTS:**

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – pointed out a letter of appreciation we received from a resident in Edison who he and his family were stuck in last week’s storm and our emergency services assisted them. We have been working hard to clean-up after the recent storm. The DPW department has worked very hard, coming in on the weekend and Labor Day to assist. We did manage to have the transfer station open-up on Labor Day to assist with our clean-up effort. All waste haulers are working hard. We were fortunate that there was no damage to the Library thanks to their recent construction. Our emergency services did a substantial number of rescues during the storm and saved many lives. We will get through this. More announcements will be forthcoming.

Engineer Miller – provided an update on various road projects. Saying that the contractor should be starting the work soon. There will be a pre-con meeting for Metuchen Road this Thursday morning and the work that was awarded tonight for various storm sewers and road improvements will also be soon to begin. To conclude, Mr. Miller said his department will continue their clean-up efforts from the recent storm we had.

Clerk Antonides – thanked Councilmen Smith, Wolak, and Councilwoman Mott for all their help and support with Ordinance 2212 that amends health license fees and went on to reported progress

Councilman Smith – said he would like to echo all the thank you’s to the DPW and Emergency Services. On another note, the paper shredding event will still take place on September 25<sup>th</sup> at Kennedy School.

Councilwoman Mott – thanked all emergency services for their assistance with the storm via, phones or the ground as well as the DPW team. DPW will continue to provide bulk collection pick-up. You can just call them and they will schedule a pick-up date for you. Due to the storm, they will provide extra pick-up over the normal maximum of two.

Councilman Wolak – echoed everyone’s appreciation and gratitude toward all our emergency services for their help with the storm.

Councilman Bengivenga – said it has been a crazy past week, but it was nice to see neighbors and the community as a whole all pull together and help one another. Councilman Bengivenga concluded by advising that the Capital Ordinance introduced tonight represents American Rescue Plan money in the amount of \$250,000 that will be utilized for storm sewer improvements.

Councilwoman Faustini – said she couldn’t thank DPW and all emergency services enough as well as the community for stepping up and taking care of each other as a result of this storm. It was hard to see so many go through so much. Due to the storm, the

community pool season has ended a little early. The resolution that was added this evening, carried over the guest passes into the 2022 pool season. Councilwoman Faustini thanked the Public Celebrations Committee, police, fire and rescue for all their efforts in helping to move the Labor Day Parade to September 25<sup>th</sup> in order to allow for this event to still take place. The parade route remains the same; from the Pal to the Middle School. The festivities will be held at Veteran's Park and the fireworks will begin around 8:15 p.m. We were very fortunate to have about 75% of everyone available to for the new date.

Council President White – thanked all emergency services for all their work and dedication during the storm and pointed out that as first responders they were away from their own homes and families to help others, making a huge sacrifice. On another note, the 911 Ceremony will take place on September 11, 2021 at 12:30 p.m. at Monument Park.

Mayor Anesh – said he did speak with the gentleman from Edison who took the time to send his note of appreciation. Mayor Anesh said it was very impressive efforts on all our emergency services during the storm and never though a flashflood warning could turn out like this in South Plainfield. Middlesex County did declare a state of emergency and as such, both Fema and the Red Cross have taken action.

### **COMMENTS FROM THE PUBLIC:**

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

Mr. Jeffrey Seider of 208 O'Donohue Avenue echoed the comments of the Mayor and Council regarding the appreciation for emergency services for their help during the recent storm. Mr. Seider said in comparison his issues this evening may seem trivial, but business must go on. About two weeks ago Mr. Seider hired a contractor who placed a sign on his front lawn. As a result, he recently received a warning notice about the placement of the sign. Mr. Seider expressed his upset as to why he received a warning notice and no one else on his street did and went on to say the town doesn't look very appealing in a lot of areas citing political signs as an example. This Borough representative said he was informed by Alice Tempel that political signs are not to be touched by order of the Mayor and Council. Mr. Seider said O'Donohue is off the beaten path and Plainfield Avenue for example should be focused on saying he feels he was targeted. Mr. Seider said he has made many complaints with how our town looks, giving CVS landscape as an example, as well as the dumpsters behind Ciccio's and Dunkin Donuts that are overflowing with garbage. There are obstructions at every intersection when triangulation of 35' set-backs are supposed to be maintained. Mr. Seider said he wants to know what is going to be done about the ongoing issues that he keeps bringing up. Mr. Seider said he has invited numerous Councilmembers to ride around or walk with him so he can point out various issues. The Borough hired a full-time Zoning Officer and we also have a part-time Code Enforcer/IT person. You need to put some teeth into your zoning and hire the manpower needed to address these issues. He doesn't think someone from clean communities whose own boss couldn't oversee trees being planted should be coming out and barking about a lawn sign. Mayor Anesh said we will speak with our Administrator and Ms. Tempel about this, but it sounds like he was just doing his job. Mayor Anesh said he knows nothing of anyone being "targeted". No one has brought forth to himself or Council a request or a need for more manpower. Mayor Anesh said that he has never had one conversation with Ms. Tempel about any political signs. If she said that to anyone it certainly did not come from him.

Mr. Seider said he realizes there is a personnel issue on the agenda tonight for executive session though we can't talk about it. Rumors are bound and we hear versions. The most concerning version is if someone doesn't do their job, they should be accountable. If that is the case the issue should be the leaders leading by example and there are too many cases in this Borough where individuals are selectively picked-out and held accountable. If accountability is the key in this situation, he'd like to know when our leaders and Mayor and Council are held accountable. He has a whole list things he can bring forward. If we hold someone at the lowest level on the food chain accountable, we have to hold our leaders accountable because water that has a blockage flows up to the top.

Mr. Seider said he brought up to the Mayor an issue with lane markings by Durham Avenue back in December after a near miss head-on collision with his grandson in the car. Mr. Seider said he was advised we will reach out to the appropriate individuals. In May the lane markings were still not done. The question is why it took until July to get the lane markings done by 287 and why on September 7 the lane markings are still not done on Durham Avenue to delineate the lanes of traffic going towards 287. Mr. Seider insisted someone answer him. Mayor Anesh said he doesn't know and that he is not aware of the particulars, other than it was already on the list to be repaved and taken care of this summer. It was escalated to where it needed to be. Mr. Seider asked how is this request made for the state DOT to do the lines; and insisted that someone answer him. Mr. Seider again asked who is responsible for making the request and said we can stay here all night until he gets an answer. Mayor Anesh said we will not stay here all night. Mr. Seider continued to press by asking why were the lines not done. Mr. Seider said he doesn't want to hear the road was about to be repaved, because he wants an answer as to why the lines were not done. Mayor Anesh said he already answered him and feels we have been very generous with him to this point by giving him twenty minutes for public comment when other towns have strict time limits. Councilman Bengivenga pointed out that our by-laws do provide for time limits for public comment. Mayor Anesh said he will indulge him with another question, but we will not sit here all night for something we already answered. Mr. Seider reiterated about

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holding someone accountable – Mayor Anesh interjected saying no one is going to comment on a closed session topic and asked if he has some other topic or question at this time. Mr. Seider said we had a snowstorm in February and roads were plowed, O’Donohue was a one lane road and had a resident who had over 30 bags of garbage out which would have interfered with the plowing. He informed Mayor Anesh and Council President White about it and asked why it took 7 days for someone to come and pick it up. Council President White said a call was made and he was under the impression it was taken care of.

Mr. Seider went back to pushing for an answer as to who’s responsibility it was to have the lane markings done. Mr. Miller advised that the road was up for reconstruction of which we received a significant grant for. We contacted the NJDOT who has maintained that area of the bridge since it’s been there. Now, all of a sudden, they are saying it’s our responsibility. So there has been a lot of back and forth of trying to understand and get this going. It’s been government agencies trying to iron things out that have changed for some reason. Mr. Seider asked regarding Durham Avenue if that is a state entity. Mr. Miller said the rest of Durham Avenue we received grant funding for. To restripe the whole road would cost the taxpayers thousands of dollars for something that was going to very soon be ripped up. The rest of the road is a straight away other than the interchange, with not a lot of curbs, and when you get on the other side of Durham going the other way to New Durham, it’s one lane in each section. Mr. Seider said in the section by the Port Reading Bridge going toward 287 it’s a four-lane roadway, two lanes in each direction. Mr. Miller said from J&L up to the section it was paved by the County a couple years ago and it was restriped recently. Mr. Seider expressed his concerns for the section where cars are almost colliding because those who are not familiar with that road are running each other off the road. Mr. Miller said he would like to see the traffic reports for how many people are being run off the road because he doesn’t believe there to be that many accidents there. Mr. Seider said so if there – Mr. Miller interjected saying let’s be clear, to use your point that people are being run off the road let’s see the evidence. Mr. Seider said one time is all it would take. Mr. Miller said he asked for an answer and it was provided, and just because he doesn’t like the answer he will not argue with him about it. Mr. Seider continued to press Mr. Miller, but Mr. Miller reiterated that he already gave him the answer. Mr. Seider told Mr. Miller to start doing his job and stop sitting in a restaurant and telling people that he only has three years to go (Mayor Anesh hit the gavel). Mr. Miller asked Mr. Seider how long he’s been on the taxpayer’s dollar before his retirement. Mr. Seider said that Mr. Miller makes enough money and doesn’t do his job. Mayor Anesh hit the gavel several times and told Mr. Seider that is enough. Mr. Seider told Mr. Miller it’s time for him to go and that he will ensure he doesn’t retire from this Borough and that’s a promise; and he will follow him to make sure of it. Mr. Seider said he better do his job or else (all the while Mayor Anesh continuously hit the gavel saying that’s enough).

Debbie Boyle of Van Fleet thanked all emergency services for all they’ve done for us during this recent storm saying her thoughts and prayers are with all those who suffered any loss; big or small.

Without further comment from the public, Mayor Anesh closed the floor from the public. Mayor Anesh announced that at this time, 8:15 p.m. we will be going into an executive session. Everyone is welcome to remain until our return.

Upon return from executive session at 8:25 p.m., Mayor Anesh advised the result of this evening’s executive session did produce one more item of business. Councilman Smith made a motion to add Resolution 21-270 to tonight’s agenda, seconded by Council President White and unanimously carried.

#### **RESOLUTION 21-270**

**AUTHORIZING THE RECLASSIFICATION OF JOSEPH VALENTINO FROM MECHANIC’S HELPER (MECHANIC C) TO THE POSITION OF TRUCK DRIVER I, EFFECTIVE 9/8/2021 AND THE GRIEVANCE REGARDING SUSPENSION REMAINS OPEN AND SHALL GO THRU THE GRIEVANCE PROCEDURE PROCESS AS OUTLINED IN THE TEAMSTERS 469 CONTRACT WITH THE BOROUGH OF SOUTH PLAINFIELD**

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

It hereby reclassifies Joseph Valentino from Mechanic’s Helper to Truck Driver I effective 9/8/2021 and the grievance suspension remains open and shall go thru the grievance procedure process as outlined in the Teamsters Local 469 contract with the Borough of South Plainfield, 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. Len Miller, DPW

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>							

**ADJOURNMENT**

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Councilman Smith made a motion to adjourn at 8:29 p.m., seconded by Councilwoman Faustini and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC/CMR  
Municipal Clerk