

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
MARCH 20, 2023 7:02 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 7:02 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
Councilwoman Faustini	X		
Councilwoman Mott	X		
Councilman Smith	X		
Councilman White	X		
Councilman Wolak	X		
Council President Bengivenga	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller	X		

**Flag Salute:** was led by Mayor Anesh and Councilman Smith said 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:**

March 6, 2023 – Agenda Meeting  
March 6, 2023 - Public Meeting  
March 6, 2023 – Executive Session

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

**ORDINANCES:**

The following ordinance #2262 was withdrawn by the Mayor and Council due to typographical flaws found after the original introduction. This ordinance will be reintroduced as Ordinance number 2263.

Councilman White made a motion to withdraw Ordinance 2262, seconded by Councilman Smith and unanimously carried by an all in favor.

The following ordinance #2263 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for April 17, 2023 at approximately 7:00 p.m.

## **ORDINANCE 2263**

### **AN ORDINANCE CREATING THE AH-5 AFFORDABLE HOUSING ZONE**

**WHEREAS**, Durham Plaza is the owner of certain property identified as Block 541, Lot 10.02 (the "Property") as shown on the Tax Map of the Borough of South Plainfield, which consists of approximately 3.399 acres in total;

**WHEREAS**, on December 30, 2008, the Borough petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation based on rules appearing at N.J.A.C.5:97 and on October 14, 2009 received substantive certification from COAH; and

**WHEREAS**, the rules that appear at N.J.A.C. 5:97 and on which the Borough's substantive certification was based were subsequently invalidated by the Superior Court, Appellate Division, in a decision that was affirmed by the New Jersey Supreme Court; and

**WHEREAS**, in a decision dated March 10, 2015, In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the New Jersey Supreme Court found that COAH did not provide an adequate forum for demonstrating compliance with the Mount Laurel doctrine; and

**WHEREAS**, the New Jersey Supreme Court established a transitional process in which municipalities, instead of proceeding through the COAH process, could file declaratory judgment actions focused on whether the municipality's housing plan meets its Mount Laurel obligations; and

**WHEREAS**, the New Jersey Supreme Court provided that a trial court's evaluation of a municipality's plan that had received substantive certification, as supplemented or amended, may result in the municipality's receipt of the judicial equivalent of substantive certification and accompanying protection as provided under the Fair Housing Act of 1985; and

**WHEREAS**, on July 7, 2015, in accordance with the Supreme Court's decision, the Borough filed a declaratory action that is captioned In the Matter of the Borough of South Plainfield for a Judge of Compliance of Its Third Round Housing Element and Fair Share Plan, Docket No. MID-L-3994-15 ("Litigation"); and

**WHEREAS**, on February 15, 2017, the Borough entered into a settlement agreement with Fair Share Housing Center ("FSHC") with regard to the Litigation ("FSHC Agreement"); and

**WHEREAS**, the Settlement Agreement provided for, *inter alia*, the construction of 750 units with a 20% set aside, yielding 150 affordable units as part of the Colonial Oaks project ("Colonial Oaks"); and

**WHEREAS**, the Borough received a Final Unconditional Judgment of Repose on February 21, 2018 (the "Final Judgment"); and

**WHEREAS**, due to environmental constraints, the Colonial Oaks project yielded 36 fewer affordable units than had been anticipated; and

**WHEREAS**, due to the inaction of the Legislature, the Borough is required to address the shortfall of affordable units with the creation of new affordable units on this site; and

**WHEREAS**, Durham Plaza proposes to develop the Property with a residential development to provide affordable housing, which will assist in meeting the shortfall of affordable units from the Colonial Oaks project; and

**WHEREAS**, on or about March 2, 2022, Durham Plaza filed a motion to vacate the Borough's Final Judgment, in the alternative conduct a midpoint review hearing, appoint a special master, and permit intervention ("the Litigation"); and

**WHEREAS**, the Borough and Durham Plaza entered into a Settlement Agreement dated December 19, 2022 in order to resolve the Litigation, which required the adoption of the AH-5 Affordable Housing Zone herein.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of South Plainfield, that the Municipal Code is amended to include Section 540-51.2, titled AH-5 Affordable Housing Zone as provided for herein.

**Section 1. Amending the Municipal Code to add Section 540-51.2, titled AH-5 Affordable Housing Zone.**

**§ 540-51.2 — AH-5 Affordable Housing Zone.**

- A. Purpose.
- (1) The purpose of the AH-5 Zone District is to provide multifamily residential development that contributes to the Borough of South Plainfield’s municipal affordable housing obligation.
  - (2) This section is designed to implement and effectuate the terms of the Consent Order in connection with an action captioned In the Matter of the Borough of South Plainfield for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan (MID-L-3994-15).
- B. Permitted uses. A building may be erected, altered, or used and a lot or premises may be occupied and used for any of the following purposes:
- (1) Principal uses:
    - (a) Inclusionary multifamily residential apartments, subject to all requirements of this section.
  - (2) Accessory buildings and uses:
    - (a) Resident amenities (e.g., mailroom, laundry facility, concierge’s office, patio, terrace, dog run, multipurpose rooms, etc.).
    - (b) Swimming pools, but not public swim clubs.
    - (c) Signs.
    - (d) Fences, hedges, and a security gate(s) or guardhouse(s), subject to the provisions of this section.
    - (e) Playgrounds, gazebos, pergolas, firepits, grills.
    - (f) Trash enclosures.
    - (g) Parking (incl., surface and covered).
    - (h) Utility structures such as water meter hot boxes, electrical transformers and generators, sewer pump houses.
    - (i) Other customary accessory uses and structures which are incidental to the principal structure and use.
- C. Development standards. Development in the AH-5 Affordable Housing Zone shall comply with the standards and requirements set forth below, all of which are based on the total tract area. No variance shall be required for bulk, design, and buffer requirements on a lot developed with uses permitted under this section, where the need for such variance is caused solely by a subdivision of such lot into two or more for financing or phasing of such uses. In the event of an inconsistency between this Ordinance and any other portion of the Township’s Code, this Ordinance shall govern.
- (1) All development in the AH-5 Affordable Housing Zone shall be substantially consistent with the Concept Plan annexed to this Ordinance as Exhibit A.
  - (2) The affordable units shall be distributed throughout the development and indistinguishable from market-rate units.
  - (3) Minimum tract area: 3.0 acres.

- (4) Number of residential units: 95 (maximum). Twenty percent (20%) of all units proposed for development shall be reserved for low- and moderate-income households, including very-low-income households, subject to the standards in Chapter 504 of the South Plainfield Borough Code (Affordable Housing), the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), and the Settlement Agreement between the Borough of South Plainfield and Durham Plaza, LLC dated December 16, 2022.
- (5) Maximum building coverage: 35%
- (6) Maximum impervious surface coverage: 75%.
- (7) Principal building requirements.
  - (a) Minimum setback measured from a public right-of-way line to building foundation (eaves and gutters are excluded from measurement): 35 feet.
  - (b) Minimum perimeter setback (measured from all lot lines not fronting on a public right-of-way; eaves and gutters are excluded from measurement): 45 feet.
  - (c) Minimum setback from interior private road: 15 feet, unless a particular roadway segment is providing direct access to a covered parking area.
  - (d) Minimum setback from parking lots: 8 feet.
  - (e) Maximum building height.
    - [1] Except where otherwise permitted, the buildings shall not exceed three stories over a parking level, which level may include other uses ancillary to the residential use above (e.g., interior amenities, lobby space, mechanical rooms, etc.) or 55 feet in height. Loft spaces constructed substantially within a pitched roof or mansard roof will not be considered an additional story. Loft spaces shall not be used as additional bedrooms.
- (8) Accessory building requirements.
  - (a) Accessory buildings shall be limited to a height of 15 feet.
  - (b) Minimum setback measured from public right of way:
    - [1] Main Street: 15 feet
    - [2] Durham Avenue: 30 feet
  - (c) The perimeter setbacks shall be a minimum of 10 feet.
  - (d) Accessory buildings attached to a principal building shall comply with the setbacks of the principal building.
  - (e) A security gate and/or guardhouse shall be setback a minimum of 5 feet from the Main Street right of way.
- (9) Façade and exterior wall treatments.
  - (a) Facades may be clad in any combination of brick, stone, vinyl or composite siding, vinyl, or stucco.
  - (b) Each principal building with a façade of more than 200 feet shall not exceed 80 feet without a change in façade architecture, including an articulation over a length of at least 6 linear feet, which may include changes in setback, façade color, texture, or design, in order to bring about a varied composition. Parking levels are excluded from this requirement.
- (10) Roof treatments.
  - (a) Roofs may be pitched, gabled, mansard, or flat;
  - (b) All pitched roofs shall be finished with asphalt "dimensional"-type, wood, slate, or slate composite shingles.

- (11) All buildings containing a principal use shall incorporate architectural features, including, but not limited to, pitched roofs, varied rooflines, or, in the case of a flat roof design, parapets at the uppermost story to help reduce the visual impact of the building height.
- (12) Purely decorative roof appurtenance, such as decorative lanterns, chimneys, cupolas, among others, shall not be restricted by the required building height.
- (13) Building location and configuration shall be designed in a manner to provide light, air, and open space and reduce the feeling of a continuous “wall” right along the public right-of-way.

D. Parking requirements.

- (1) Parking shall comply with the requirements of the Zoning Ordinance of the Borough of South Plainfield.
- (2) A 10% compact car allowance is permitted.

E. Signage requirements.

- (1) Signage shall conform with the Borough’s except that, in the Applicant’s discretion, project identification signs may be provided at the following locations:
  - (a) One project identification sign located at the entrance to the premises at the entrance located on Durham Avenue.
  - (b) One project identification sign located at the entrance to the premises at the entrance located on Main Street.

F. Conflict

- (1) To the extent this AH-5 ordinance specifically conflicts with another section of the Borough’s land use ordinance, the terms of this ordinance shall control.

**Section 2. Passage and Effect**

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

**RESOLUTIONS:**

**RESOLUTION 23-117**

**ACCEPTING THE RESIGNATION OF RICHARD ZEKAS FROM THE POSITION OF GROUNDSKEEPER LEVEL II EFFECTIVE MARCH 16, 2023**

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

It hereby accepts the resignation of Richard Zekas from the position of Groundskeeper Level II effective March 16, 2023, 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. Alice Tempel, Environmentalist
5. Len Miller, DPW Superintendent
6. John Abbruzzese, IT

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

**RESOLUTION 23-118**  
**AUTHORIZING 2022 APPROPRIATION TRANSFERS IN THE AMOUNT OF**  
**\$30,00.00 FROM THE CURRENT FUND**  
**PURSUANT TO N.J.S.A. 40A:4-58**

**WHEREAS**, in accordance with N.J.S.A. 40A:4-58 permits appropriation transfers during the last two months of the fiscal year and the first three months of the fiscal year, for the purposes specified and in excess of sums appropriated in the Budget; and

**WHEREAS**, such transfers must be approved by a vote of not less than two-thirds of the full membership of the governing body.

**NOW, THEREFORE, BE IT RESOLVED** that the below transfers be approved.

<b>CURRENT FUND</b>							
<b>FROM:</b>					<b>AMOUNT</b>		
2-01-20-140-000-331	Computers			O&E	<b>4,500.00</b>		
2-01-20-145-000-525	Tax Collection			O&E	<b>1,000.00</b>		
2-01-20-150-000-221	Assessing			O&E	<b>1,000.00</b>		
2-01-20-155-000-221	Legal			O&E	<b>2,500.00</b>		
2-01-20-165-000-102	Engineering			S&W	<b>1,000.00</b>		
2-01-22-195-001-661	Code Enforcement			O&E	<b>3,500.00</b>		
2-01-25-252-000-401	OEM			O&E	<b>1,000.00</b>		
2-01-25-265-002-651	Fire Official			O&E	<b>2,000.00</b>		
2-01-30-420-000-404	Public Celebrations			O&E	<b>2,500.00</b>		
2-01-43-490-000-651	Court			O&E	<b>11,000.00</b>		
<b>Total FROM:</b>					<b>30,000.00</b>		
<b>TO:</b>					<b>AMOUNT</b>		
2-01-20-165-000-204	Engineering			O&E	<b>4,500.00</b>		
2-01-23-220-000-625	Health Insurance			O&E	<b>6,000.00</b>		
2-01-30-415-001-101	Accumulated Leave			O&E	<b>17,000.00</b>		
2-01-30-410-001-685	LOSAP			O&E	<b>2,500.00</b>		
<b>Total TO:</b>					<b>30,000.00</b>		
COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilwoman Faustini			X				
Councilwoman Mott			X				
Councilman Smith		x	X				
Councilman White	x		X				
Councilman Wolak			X				
Council President Bengivenga			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 23-119**  
**AUTHORIZING A 2023 TEMPORARY BUDGET AMENDMENT FOR \$2,500,000.00**  
**IN THE CURRENT FUND, \$1,500,000.00 IN THE SEWER UTILITY**  
**AND \$100,000.00 IN THE POOL UTILITY**

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

**WHEREAS**, the date of this resolution is prior to the adoption of the FY 2023 Budget, and

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

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

<b>CURRENT FUND</b>				<b>AMOUNT</b>
3-01-20-110-000-101	Executive	S&W		<b>10,000.00</b>
3-01-20-120-000-101	Clerk	S&W		<b>20,000.00</b>
3-01-21-185-000-101	Zoning	S&W		<b>20,000.00</b>
3-01-22-195-001-101	Code Enforcement	S&W		<b>35,000.00</b>
3-01-23-220-000-621	Health Benefits	O&E		<b>300,000.00</b>
3-01-25-240-001-102	Police	S&W		<b>100,000.00</b>
3-01-25-250-000-102	911	S&W		<b>25,000.00</b>
3-01-25-250-000-204	911	O&E		<b>20,000.00</b>
3-01-25-252-000-101	OEM	S&W		<b>2,000.00</b>
3-01-25-265-002-101	Fire Official	S&W		<b>35,000.00</b>
3-01-26-290-001-101	DPW Adminisrearion	S&W		<b>15,000.00</b>
3-01-26-290-002-101	Road Repairs & Maintenance	S&W		<b>50,000.00</b>
3-01-26-305-003-101	Recycling	S&W		<b>20,000.00</b>
3-01-26-315-000-101	Vehicle Maintenance	S&W		<b>10,000.00</b>
3-01-28-370-002-101	Office on Aging	S&W		<b>15,000.00</b>
3-01-28-370-002-204	Office on Aging	O&E		<b>5,000.00</b>
3-01-30-415-001-101	Accumulated Leave	O&E		<b>15,000.00</b>
3-01-31-445-001-581	Water	O&E		<b>5,000.00</b>
3-01-43-490-000-101	Court	S&W		<b>10,000.00</b>
3-01-36-475-000-683	PFRS	Statutory		<b>2,718,703.00</b>
3-01-36-471-000-681	PERS	Statutory		<b>775,522.00</b>
3-01-36-472-000-675	SSI	Statutory		<b>3,775.00</b>
<b>Total CURRENT FUND</b>				<b>4,210,000.00</b>
<b>SEWER UTILITY</b>				<b>AMOUNT</b>
3-07-55-516-001-235	PERS	Statutory		<b>114,185.00</b>
<b>Total SEWER UTILITY</b>				<b>114,185.00</b>
<b>POOL UTILITY</b>				<b>AMOUNT</b>
3-26-55-520-000-101	Pool Salaries	S&W		<b>7,000.00</b>
3-26-55-520-000-255	Pool O&E	O&E		<b>3,000.00</b>
<b>Total POOL UTILITY</b>				<b>10,000.00</b>

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

**RESOLUTION 2023-120**

**AUTHORIZING THE MAYOR & MUNICIPAL CLERK TO EXECUTE A TAX SALE ASSIGNMENT AS A RESULT OF A TAX SALE PERTAINING TO BLOCK 254, LOT 48**

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

**WHEREAS**, N.J.S.A. 54:5-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS**, Jaguar Reed has presented an offer to purchase, by assignment, Certificate of Sale #22-00030 which was issued to the Borough of South Plainfield at a tax sale held December 8, 2022, on Block 254, Lot 48, known as 128 Oak Tree Avenue, South Plainfield, NJ, and assessed to Presscrete Co., Inc, in the amount of **\$49,058.33**, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

**NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Borough of South Plainfield hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment document to effect assignment of the above-referenced Certificate of Sale.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Tax Collector.

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

**RESOLUTION 23-121**

**AUTHORIZING THE TRANSFER OF UNCLAIMED FUNDS FROM THE MUNICIPAL COURT TO THE BOROUGH OPERATING ACCOUNT**

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of South Plainfield that based upon the recommendation of the Municipal Court Administrator that the following unclaimed funds from the municipal court account(s) shall be transferred to the Borough’s operating account:

Check	Date	Payee	Amount	Summons
1185	12/14/2021	Rickey Skinner	\$1.00	E21-2751/Pd 11/9/21

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

1. Municipal Clerk
2. Chief Financial Officer
3. Yolanda Diaz, Court Administrator

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

**RESOLUTION # 23-122**

**AMENDING RESOLUTION 23-07 THAT AUTHORIZED THE PROFESSIONAL SERVICE APPOINTMENT OF PUBLIC DEFENDER TO INCREASE THEIR SALARY FOR 2023 TO \$15,000.00 EFFECTIVE APRIL 1, 2023**

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute a professional service agreement with **Edward Santoro Esq.**, to provide Public Defender services for calendar year 2023.
2. This professional service agreement is awarded pursuant to a fair and open process in accordance with N.J.S.A.19:44A-20.4 et seq.
3. Payment for this position is pursuant to annual salary ordinance for this professional service position. Health Benefit coverage will not be provided for the position of Municipal Public Defender.
4. the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of the contracts as “Professional Services” without competitive bidding must be publicly advertised: A copy of this resolution shall be published in The Observer as required by law within ten days of its passage.

**BE IT FURTHER RESOLVED** that the Borough Council of the Borough of South Plainfield hereby amends resolution 23-07 to increase the Public Defenders salary to \$15,000.00 for the 2023 year effective April 1, 2023 and in accordance with the salary ordinance.

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. Municipal Court Administrator
4. Edward Santoro, Esq.

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

**RESOLUTION: 23-123  
AUTHORIZING A REFUND TO PANZARELLA PROPERTIES LLC  
IN THE AMOUNT OF \$2,080.00  
FOR A TREE REPLACEMENT FEE**

**WHEREAS**, the Building Department confirms that a \$2,080.00 refund is necessary based upon the request for a refund from Panzarella Properties LLC for a tree replacement fee due to a duplicate payment and hereby recommends the refund of \$2,080.00 to:

Panzarella Properties LLC  
P.O. Box 317  
1415 New Market Avenue  
South Plainfield, NJ 07080

\$2,080.00 Refund – From the Tree Trust Fund

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

**CORRESPONDENCE:**

- GUDPA Notification of Eligibility
- Planning Board Minutes – January 24<sup>th</sup> and 31<sup>st</sup> 2023
- Zoning Board Minutes – January 3, 2023
- Recreation Commission Minutes – January 9, 2023, and February 7, 2023

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

**PAYMENT OF BILLS**

Current Fund	3-01	126,022.76
Current Fund	2-01	2,423.85
Pool Utility	3-26	245.23
Pool Utility	2-26	0.00
Sewer Utility	3-07	18,712.92
Sewer Utility	2-07	0.00
Sewer Utility Capital	C-08	1,760.00
General Capital	C-04	12,152.83
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	1,024.28
Dog Trust	T-12	5,862.53
Treasurers Trust	T-13	8,692.75
Recreation Trust	T-14	6,771.06
Senior Citizen Trust	T-16	0.00
<b>Total All Funds:</b>		<b>\$183,668.21</b>

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilwoman Faustini		x	X				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman White	x		X				
Councilman Wolak			X				
Council President Bengivenga			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 – advised that the state has activated the turf field grant in their system for us. An ordinance in this regard will be forthcoming. Mr. Cullen reminded everyone that all our municipal deposits are protected and insured under GUDPA. Mr. Cullen advised that he received a request from representatives of the annual Feast of St. Anthony if they can park their vehicles in the back lot behind Borough Hall. Council President Bengivenga said he would prefer if they parked behind Sacred Heart Church instead because he’s concerned about having larger trucks parked so close to the children’s playground in the back of our building. Councilman Smith agreed saying he would also prefer they park somewhere else.

Engineer Miller – provided an update on the capital improvements saying that we continue to work on the 2023 road improvements, sewer improvements and the turf field project.

Clerk Antonides – reported progress.

Councilman Smith – reported progress.

Councilman Wolak – reported progress.

Councilwoman Mott – reported that this year’s annual rabies clinic will be held on Saturday, May 6<sup>th</sup> from 9am to 12 noon at the DPW garage. Rabies vaccinations are free and pet licenses are \$15 for spayed and neutered pets, and \$20 for non-spayed or non-neutered pets. Cash or checks are accepted.

Council President Bengivenga – reported progress.

Councilwoman Faustini – wished everyone a happy first day of spring. The opening day for the Jr. Baseball Club and Ponytail will be held on April 1<sup>st</sup> at 10 am by beginning with a parade before the start of all the games. The Bunny Hop is also on April 1<sup>st</sup> at 1pm at Putnam Park with registration for it opening this Wednesday morning at 9am. The summer sport camp and summer parks information is now posted with registration to begin on April 24<sup>th</sup>. The Legends Camp is doing very well with just over 90 campers signed-up so far. To conclude, anyone interested in early bird sign-ups for the community pool should do so by May 1<sup>st</sup> to get the discount.

Councilman White – reported progress.

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.

Without no comment from the public, Mayor Anesh closed the floor from the public.

**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 7:48 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC/CMR  
Municipal Clerk