

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
AUGUST 14, 2023 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: Council President Bengivenga called the meeting to order at 7:04 p.m. Council President Bengivenga 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. Council President Bengivenga stated that pursuant to Article IV, Section 2 of the By-Laws, “the presiding officer shall limit such discussion to not more than a three-minute duration.”

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	Virtual		
Council President Bengivenga	X		
Mayor Anesh		X	
ALSO PRESENT			
Administrator Cullen		X	
Clerk Antonides	X		
Attorney Paul Rizzo	Virtual		
Engineer Miller	X		

Flag Salute: was led by Council President Bengivenga and Council President Bengivenga said the invocation.

Council President Bengivenga 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: Council President Bengivenga opened the floor for public comment on agenda items only. Council President Bengivenga also awaited virtual hand raises; he then unmuted all microphones. With no comments from the public in-person and virtual, Council President Bengivenga closed the floor.

Authorizing the Approval of Council Minutes:

- July 24, 2023 – Agenda Meeting
- July 24, 2023 - Public Meeting
- July 24, 2023 – Executive Session

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

Mayoral Appointment: Acceptance of Chief Parker’s retirement as OEM Coordinator effective 9/1/2023 and Appointing Wendell Born to the position of OEM Coordinator for a term effective 9/2/2023 to 9/2/2026. No vote is required by the Borough Council for this appointment. Council President Bengivenga announced the swearing in of the OEM Coordinator and OEM Deputy Coordinators will take place at the Borough Council meeting on September 5, 2023. {A1298313.1 }

Proclamation: Rescue A Pet Day was read in full by Councilwoman Faustini. Local South Plainfield Girl Scout Troop was present to accept the proclamation. Everyone extended a round of applause and photos were taken by media present.

ORDINANCES:

The following ordinance #2273 was read by Clerk Antonides for a second reading by title. Council President Bengivenga opened the floor for public comment and with no comments from the public, closed the floor.

**ORDINANCE 2273
AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY DELETING CHAPTER 71,
ARTICLE III OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD**

WHEREAS, on April 3, 2023, the New Jersey Governor Phil Murphy signed the Elections Transparency Act, P.L. 2023, c. 30, which makes significant changes to the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:43A-1, et seq.; and

WHEREAS, the Act sunsets all county, municipal, independent authority, board of education, or fire district ordinances, resolutions or regulations limiting the awarding of public contracts to business entities which have made a campaign contribution and creates one uniform authority for such contributions; and

WHEREAS, Chapter 71, Article III of the Code of the Borough of South Plainfield titled “Officers and Employees, Campaign Contributions” is now superseded by State statute;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 71, Article III of the Code of the Borough of South Plainfield titled “Officers and Employees, Campaign Contributions”, shall be and is hereby deleted.

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

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

The following ordinance #2274 was read by Clerk Antonides for a first reading by title. Council President Bengivenga set the public hearing for September 5, 2023

**ORDINANCE 2274
AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY, DELETING CHAPTER 160 OF
THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD**

WHEREAS, Chapter 160 of the Code of the Borough of South Plainfield titled “Beekeeping” was enacted in 2008 to regulate the keeping of bees within the Borough; and

WHEREAS, the State of New Jersey enacted State statute, N.J.S.A. 40:48-1.5, which provides in pertinent part that local beekeeping ordinances are not allowed and provides that the New Jersey Department of Agriculture has exclusive authority to prohibit, restrict or otherwise regulate apiaries and beekeeping activities; and

WHEREAS, Chapter 160 is thereby superseded by State statute;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 160, Beekeeping shall be and hereby is deleted.

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

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

The following ordinance #2275 was read by Clerk Antonides for a first reading by title. Council President Bengivenga set the public hearing for September 5, 2023

**ORDINANCE 2275
AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY REVISING ORDINANCE 2265 TO EXEMPT EXTENDED STAY FACILITIES**

WHEREAS, the Borough of South Plainfield enacted Ordinance 2265 on April 28, 2023 to provide for licensing of hotels and motels; and

WHEREAS, Ordinance 2265 included a provision that no occupant or employee shall rent for more than 30 days in a 90-day period a unit at a hotel/motel; and

WHEREAS, the provision as stated would prohibit those businesses commonly known as extended stay facilities; and

WHEREAS, the Borough does not wish to prohibit such facilities;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Ordinance 2265 be amended to delete the following sentence in Section 196-5(B):

“No occupant or employee shall rent for more than 30 days in a 90-day period.”

All other provisions of Ordinance 2265 shall remain in full force and effect.

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

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

RESOLUTIONS:

**RESOLUTION 23-254
AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED FOR
DENNIS HADO FOR PUBLIC IMPROVEMENTS
TO BLOCK 362, LOT 3 AND ACCEPTANCE OF THE MAINTENANCE BONDS
IN THE AMOUNT OF \$2,187.00**

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond for Dennis Hado for public improvements located at Block 362, Lot 3; and

WHEREAS, the applicant has submitted the Maintenance Bond in the amount of \$2,187.00; 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 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 23-255
AUTHORIZING THE APPOINTMENT OF LT. WENDELL BORN TO CAPTAIN
OF THE SOUTH PLAINFIELD POLICE DEPARTMENT EFFECTIVE OCTOBER 1, 2023**

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

It hereby authorizes the appointment of Lt. Wendell Born to the position of Captain of the South Plainfield Police Department effective October 1, 2023; and

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

1. Glenn Cullen, Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. Anne Daley, Benefits
4. Carmela Miller, Payroll
5. James Parker, Chief of Police
6. Peter Papa, Successor Chief of Police
7. Wendell Born, Successor Police Captain
8. John Abbruzzese, IT

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 23-256
AUTHORIZING THE SHARED SERVICE AGREEMENT
BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND
THE SOUTH PLAINFIELD BOARD OF EDUCATION
FOR SPECIAL CLASS III LAW ENFORCEMENT (SLEO) OFFICERS
AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE A CONTRACT FOR THE SAME.**

BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, New Jersey that they hereby authorizes the Shared Service Agreement between the Borough of South Plainfield and the South Plainfield Board of Education for Special Class III Law Enforcement Officers (SLEO’s) for the 2023-2024 school year, pursuant to NJ Shared Contract provisions;

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute said Shared Service Agreement and that copies of this Resolution shall be forwarded to the following:

1. Glenn F. Cullen, JR., CFO/Administrator
2. Amy Antonides, Municipal Clerk
3. James Parker, Chief of Police
4. Peter Papa, Successor Chief of Police
4. Carmela Miller, Payroll
5. Alex Benanti, BOE Business Administrator

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION # 23-257

AUTHORIZING THE EMERGENCY PURCHASE OF A REPLACEMENT ROOFTOP AIR CONDITIONING UNIT FOR BOROUGH HALL FROM EDISON HEATING & COOLING IN AN AMOUNT NOT TO EXCEED \$31,880.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the emergency purchase of a replacement rooftop air conditioning unit for Borough Hall from Edison Heating & Cooling in an amount not to exceed \$31,880.00; 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 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-258

ACCEPTING THE RETIREMENT OF ALICE TEMPEL EFFECTIVE DECEMBER 1, 2023

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

It hereby accepts the retirement of Alice Tempel from the Borough of South Plainfield effective December 1, 2023; and

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

1. Glenn Cullen, Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. Alice Tempel, Environmental Specialist/Recycling Coordinator
4. Anne Daley, Benefits
5. Carmela Miller, Payroll
6. John Abbruzzese, IT

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 23-259
AUTHORIZING THE APPOINTMENT OF SPECIAL LAW ENFORCEMENT OFFICERS (SLEO III) AT THE
HOURLY RATE OF \$35.00 FOR THE 2023-2024 SCHOOL YEAR**

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the appointment of the below individuals as special law enforcement officers (SLEO III) for the 2023-2024 school year at the hourly rate pursuant to ordinance of \$35.00:

1. Lisa Sanchez-Armstead
2. Joseph Falcone
3. Philip Marcus
4. Sean O’Leary
5. Stephen Studlack

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. James Parker, Chief of Police
4. Peter Papa, Successor Chief of Police
5. Anne Daley, Benefits
6. Carmela Miller, Payroll

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-260

**ACCEPTANCE OF A STRATEGIC PLAN FOR THE SOUTH PLAINFIELD MUNICIPAL ALLIANCE GRANT FOR
THE FISCAL GRANT CYCLE OCTOBER 2020-JUNE 2025**

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.

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 amongst 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 2024 in the amount of:

DEDR	\$11,578.00
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 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-261

AUTHORIZING THE ACCEPTANCE OF AN APPLICATION FOR DMHAS GRANT FUNDING

FORM 1B – DMHAS Youth Leadership Grant

WHEREAS the Governor’s Council on Alcoholism and Drug Abuse (GCADA) 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. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

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 amongst 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 DMHAS Youth Leadership funding through the Governor’s Council on Alcoholism and Drug Abuse through the County of Middlesex;

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

- The Borough Council does hereby authorize acceptance of an application for DMHAS Grant funding for the South Plainfield Municipal Alliance for Grant Term Two: 9/1/23 – 9/30/25 in the amount of:

DMHAS Grant Funding -	\$5,000.00
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- The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-262

AUTHORIZING THE AWARD OF A BID TO SHORE TOP CONSTRUCTION FOR THE PUTNAM PARK REVITALIZATION PROJECT IN AN AMOUNT NOT TO EXCEED \$1,172,705.00

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 road improvements are necessary; and

WHEREAS bids were solicited and opened on Thursday, August 3, 2023 at 10:00 a.m. and the following picked-up bid packages and submitted bids as follows:

Shore Top Construction	\$1,172,702.00
Stilo Excavation, Inc.	\$1,341,544.50
Jag Paving Corp.	\$1,587,575.00
Z Tech Contracting	\$1,752,783.81
Develop/Thomas & Sons	\$2,044,832.00

WHEREAS, the bids have been reviewed by the Borough’s Engineer and Attorney and as such it has been determined that Shore Top Construction is the lowest qualified bidder and it is recommended the bid be awarded to them in the amount of \$1,172,702.00 for the Putnam Park Revitalization Project in South Plainfield; and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available through the current fund budget or via capital bonding.

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 if applicable for the aforementioned vendor.

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-263

AUTHORIZING A RENTAL AGREEMENT BETWEEN THE SOUTH PLAINFIELD LEGENDS CAMP AND THE SOUTH PLAINFIELD COMMUNITY POOL

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

IT HEREBY authorizes a rental agreement between the South Plainfield Legends Camp and the South Plainfield Community Pool; and

IT HEREBY authorizes the South Plainfield Legends Camp to pay the Community Pool \$2,000.00 per week for access to swimming activities and other recreational services at the pool complex; and

{A1298313.1 }

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

1. Glenn Cullen, Borough Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. Elizabeth Yarus, Recreation Director
4. Carmela Miller
5. Anne Daley

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-264

AUTHORIZING A CONTRACT WITH COMCAST BUSINESS FOR THE INSTALLATION OF FIBER OPTIC CABLE TO REPLACE COAXIAL IN VARIOUS MUNICIPAL BUILDINGS

BE IT RESOLVED BY THE GOVERING BODY OF THE BOROUGH OF SOUTH PLAINIFELD, NEW JERSEY, THAT:

IT HEREBY authorizes a contract with Comcast Business for the installation of fiber optic cable to replace coaxial in various municipal buildings; and

IT HEREBY authorizes the Administrator, or the Municipal Clerk or the Mayor to execute contract for same; and

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

1. Glenn Cullen, Borough Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. John Abbruzzese, IT

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-265

**AUTHORIZING EXECUTION OF A CONSENT TO EQUITY PURCHASE
RE: REVENUE BONDS FOR SENIOR CITIZENS HOUSING PROJECT**

WHEREAS, the Middlesex County Improvement Authority issued Borough of South Plainfield Guaranteed Revenue Bonds, the proceeds of which were used by South Plainfield Urban Renewal, L.P. (“L.P.”) to construct a low/moderate income housing project at 151 Morris Avenue in the Borough; and

WHEREAS, the L.P. entered into a Leasehold Mortgage and Security Agreement dated November 15, 2000; and

WHEREAS, South Plainfield Lutheran Housing, Inc. is the sole general partner of the L.P. and WNC Institutional Tax Credit Fund X New Jersey Series 2, L.P. (“WNC Institutional”) and WNC Housing, L.P. (“WNC Housing”) are the sole limited and sole special limited partner, respectively, of the L.P.; and

WHEREAS, Lutheran Housing has proposed to purchase 100% of the equity of WNC Institutional and 100% of the equity of WNC Housing in the L.P.; and

WHEREAS, following consummation of such equity purchase, South Plainfield Lutheran Housing, Inc. will remain as the sole general partner of the L.P. and shall become the sole limited partner and sole special limited partner, and will continue to operate the project and pay all debt service on the bonds with respect to such project uninterrupted and consistent with past practices; and

WHEREAS, such equity purchase will not materially adversely impact the L.P.'s abilities to perform its duties and obligations pursuant to the Mortgage Agreement and any other obligation of the L.P. and, accordingly, will not be adverse to the interests of the Borough; and

WHEREAS, pursuant to Section 5.8 of the Mortgage Agreement, the L.P. may not sell, transfer, convey or in any other manner change the ownership of the L.P. or any interest therein without the prior written consent of the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Mayor is authorized to execute the Consent to the equity purchase in the form as attached hereto.

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION: 23-266

AUTHORIZING THE CANCELLATION OF TAXES FOR 100% DISABLED VETERAN PERTAINING TO 82 DIANA DRIVE IN SOUTH PLAINFIELD

WHEREAS, property known as Lot 19 in Township Block 254.02 more commonly known as 82 Diana Drive in South Plainfield, NJ is owned by James W. & Karla Reeves; and

WHEREAS, James Reeves, who had qualified as a one hundred percent Disabled Veteran under the provision of the N.J.S.A. 54:4-3.30, causing his property to be exempt from taxation at the local level commencing on July 20, 2023 as verified by the Tax Assessor; and

WHEREAS, the Tax Bills for Calendar Year 2023 were generated from the 2022 Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with tax bills for 2023, while the property is correctly classified as being Tax Exempt for the same period;

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 3rd quarter of 2023 in the amount of \$2,375.37; and

BE IT FURTHER RESOLVED, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the reconciled 4th quarter of 2023, and 1st and 2nd quarters of 2024 once the preliminary bills are determined.

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-267

AUTHORIZING THE APPROVAL AND RENEWAL OF LIQUOR LICENSES FOR 2023 - 2024 AND AUTHORIZING THE MUNICIPAL CLERK TO ISSUE 2023-2024 LIQUOR LICENSES TO ALL LICENSEES THAT HAVE MET ALL STATE AND BOROUGH REQUIREMENTS AND HAVE PAID ALL APPROPRIATE FEES.

WHEREAS, applications for renewal of Liquor Licenses for the year 2023-2024 have been submitted; and

WHEREAS, no objections to said renewals have been filed; and

WHEREAS, the proper Borough fees have been paid by all applicants and the renewal retail licensee tax clearance certificate has been issued.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of the Borough of South Plainfield that the following licensees be granted renewals of their liquor licenses for the year commencing July 1, 2023 and expiring June 30, 2024:

	License #	Type	License Name	Trade Name
1	1222-33-008-011	Plenary Retail Consumption	AALB LLC *Special Ruling Approved by Director of ABC for 2023-2024	(Former) South Side Clam Bar

BE IT FURTHER RESOLVED that the Municipal Clerk is authorized to issue 2023-2024 liquor licenses to the above-named licensees.

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-268

APPROVING APPLICATION FOR A PERSON-TO-PERSON LIQUOR LICENSE TRANSFER FOR LICENSE NO. 1222-44-006-005, EDDIE AND MING INC.

WHEREAS, an Application was filed by Eddie and Ming Inc. for a Person-to-Person Liquor License Transfer of plenary retail consumption license 1222-44-006-005 issued to Dhara & Reshma Inc. trading as Oak Tree Discount Wines and Spirits for premises heretofore located at 902 Oak Tree Road, Ste. 7., South Plainfield NJ 07080; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term and there being no objection to the person-to-person transfer having been filed in the Municipal Clerk’s Office; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinance and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed, and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business:

NOW, THEREFORE, BE IT RESOLVED, the South Plainfield Borough Governing Body does hereby approve, effective this date of August 14, 2023 the Person-to Person Transfer to Eddie and Ming Inc., and does hereby direct the Municipal Clerk to provide a copy of this Resolution to the Licensee and to the State of New Jersey Division of Alcoholic Beverage Control and the State of New Jersey Division of Taxation.

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION: 23-269
AUTHORIZING A REFUND PERTAINING TO
THE COMMUNITY POOL

WHEREAS, the Recreation Director confirms that the below refund is necessary based upon the request for a refund from Community Pass ID holders that pertain to the Community Pool for the 2023 summer season as follows:

Community Pool:

Family ID: **1714785**
 2x Swim Lesson (Pool Members)
 Paid: \$100.00 (minus \$10 processing fee x 2)
Refund Amount: \$80.00

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

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

RESOLUTION 23-270
AUTHORIZING THE APPOINTMENT OF DEPUTY OEM COORDINATORS

WHEREAS, pursuant to OEM Directive 102, Mayor Matthew P. Anesh of the Borough of South Plainfield, County of Middlesex, State of New Jersey hereby acknowledges Chief James Parker’s retirement as OEM Coordinator effective September 1, 2023, and as such, hereby appoints Captain Wendell Born, as OEM Coordinator for a term effective September 2, 2023 to September 2, 2026; and

WHEREAS, it is the requirement of the OEM Coordinator to appoint Deputy Coordinator(s) and/or member(s), and as such, it is hereby the desire of the South Plainfield OEM Coordinator, Captain Wendell Born, with the consent and approval of Mayor Matthew P. Anesh, to appoint the following OEM Deputy Coordinators for a term from September 2, 2023 to September 2, 2026:

- Sgt. Lloyd McNelly – Deputy OEM Coordinator
- SRO Anthony Louise – Deputy OEM Coordinator
- Lt. James McConville – Deputy OEM Coordinator

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, that with the consent and approval of Mayor Matthew P. Anesh, and at the recommendation of the OEM Coordinator, Captain Wendell Born, the aforementioned appointments are hereby granted.

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-271

AUTHORIZING THE SERVICES OF NAJARIAN ASSOCIATES FOR ENGINEERING ADMINISTRATION AND INSPECTION SERVICES FOR THE 2023 ROAD IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$87,300.00

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for Najarian Associates to perform engineering administration and inspection services for the 2023 Road Improvement Project in the Borough of South Plainfield in an amount not to exceed \$87,300.00; and

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

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

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 23-272

RESCINDING RESOLUTION 23-188 THAT HIRED SHERLYN COURTNEY AS PART-TIME TELECOMMUNICATOR AT THE PER DIEM TRAINING RATE OF \$23.00/HOUR AND UPON COMPLETION OF TRAINING TO BE PAID AT THE HOURLY PER DIEM RATE OF \$31.50

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

It hereby rescinds Resolution 23-188 that hired Sherlyn Courtney as part-time Telecommunicator for the South Plainfield Police Department at the per diem training rate of \$23.00 and upon completion of training to be paid at the hourly per diem rate of \$31.50, 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
5. John Abbruzzese, IT

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 23-273
AUTHORIZING REFUND OF PAYMENT FOR
TAX LIEN CERTIFICATE 341/8 #00-138**

WHEREAS, the Tax Collector has advised that Tax Sale Certificate 341/8 #00-138 was issued in 2000 and said lien was subsequently vacated by the Borough after it had been purchased; and

WHEREAS, the purchaser of the Tax Sale Certificate has requested a refund of the purchase price plus interest; and

WHEREAS, the parties have conferred and agreed to a resolution of such claim pursuant to which the Borough will make payment in the amount of \$780.77 to Robert Bengivenga, Sr., the purchaser of the Tax Sale Certificate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Chief Financial Officer is hereby authorized to issue a check in the amount of \$780.77 to Robert Bengivenga, Sr. in satisfaction of claims related to lien 341/8 #00-138.

COUNCIL	MOTION	2 ND	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		
			4	0			
Mayor Anesh – TIE ONLY							

CORRESPONDENCE:

- Code Enforcement Lien Report
- Environmental Commission Minutes – June 14, 2023
- Bond Anticipation Note Sale
- Board of Health Monthly Report – July 2023

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

PAYMENT OF BILLS

Current Fund	3-01	515,212.41
Current Fund	2-01	0.00
Pool Utility	3-26	7,760.46
Pool Utility	2-26	0.00
Sewer Utility	3-07	51,718.94
Sewer Utility	2-07	0.00
Sewer Utility Capital	C-08	80,216.62
General Capital	C-04	370,540.01
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	1,127.63
Dog Trust	T-12	5,601.53
Treasurers Trust	T-13	30,543.34
Recreation Trust	T-14	1,099.96
Senior Citizen Trust	T-16	0.00
	T-11	8,601.88
Total All Funds:		\$1,072,422.78

COUNCIL	MOTION	2 ND	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				
			5	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – was absent this evening.

Engineer Miller – provided updates pertaining to road improvement projects saying that the Norwood Avenue project is still ongoing, and the Putnam Park Project will begin soon. We are also out to bid with our last road improvement for the year.

Clerk Antonides – reported progress.

Councilman Smith – was absent this evening.

Councilman Wolak – reported progress.

Councilwoman Mott – clarified her statement from the last Council meeting pertaining to the Woodbridge Power Plant saying that she wants to make her statement clear that it is the Environmental Commission that supports the Mayor and Council’s decision to not move forward with a resolution of opposition – and not the other way around. Fall Clean-up week will be September 30th. The paper shredding event will be September 23rd at Kennedy School from 9am – 12. Shredding is limited to 5 bankers boxes. Councilwoman Mott concluded by thanking Chief Parker for his service saying how great it has been to work with him. He was a true asset to the community and the department.

Council President Bengivenga – reported progress.

Councilwoman Faustini – Soccer registration is now open. Spots are filling-up, a late fill will begin after the end of the month. The community pool had a pool party for the members. There was about 500 people in attendance. The pool will host a special family needs swim time for South Plainfield residents on August 23rd from 9am to 10:30 and again on August 27th from 9am to 10:30. Councilwoman Faustini concluded by inviting everyone to attend this year’s Labor Day Parade to be held at 12 noon.

Councilman White – announced a new business has opened called All Brand Furniture, located at Golden Acres Plaza on Oak Tree Road.

Mayor Anesh – was absent this evening.

COMMENTS FROM THE PUBLIC:

Council President Bengivenga opened the floor for public comment reiterating the aforementioned remote directions for making remote public comment and reiterated the three-minute time allotment for public comments pursuant to our By-Laws.

Lisa Manz of 2341 Oxford Avenue asked for a law or prohibitive statute that prohibits military announcements on message boards. Council President Bengivenga briefly responded and provided the reasons why we are not posting those types of messages on our recreation departments message board. The recreation board is strictly used for recreational purposes. Ms. Manz asked if it will be allowed on the new message board that will be at the revitalized Putnam Park. Council President Bengivenga said it will be under consideration. Ms. Manz said she would like the Council to create a policy that allows for this type of message. Council President Bengivenga said the Borough has always done all they can to support our military i.e., the Hometown Hero banners, the legacy flags, etc.

Prinita of 103 Princeton Ave., Rahway NJ, expressed her concerns pertaining to the effects of microns and greenhouse gasses omitted from the proposed Woodbridge power plant and is asking South Plainfield for a resolution opposing this power plant.

Mr. Charlie Kratovil voiced various statistical information pertaining to the Woodbridge Power Plant pointing out that this power plant is a private entity. Mr. Kratovil asked the Council to please join other Middlesex County towns in doing a resolution opposing this project and said he would like to request a meeting to discuss this matter further. Council President Bengivenga said he would be happy to meet with him.

Mr. Walter Kalman said he hopes the governing body will reconsider to decision and pass a resolution in opposition to the power plant. Mr. Kalman went on to say the most important thing we can do is to educate the Environmental Commission and we need to do more to educate our students.

Debbie Boyle of Van Fleet went on to thank the Mayor, Council, DPW and many others for a variety of recent events.

With no further comments from the public, Council President Bengivenga closed the floor.

ADJOURNMENT

Without further comment and no more action necessary for this evening Council President Bengivenga called for a motion to adjourn. Councilman White made a motion to adjourn at 7:41 p.m., seconded by Councilwoman Mott and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk