

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
JULY 8, 2024, 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. Mayor Anesh 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 | X | | |
| Council President Bengivenga | | X | |
| Mayor Anesh | X | | |
| ALSO PRESENT | | | |
| Administrator Cullen | X | | |
| Clerk Antonides | X | | |
| Attorney Paul Rizzo | X | | |
| Engineer Miller | | X | |
| Chief Papa | X | | |

Flag Salute: was led by Mayor Anesh and Councilman Smith said the invocation.

Mayor Anesh 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 126 663 1990 #. Using the pound button will mute and unmute the voice feature for any phone callers.

Public Comment: Mayor Anesh announced that the format for the 2024 agenda has been slightly changed, noting that this will be the only public comment section on the agenda, and you can speak to any matter or those on the agenda. Mayor Anesh opened the floor for public comment. Mayor Anesh also awaited virtual hand raises and unmuted all microphones.

Debbie Boyle announced that the annual Christ in July will be held on Sunday, July 21, 2024 from 4pm to 8pm with a rain date of July 28, 2024, located on Hamilton Blvd & South Plainfield Ave. Vendor spots are still available. Ms. Boyle said the Mayor's Wellness Webinar recently took place which pertained to mental health awareness and was well received.

John Makowski expressed his concerns regarding a noise complaint. His neighbor at 1600 Woodland Ave. has light sensors in which the sensors are beeping and making a high-pitched noise. Furthermore the property is not kept up. Mr. Makowski said they have asked their neighbor to fix the problem but she still hasn't and asking for the town to help with the situation. Mr. Cullen obtained his contact information and said he will look into the matter.

With no further comments from the public in-person and virtual, Mayor Anesh closed the floor.

Authorizing the Approval of Council Minutes:

June 17, 2024 – Agenda Meeting
June 17, 2024 - Public Meeting
June 17, 2024 – Executive Session

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

OFFICER SWEARING IN: Mayor Anesh moved resolution 24-241 forward on the agenda to swear in newly appointed officer Kyle Stevens with his family present. Everyone extended a round of applause, and photos were taken by family, friends and media present. Each governing body member expressed their congratulations and well wishes to Officer Stevens.

**RESOLUTION 24-241
AUTHORIZING THE HIRING OF KYLE STEVENS
AS A FULL-TIME POLICE OFFICER WITH AN ANNUAL SALARY OF \$81,601.00
PURSUANT TO CLASS G OF THE COLLECTIVE BARGAINING CONTRACT**

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, at the Police Chief's recommendation that it hereby confirms the hiring of Kyle Stevens as a full-time Police Officer at a salary of \$81,601.00 pursuant to Class G of the collective bargaining contract effective July 9, 2024; 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. Peter Papa, Chief of Police
4. Captain Hoppe, Police Department
5. Anne Daley, Benefits
6. Carmela Miller, Payroll
7. John Abbruzzese, IT

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

Mayor Anesh called for a brief recess at 7:15 p.m.
Mayor Anesh called the meeting back to order at 7:23 p.m.

ORDINANCES:

The following ordinance #2314 was read by Clerk Antonides by title for a second reading. Mayor Anesh opened the floor for public hearing and with no comments from the public, closed the floor.

BOND ORDINANCE #2314

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$997,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,750,000, including a grant from the Middlesex County Open Space, Recreation and Farmland and Historic Preservation Trust Fund in the amount of \$673,750 for the purpose described in Section 3(a) hereof (the "County Grant"), and further including the aggregate sum of \$78,750 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the County Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$997,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| <u>Purpose</u> | <u>Appropriation & Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds & Notes</u> | <u>Period of Usefulness</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------|
| a) Improvements to various park facilities throughout the Borough, including, but not limited to, Ponytail Park, the South Plainfield Baseball Club facility and the South Plainfield Football/Soccer facility, including all work and materials necessary therefor and incidental thereto. | \$1,550,000 (including a \$673,750 Middlesex County Open Space, Recreation and Farmland and Historic Preservation Trust Fund Grant) | \$807,500 | 15 years |
| b) Improvements to Kenneth Avenue, including all work and materials necessary therefor and incidental thereto. | \$200,000 | \$190,000 | 10 years |
| Total | \$1,750,000 | \$997,500 | |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment and the County Grant for each purpose, as applicable.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine

all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted

capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 14.04 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$997,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvements or, if other than the County Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the

event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

The following ordinance #2315 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for July 22, 2024 at 7 p.m.

ORDINANCE 2315
AN ORDINANCE AMENDING CHAPTER 187 OF THE CODE OF THE
BOROUGH OF SOUTH PLAINFIELD TITLED VEHICLES AND TRAFFIC

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 187 of the Code of the Borough titled “Vehicles and Traffic” be amended as follows:

Article II. Parking, Stopping and Standing.

Section 187-10. No Parking Certain Sections of Roadway.

Revise to read Subsection (A)(35) Plainfield Avenue - both sides Risoli Terrace to Maple Avenue.

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 | | | | |
| Councilman Smith | | | X | | | | |
| Councilman White | | X | X | | | | |
| Councilman Wolak | X | | X | | | | |
| Council President Bengivenga | | | | | | X | |
| | | | 5 | 0 | | | |

| | | | | |
|------------------------|--|--|--|--|
| Mayor Anesh – TIE ONLY | | | | |
|------------------------|--|--|--|--|

The following ordinance #2316 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for July 22, 2024 at 7 p.m.

ORDINANCE 2316
AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF SOUTH
PLAINFIELD, CHAPTER 1, GENERAL PROVISIONS

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

Chapter 1, General Provisions shall be amended to add Article II. Violations and Penalties.

Section 1-15. Violations and Penalties.

A. Except as hereinafter provided, whenever in this Code or in any other ordinance or resolution of the Borough, or in any rule, regulation or order promulgated pursuant to such Code or other ordinance of the Borough, any act as prohibited or made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or such other Borough ordinance, resolution, rule, regulation or order, the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any other ordinance or resolution of the Borough or of any rule, regulation or order promulgated pursuant to such Code or other Borough ordinance shall be punished by one or more of the following: Imprisonment in the County Jail or in any place provided by the municipality for the detention of prisoners for any term not exceeding 90 days; or by a fine not exceeding \$1,000.00; or by a period of community service not exceeding 90 days.

B. When any provision of the New Jersey statutes limits the authority of the Borough to punish the violation of any particular provision of the Code or other Borough ordinance or rule, regulation or order promulgated pursuant thereto, the penalty for said violation shall be in accordance with said penalty limitations imposed by said statute and shall not exceed the maximum fine and imprisonment or community service so authorized by the laws of the State of New Jersey

C. Each day any violation of this Code or any other Borough ordinance, resolution, rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.

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 | | X | | | | |
| Councilman Wolak | | | X | | | | |
| Council President Bengivenga | | | | | | X | |
| | | | 5 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

The following ordinance #2316 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for July 22, 2024 at 7 p.m.

NOTICE OF INTRODUCTION BY SUMMARY
ORDINANCE 2317
AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD REQUIRING
LICENSING OF MASSAGE ESTABLISHMENTS AND MASSAGE THERAPISTS

Ordinance #2317 was read by title upon first reading herewith has been introduced at the meeting of the Mayor and Borough Council of the Borough of South Plainfield, held on July 8, 2024. In summary, this ordinance requires the licensing of massage establishments and massage therapists in the Borough of South Plainfield. The public hearing where further consideration will be made will be held on July 22, 2024, at approximately 7:00 p.m. at the Municipal Building located at 2480 Plainfield Avenue, South Plainfield, NJ. A full complete copy of this ordinance shall be provided, free of charge prior to adoption, to all those who request said copy at the Borough Clerk's office during normal business hours of 8 a.m. to 4 p.m. or emailed upon request. A copy is also located on the municipal website and may be freely viewed and printed.

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

RESOLUTIONS

RESOLUTION 24-240

**AUTHORIZING A REFERENDUM QUESTION TO BE PLACED ON THE
NOVEMBER 2024 BALLOT SEEKING VOTER SENTIMENT ON
COMBINING THE PLANNING BOARD AND ZONING BOARD OF
ADJUSTMENT INTO A SINGLE LAND USE BOARD**

WHEREAS, the Borough of South Plainfield currently utilizes a Planning Board and a Zoning Board of Adjustment to exercise the powers and duties granted to each such board by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, the Municipal Land Use Law permits a municipality to establish a single land use board with all of the powers of a planning board and zoning board of adjustment; and

WHEREAS, the Borough Council believes it would be beneficial to the Borough for both practical and economical reasons to establish a single land use board to have all powers granted by the Municipal Land Use Law; and

WHEREAS, the question of whether the Borough should establish a single land use board must be submitted to the electorate of the municipality and such submission requires a resolution requesting that the County Clerk to print on the official ballots to be used at the next general election a proposition as to whether a single land use board should be established to have all of the powers and duties of the Planning Board and Zoning Board of Adjustment, thereby eliminating the Planning Board and Zoning Board of Adjustment;

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

The Mayor and Council of the Borough of South Plainfield request that the Middlesex County Clerk print upon the official ballot to be used at the November 5, 2024 general election the following proposition:

To vote upon the public question printed below:

If you are in favor - push the button next to the word “yes”.

If you are opposed - push the button next to the word “no”.

Shall the Mayor and Council of the Borough of South Plainfield adopt an ordinance eliminating the Borough’s Planning Board and Zoning Board of Adjustment and creating a single Land Use Board to have all powers and duties as granted by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.?

The following interpretative statement shall accompany the aforesaid proposition:

The proposed ordinance would amend Chapter 515 of the Code of the Borough of South Plainfield titled “Development Review” to eliminate Articles IV, V, VI and VII and enact new articles to establish a single Land Use Board.

The Land Use Board would consist of the Mayor or the Mayor’s designee in the absence of the Mayor (Class I); one of the officials of the municipality other than a member of the Governing Body to be appointed by the Mayor (Class II); a member of the Governing Body to be appointed by it (Class III); and six (6) other citizens of the municipality to be appointed by the Mayor (Class IV). There would further be appointed up to four (4) alternate members to be appointed by the Mayor.

The Land Use Board would have and exercise all powers, duties and procedures as set forth by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., for planning boards and zoning boards of adjustment.

A yes vote on the above question means that you want the Borough to amend its Code to eliminate the Planning Board and Zoning Board of Adjustment and combine the powers and duties of such boards in a single Land Use Board.

A no vote on the above question means that you do not want the Borough to amend its Code to eliminate the Planning Board and Zoning Board of Adjustment and combine the powers and duties of such boards in a single Land Use Board.

The South Plainfield Borough Clerk is hereby directed, after adoption of this Resolution, to forward a certified copy to the Middlesex County Clerk by not later than 88 days prior to the November 5, 2024 general election for placement on the official ballot.

If any word, phrase, clause, sentence, paragraph of this Resolution is held for any reason to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Resolution.

This Resolution shall take effect immediately upon passage and publication in accordance with the law.

| COUNCIL | MOTION | 2 ND | 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 | |
| | | | 5 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 24-241 WAS PLACED AFTER THE APPROVAL OF MINUTES THIS EVENING

RESOLUTION: 24-242
AUTHORIZING REFUNDS PERTAINING VARIOUS TO RECREATION PROGRAMS

WHEREAS, the Recreation Director confirms that the below refunds are necessary based upon the request for a refund from Community Pass ID holders that pertain to various recreation programs for the 2024 summer season as follows:

Community Pool Refund Requests:

Family ID: 1398643

2 Membership Guest Passes (\$20/each) – Total Refund: \$40.00

Family ID: 1843124

Birthday Party Deposit – Total Refund: \$225.00

Legends Camp Refund Request:

Family ID: 1632948

4 weeks of Legends Camp – Full Refund – Medical Note Provided (\$1010.00)

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 | | | | |
| Councilwoman Mott | | | X | | | | |
| Councilman Smith | X | | X | | | | |
| Councilman White | | | X | | | | |
| Councilman Wolak | | X | X | | | | |
| Council President Bengivenga | | | | | | X | |
| | | | 5 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 24-243
AUTHORIZING THE APPOINTMENT OF KYLE PEAR AS JUNIOR FIREFIGHTER FOR THE SOUTH PLAINFIELD VOLUNTEER FIRE DEPARTMENT

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:

KYLE PEAR

As Junior Firefighter for the South Plainfield Volunteer Fire Department as recommended by Fire Chief Campbell.

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. Carmela Miller, Payroll
4. Anne Daley, Benefits
5. Jason Campbell, Fire Chief
6. John Abbruzzese, IT

| COUNCIL | MOTION | 2 ND | 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 | |
| | | | 5 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 24-244
AUTHORIZING THE BOROUGH OF SOUTH PLAINFIELD TO EXECUTE A
MEMORANDUM OF UNDERSTANDING WITH THE MIDDLESEX COUNTY PROSECUTOR’S OFFICE
FOR USE OF AUTOMATED LICENSE PLATE RECOGNITION DEVICES AND/OR
VIDEO SURVEILLANCE CAMERAS

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the Borough of South Plainfield to execute a memorandum of understanding with the Middlesex County Prosecutor’s Office for use of automated license plate recognition devices (ALPR) and/or video surveillance cameras; and

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

1. Glenn Cullen, Administrator/CFO
2. Amy Antonides, Municipal Clerk
3. Chief Papa, Police Department
4. Middlesex County Prosecutor’s Office

| COUNCIL | MOTION | 2 ND | 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 | |
| | | | 5 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 2024-245
AUTHORIZING THE AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX AND THE
BOROUGH OF SOUTH PLAINFIELD FOR FY2025

WHEREAS, 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

WHEREAS, the Borough of South Plainfield further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuse in our community; and

WHEREAS, the Borough of South Plainfield 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 that the Borough hereby recognizes that:

1. The South Plainfield Borough Council does hereby authorize the Mayor and Municipal Clerk to execute the aforementioned agreement between the County of Middlesex and the Borough of South Plainfield that pertains to the Governor’s Council on Alcoholism and Drug Abuse for the South Plainfield Municipal Alliance grant allocation for FY2025 with a municipal in kind match of \$13,578.00; and

2. The South Plainfield Borough Council acknowledges the terms and conditions for the administering of the Municipal Alliance grant, including the administrative compliance and audit requirements.

| COUNCIL | MOTION | 2 ND | 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 | |
| | | | 5 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 24-246
AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN
AMENDMENT TO A CONTRACT BETWEEN THE BOROUGH OF
SOUTH PLAINFIELD AND HEYER GRUEL & ASSOCIATES WITH
REGARD TO PREPARATION OF THE NEW COMPREHENSIVE
MASTER PLAN

WHEREAS, the Borough Council authorized the execution of an Agreement to Provide Planning Services with Heyer Gruel & Associates by Resolution 2024-238, with the form of the Contract being attached in said Resolution as Exhibit A; and

WHEREAS, after adoption of the Resolution and execution of the Agreement, the parties noted an agreed that the maximum compensation to be paid to Heyer Gruel & Associates set forth in the Agreement at \$175,000.00 was an error, the maximum compensation having been set forth in a proposal by Heyer Gruel & Associates at \$160,000.00; and

WHEREAS, the parties have agreed to amend the Agreement to reflect the maximum compensation to be \$160,000.00 in accordance with such proposal;

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 and Municipal Clerk are hereby authorized to execute an Amendment to the Agreement to Provide Planning Services with Heyer Gruel & Associates with regard to preparation of a new comprehensive master plan for the Borough in a form as attached as Exhibit A hereto.

| COUNCIL | MOTION | 2 ND | 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 | |
| | | | 5 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 24-247

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF
\$9,505,000 GENERAL OBLIGATION BONDS, SERIES 2024, CONSISTING OF
\$9,380,000 GENERAL IMPROVEMENT BONDS AND \$125,000 POOL UTILITY
BONDS, OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF
MIDDLESEX, NEW JERSEY, AND PROVIDING FOR THEIR SALE.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AS FOLLOWS:

Section 1. The \$9,380,000 General Improvement Bonds of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), referred to and described in the resolution adopted by the Borough Council pursuant to the Local Bond Law of the State of New Jersey on July 8, 2024, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Borough of South Plainfield, in the County of Middlesex, New Jersey, Into a Single Issue of Bonds Aggregating \$9,380,000 in Principal Amount" shall be issued as "General Improvement Bonds" (the "General Improvement Bonds"). The General Improvement Bonds shall mature in the principal amounts on August 1 as follows:

| <u>Year</u> | <u>Principal Amount</u> | <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|-------------|-------------------------|
| 2025 | \$600,000 | 2030 | \$1,000,000 |
| 2026 | 650,000 | 2031 | 1,200,000 |
| 2027 | 700,000 | 2032 | 1,200,000 |
| 2028 | 700,000 | 2033 | 1,200,000 |
| 2029 | 930,000 | 2034 | 1,200,000 |

Section 2. The \$125,000 Pool Utility Bonds of the Borough referred to and fully described in the bond ordinance finally adopted by the Borough Council pursuant to the Local Bond Law of the State of New Jersey on April 15, 2019, and entitled, "Bond Ordinance Providing for Preliminary Planning, Engineering and Design for the Renovations at the South Plainfield Community Pool in and by the Borough of South Plainfield, in the County of Middlesex, New Jersey, Appropriating \$175,000 Therefor and Authorizing the Issuance of \$166,000 Bond or Notes of the Borough to Finance Part of the Cost Thereof" shall be issued as "Pool Utility Bonds" (the "Pool Utility Bonds"; and together with the General Improvement Bonds, the "Bonds"). The Pool Utility Bonds shall mature in the principal amounts on August 1 as follows:

| <u>Year</u> | <u>Principal Amount</u> | <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|-------------|-------------------------|
| 2025 | \$10,000 | 2030 | \$15,000 |
| 2026 | 10,000 | 2031 | 15,000 |
| 2027 | 10,000 | 2032 | 15,000 |
| 2028 | 10,000 | 2033 | 15,000 |
| 2029 | 10,000 | 2034 | 15,000 |

Section 3. The Bonds shall be subject to redemption prior to their stated maturity in accordance with the Notice of Sale attached hereto as Exhibit A (the "Notice of Sale").

Section 4. Pursuant to N.J.S.A. 40A:2-26(g), the Borough hereby designates the Chief Financial Officer to adjust the actual principal amounts of the Bonds. Any such adjustment shall not exceed 10% of the principal for any maturity of the Bonds with the aggregate adjustment to maturity not to exceed 10% of the principal for the overall Bond issue.

Section 5. At the discretion of the Borough's Chief Financial Officer, to the extent an original issue premium is received as part of the bid, it may be applied to any purpose permitted under the Internal Revenue Code of 1986, as amended (the "Code"), including the costs of other capital projects previously authorized.

Section 6. The General Improvement Bonds shall be ten in number, with one certificate being issued for each year of maturity, and shall be numbered GIB-1 to GIB-10, inclusive. The Pool Utility Bonds shall be ten in number, with one certificate being issued for each year of maturity, and shall be numbered PUB-1 to PUB-10, inclusive.

Section 7. The Bonds shall be dated their date of issuance and shall bear interest payable semiannually on the first day of February and August in each year until maturity or prior redemption, commencing on February 1, 2025, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1%, proposed by the successful bidder in accordance with the Notice of Sale.

Section 8. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 9.(a) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of the Bonds of each series maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, Brooklyn, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 or any integral multiple of \$1,000 in excess thereof through book-entries made on the books and records of the Securities Depository and its participants.

(b) The principal of and interest on the Bonds will be paid to the Securities Depository by the Borough on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of each next preceding January 15 and July 15 (the "Record Dates" for the Bonds).

Section 10. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds and/or in accordance with the requirements of the Securities Depository:

[Form of Bond begins on next page]

REGISTERED
NUMBER A. _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MIDDLESEX

BOROUGH OF SOUTH PLAINFIELD

B. _____

* * * * *

| | |
|--------------------------------|-------------------------|
| REGISTERED OWNER: | Cede & Co. |
| PRINCIPAL AMOUNT: | \$ |
| DATED DATE: | August 14, 2024 |
| MATURITY DATE: | August 1, 20__ |
| RATE OF INTEREST PER ANNUM: | % |
| INTEREST PAYMENT DATES: | February 1 and August 1 |
| INITIAL INTEREST PAYMENT DATE: | February 1, 2025 |
| RECORD DATES: | January 15 and July 15 |
| CUSIP NUMBER: | |

BOROUGH OF SOUTH PLAINFIELD, a body politic and corporate of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to the REGISTERED OWNER, or registered assigns, on the MATURITY DATE, upon presentation and surrender of this bond, the PRINCIPAL AMOUNT, and to pay interest on such sum from the DATED DATE until it matures at the RATE OF INTEREST PER ANNUM specified above semiannually on the INTEREST PAYMENT DATES in each year until maturity, commencing on the INITIAL INTEREST PAYMENT DATE. Principal of and interest due on this bond will be paid to the REGISTERED OWNER by the Borough or its designated paying agent and will be credited to the participants of The Depository Trust Company ("DTC") as listed on the records of DTC as of the RECORD DATES next preceding the respective INTEREST PAYMENT DATES. The principal of and interest on this bond are payable in lawful money of the United States of America.

This bond is not transferable as to principal or interest except to an authorized nominee of DTC. DTC shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue maturing prior to August 1, 2032 are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after August 1, 2032 are redeemable at the option of the Borough, in whole or in part, on any date on or after August 1, 2031 at 100% of the principal amount outstanding (the "Redemption Price"), plus interest accrued to the date of redemption upon notice as required herein.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than 30 days nor more than 60 days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough or a duly appointed bond registrar. Any failure of the securities depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Borough; the bonds to be redeemed having the same maturity shall be selected by the securities depository in accordance with its regulations.

So long as Cede & Co., as nominee for DTC, is the registered owner of the Bonds, the Borough shall send redemption notices only to Cede & Co.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.

C. _____

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the BOROUGH OF SOUTH PLAINFIELD has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk, and this bond to be dated the Dated Date as specified above.

BOROUGH OF SOUTH PLAINFIELD

[SEAL]

By: _____
[executed upon issuance]
Mayor

ATTEST:

By: _____
[executed upon issuance]
Borough Clerk

By: _____
[executed upon issuance]
Chief Financial Officer

[End of Form of Bond]

Section 11. In each of the General Improvement Bonds, the following language should be inserted in the places indicated by the corresponding letter in form of the General Improvement Bonds.

A. GIB-__.

B. GENERAL IMPROVEMENT BOND

C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a resolution of the Borough duly adopted July 8, 2024, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Borough of South Plainfield, in the County of Middlesex, New Jersey, Into a Single Issue of Bonds Aggregating \$9,380,000 in Principal Amount" and the various bond ordinances referred to therein, each in all respects duly approved and published as required by law.

Section 12. In each of the Pool Utility Bonds, the following language should be inserted in the places indicated by the corresponding letter in form of the Pool Utility Bonds.

A. PUB-__.

B. POOL UTILITY BOND

C. This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey and the bond ordinance of the Borough finally adopted April 15, 2019, and entitled, "Bond Ordinance Providing for Preliminary Planning, Engineering and Design for the Renovations at the South Plainfield Community Pool in and by the Borough of South Plainfield, in the County of Middlesex, New Jersey, Appropriating \$175,000 Therefor and Authorizing the Issuance of

\$166,000 Bond or Notes of the Borough to Finance Part of the Cost Thereof", in all respects duly approved and published as required by law.

Section 13. (a) The Bonds shall be sold on July 31, 2024, or such other date as may be determined by the Chief Financial Officer, via the "PARITY Electronic Bid System" ("PARITY") upon the terms and conditions set forth and described in the Notice of Sale for the Bonds. The Notice of Sale shall be posted on PARITY.

(b) Pursuant to N.J.S.A. 40A:2-34, the Borough hereby designates the Chief Financial Officer to sell and award the Bonds in accordance with the Notice of Sale with such changes as to date or the terms as deemed advisable or necessary by Phoenix Advisors, LLC, the Borough's Municipal Advisor, and McManimon, Scotland & Baumann, LLC, the Borough's Bond Counsel, to access effectively the market for the sale of the Bonds, and such Chief Financial Officer shall report in writing the results of the sale to this Borough Council as required by law. The Chief Financial Officer is hereby authorized and directed, consistent with the terms of the Notice of Sale, to retain the good faith deposit of the successful bidder and to return immediately such good faith deposits, whether by wire or check, to the unsuccessful bidders.

Section 14. The Notice of Sale shall be substantially in the form attached hereto as Exhibit A with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds, including in accordance with the requirements of the Securities Depository and PARITY. The Summary Notice of Sale shall be substantially in the form attached hereto as Exhibit B with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds (the "Summary Notice of Sale"), including in accordance with the requirements of the Securities Depository and PARITY. The Borough Clerk is hereby directed to arrange for the publication of the Notice of Sale in the form provided herein in The South Plainfield Observer or such other authorized newspaper of the Borough, such publication to be not less than seven days prior to the date of sale, and any actions taken by the Borough Clerk prior to the date of adoption of this resolution in connection with the publication of the Notice of Sale are hereby ratified, confirmed and approved. McManimon, Scotland & Baumann, LLC is hereby directed to arrange for the publication of the Summary Notice of Sale in the form provided herein in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York, such publication to be not less than seven days prior to the date of sale.

Section 15. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date.

Section 16. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Bonds and the Official Statement to be prepared by McManimon, Scotland & Baumann, LLC, Phoenix Advisors, LLC and Borough officials. The Mayor and the Chief Financial Officer are hereby authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Borough by the Chief Financial Officer or by the Mayor. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of

seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds.

Section 17. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Code in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 18. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, Brooklyn, New York, as may be necessary in order to provide that the Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

Section 19. In the event that the Securities Depository may determine to discontinue providing its service with respect to the Bonds or is removed by the Borough and if no successor securities depository is appointed, the Bonds that were previously issued in book-entry form shall be converted to registered bonds in denominations of \$5,000 or any integral multiple of \$1,000 in excess thereof. The beneficial owners under the book-entry system, upon registration of the Bonds held in the beneficial owners' names, will become the registered owners of the registered bonds. The Borough shall be obligated to provide for the execution and delivery of the registered bonds in certificated form.

Section 20. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to September 30 of each year, beginning September 30, 2024, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Borough, consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Borough and certain financial information and operating data, consisting of (i) Borough and overlapping indebtedness, including a schedule of outstanding debt issued by the Borough, (ii) property valuation information and (iii) tax rate, levy and collection data. The audited financial information will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Borough;
- (13) The consummation of a merger, consolidation or acquisition involving the Borough or the sale of all or substantially all of the assets of the Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Borough, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Bonds, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Borough, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); *provided, however*, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

(c) Notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such Chief Financial Officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Borough shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 21. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

| COUNCIL | MOTION | 2 ND | 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 | |
| | | | 5 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 24-248

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$9,380,000 IN PRINCIPAL AMOUNT.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AS FOLLOWS:

Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds (as defined herein) of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of general improvement bonds in the aggregate principal amount of \$9,380,000 (the "Bonds").

The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

| Principal Amount of Bonds | Bond Ordinance Number | Description of Improvement and Date of Adoption of Bond Ordinance | Useful Life |
|----------------------------------|------------------------------|-------------------------------------------------------------------------------------------------------|--------------------|
| \$287,000 | 2107 | Various capital improvements, finally adopted March 19, 2018. | 7.79 years |
| \$432,250 | 2110 | Various road improvements, finally adopted April 16, 2018. | 10 years |
| \$661,500 | 2112 | Various road improvements, finally adopted June 4, 2018. | 10 years |
| \$84,643 | 2113 | Various capital improvements, finally adopted June 4, 2018. | 12.55 years |
| \$571,000 | 2145 | Various road improvements, finally adopted June 17, 2019. | 10 years |
| \$2,182,500 | 2146 | Renovations to South Plainfield community pool, finally adopted June 17, 2019. | 15 years |
| \$640,000 | 2192 | Various capital improvements, finally adopted February 16, 2021. | 7.42 years |
| \$955,000 | 2204 | Various road improvements, finally adopted May 17, 2021. | 10 years |
| \$982,000 | 2226 | Various capital improvements, finally adopted April 4, 2022. | 8.87 years |
| \$399,000 | 2240 | Acquisition of vehicles and equipment, finally adopted September 6, 2022. | 5 years |
| \$1,995,107 | 2259 | Various capital improvements, finally adopted March 6, 2023. | 9.10 years |
| \$190,000 | 2266 | Turf field and other improvements, to Police Athletic League facilities, finally adopted May 1, 2023. | 10 years |

The following matters are hereby determined with respect to the combined issue of Bonds:

The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 10.42 years.

The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and issuance of bonds authorized by a single bond ordinance and, accordingly, may be sold with other issues of bonds.

The following additional matters are hereby determined, declared, recited and stated:

None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 hereof have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2 hereof.

The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

| COUNCIL | MOTION | 2ND | 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 | |
| | | | 5 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

RESOLUTION 24-249
AUTHORIZING THE NJ STATE CONTRACT FOR A MONTHLY LEASE
OF A COPY MACHINE FOR THE BUILDING DEPARTMENT
FROM ATLANTIC TOMORROW IN THE AMOUNT OF \$328.24

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the NJ State Contract for a monthly lease of a copy machine for the Building Department from Atlantic Tomorrow in the amount of \$328.24 pursuant to state contract number 24-FOOD-52426 (formerly A40467); 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 ND | 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 | |
| | | | 5 | 0 | | | |
| Mayor Anesh – TIE ONLY | | | | | | | |

CORRESPONDENCE - Mayor Accepted all correspondence:

- Code Enforcement Lien Report
- Resignation of Sherlyn Courtney as part-time Telecommunication Officer
- BEDAG Minutes – February 7, 2024
- Environmental Advisory Committee Minutes – May 8, 2024
- \$16,683.20 Middlesex County Juvenile Divisionary Program Grant Award
- Community Pool Statistical Report

PAYMENT OF BILLS

| | | |
|-----------------------------|------|-----------------------|
| Current Fund | 4-01 | 727,392.04 |
| Current Fund | 3-01 | 30,000.00 |
| Pool Utility | 4-26 | 23,247.84 |
| Pool Utility | 3-26 | 0.00 |
| Sewer Utility | 4-07 | 187,039.98 |
| Sewer Utility | 3-07 | 0.00 |
| Sewer Utility Capital | C-08 | 2,835.54 |
| General Capital | C-04 | 395,808.15 |
| Pool Capital | C-27 | 560.80 |
| Election Account | E-18 | 0.00 |
| Grant Fund | G-02 | 1,519.22 |
| Land for Rec & Consv. | T-10 | 0.00 |
| Legends Camp Trust | T-11 | 3,152.87 |
| Dog Trust | T-12 | 5,780.47 |
| Treasurers Trust | T-13 | 300.21 |
| Recreation Trust | T-14 | 22,630.99 |
| Senior Citizen Trust | T-16 | 0.00 |
| Total All Funds: | | \$1,400,268.11 |
| Plus wires totaling: | | \$0.00 |
| GRAND TOTAL: | | \$1,400,268.11 |

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – advised that Ordinance 2314 this evening includes a \$673,000 open space grant. We thank Middlesex County for this. Mr. Cullen congratulated both Kyle Stevens and Kyle Pear. We are in our final stages of renovations at Putnam Park. We are waiting for a piece of playground equipment to be installed and tweaking some other things before we can open it. The New Market Avenue project has required truck traffic to be diverted temporarily. Legends Camp is up and running and the pool membership is up by 11%.

Engineer Miller – was absent this evening.

Clerk Antonides –reported progress.

Chief Papa – Chief Papa thanked Paul, Amy and Detective Blath for all their work that went into Ordinance 2317 that was introduced this evening.

Councilwoman Mott – reported progress.

Councilman Smith – Thanked Jim Patty for everything he has done for us while filling in for Mr. Miller. We welcomed back Mr. Miller today. Councilman Smith concluded by welcoming both Kyle Stevens and Kyle Pear.

Councilman Wolak – congratulated our new Junior Firefighter appointment, Kyle Pear and also newly appointed Officer Kyle Stevens.

Councilwoman Faustini – the Safety Town program is back again this summer which will run from August 5th to the 16th from 8:30 a.m. to 10 a.m. at Roosevelt School. Sign-ups will begin on July 10th. It is for South Plainfield residents only.

Councilman White – announced that the new business Coco Bowlz will be opening soon in South Plainfield with their location at Golden Acres Plaza and went on to report progress.

Council President Bengivenga – was absent this evening.

Mayor Anesh – reported progress

Mayor Anesh announced at 7:38 p.m. that we will be going into closed session and no action is anticipated to be taken.

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 7:43 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk