

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
JANUARY 22, 2024 7:03 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 7:03 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		7:05 virtual
Councilwoman Mott	X		
Councilman Smith	X		
Councilman White	X		
Councilman Wolak	X		
Council President Bengivenga	X		
Mayor Anesh	X		
<b>ALSO PRESENT</b>			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller		X	
Chief Papa	X		

**Flag Salute:** was led by Mayor Anesh and Council President Bengivenga 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 of 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.

Mr. Scott Kurtz, Maintenance Director, from C&C Cabinetry stated that his company is doing a \$3 million renovation on their facility and want to know when Kentile Road will be repaved and would like to insure Kentile Road is on the forthcoming road paving list. Mr. Miller said he will take it into consideration when putting this years road paving projects together.

Mr. John Terefenko of 223 Manning Avenue said his road and property have sunken issues and went on to say that when his neighbor was redoing their basement they found a lot of broken tile underground and believe it to be from the Kentile Industry that used to be located there years ago. Mr. Terefenko believes this to be the cause of the sunken/sink hole issues on his property and in the roadway. Mr. Terefenko went on to express his concerns pertaining to the water table and sewer issues on Manning Avenue and asked if anything is being done about it. Mr. Miller clarified saying that it is not a fact that the water table is high and is not in any position to state that is a fact. Further the Kentile dumping of tiles issue is something that he knows nothing about. The governing body and Mr. Cullen also said that this is the first time they are hearing about this and asked when it occurred. Mr. Terefenko said about seven or eight years ago. Mr. Miller said there is not record of this. Both Council President Bengivenga and Mayor Anesh said they have been on Council since around 2006 and have never heard of this. Mr. Miller addressed the sewer issue and in summary said it is a regional issue. Mr. Terefenko asked if there will be any testing done on his road when it gets repaved. Mr. Miller said yes they will do testing.

Mr. Mark Deleventoro also expressed issues regarding the water and flooding issues and asked if the town can put pressure on the NJDEP and put a monitoring device in place. He said he is getting tired of the flooding and the pumps are constantly going on which is not normal. Mr. Cullen pointed out that both Mr. Miller and Mr. Demico will be doing an inspection to evaluate this issue in the

coming days. Mr. Miller said the flooding is not specific to any one street. The entire system is backed up. The main trunk line which is not a borough system is backed up. It really is an entire regional issue.

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

**Authorizing the Approval of Council Minutes:**

December 18, 2023 – Agenda Meeting  
 December 18, 2023 - Public Meeting  
 January 1, 2024 - Reorganization

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

**ORDINANCES:**

The following ordinance #2291 was read by Clerk Antonides by title for a second reading. Mayor opened the floor for public hearing and with no comments from the public, closed the floor. Councilman Smith thanked Mr. Cullen for taking the time to review with him all the finances pertaining to the community pool and Legends Camp.

**ORDINANCE 2291**

**AN ORDINANCE AMENDING ORDINANCE 2252 THAT PROVIDES FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR PART TIME SEASONAL HELP FOR THE COMMUNITY POOL, SUMMER PARKS AND LEGENDS CAMP**

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

SECTION 1. The rates of compensation for each employee of the Borough of South Plainfield shall be on an annual basis as follows except where indicated. Such rates of pay shall be effective on January 1<sup>st</sup> of the years shown.

## Budget 2024

### Pool Employees

Employee Type	Rate per Hour	Stipend for Summer
Pool Attendant (Non-Certified Staff)	\$14.00	
Lifeguard (Tier 1)	\$16.00	
Lifeguard (Tier 2)	\$16.75	
Lifeguard (Tier 3)	\$17.75	
Assistant Manager (Tier 1)	\$21.00	
Assistant Manager (Tier 2)	\$22.00	
Assistant Manager (Tier 3)	\$24.00	
Head Manager		\$17,000.00
Assitant Swim Coach		\$3,200.00
Head Swim Coach		\$6,400.00

Swim Instruction will pay an additional \$2.00/per hour from guard rate.  
Sat/Sun will pay an additional \$2.00/per hour.  
Holiday will pay an additional \$3.00/per hour.

### Summer Parks

Employee Type	Rate per Hour	Stipend for Summer
Camp Counselor I	\$14.00	
Camp Counselor II	\$14.50	
Camp Counselor III	\$14.75	
Camp Counselor IV	\$15.00	
Head Counselor	\$27.00	

### Legends Camp

Employee Type	Rate per Hour	Stipend for Summer
Legends Camp Counselor	\$14.00	
Jr. Group Leader	\$15.00	
Group Leader	\$16.00	
Camp Supersivor	\$19.00	
Assistant Director	\$22.00	
Director	\$40.00	
Camp Certified Teacher		\$10,000.00
Camp Registrar		\$3,000.00

SECTION 2. INCONSISTENCY – All ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. EFFECTIVE DATE – This ordinance shall become effective after publication in accordance with the law.

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

The following ordinance #2292 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for February 5, 2024 at 7 p.m.

**NOTICE OF INTRODUCTION BY SUMMARY  
ORDINANCE 2292  
AN ORDINANCE DELETING AND REPLACING CHAPTER 350 OF THE  
CODE OF THE BOROUGH RE: RENTAL OF THE SENIOR CENTER**

Ordinance #2292 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 January 22, 2024. In summary, this ordinance deletes and replaces Chapter 350 of the Code of the Borough of South Plainfield titled “Rental of the Senior Center”. The public hearing where further consideration will be made will be held on February 5, 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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilwoman Faustini			X				
Councilwoman Mott		X	X				
Councilman Smith			X				
Councilman White			X				
Councilman Wolak			X				
Council President Bengivenga	X		X				
			6	0			
<b>Mayor Anesh – TIE ONLY</b>							

The following ordinance #2293 was read by Clerk Antonides by title for a first reading. Mayor Anesh set the public hearing for February 5, 2024 at 7 p.m.

**BOND ORDINANCE #2293**

BOND ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY  
 BOND ORDINANCE #2206 OF THE BOROUGH OF SOUTH PLAINFIELD, IN  
 THE COUNTY OF MIDDLESEX, NEW JERSEY, FINALLY ADOPTED JULY  
 12, 2021.

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 One. Bond Ordinance #2206 of the Borough of South Plainfield, in the County of Middlesex,  
 New Jersey (the “Borough”), finally adopted July 12, 2021, is hereby amended and restated in its entirety.

“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL  
 IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN  
 THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING  
 \$2,176,247 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,556,500  
 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 \$2,176,247, including a grant from the State  
 of New Jersey Department of Transportation in the amount of \$361,533 for the Metuchen Road improvements

described in Section 3(a) and a grant from the State of New Jersey in the amount of \$118,204 for the purpose described in Section 3(c) (collectively, the “State Grants”), a grant from the County of Middlesex in the amount of \$7,500 for the purpose in Section 3(e) (the “County Grant”) and a Community Development Block Grant in the amount of \$67,542 for the purpose in Section 3(f) (the “CDB Grant”) and further including the aggregate sum of \$72,468 as the several down payments for the improvements or purposes required by the Local Bond Law. Pursuant to N.J.S.A. 40A:2-11(c), no down payments are provided for the costs of the improvements or purposes in Section 3(a) (Metuchen Road improvements) and Section 3(c) since the improvements or purposes are being funded by the State Grants. The aggregate amount of the down payment is at least 5% of the amount of the obligations authorized for the improvements or purposes described in Sections 3(a) (the portion not covered by the \$361,533 State Grant), (b), (d), (e) and (f) herein (in the aggregate amount of \$1,341,500). 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, the State Grants and the CDB Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,556,500 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 &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) Improvements to Metuchen Road, Belmont Avenue, Spicer Avenue and Kenneth Avenue, including, but not limited to, resurfacing and milling and further including all work and materials necessary therefor and incidental thereto.	\$665,033 (includes a grant from the State of New Jersey Department of Transportation in the amount of \$361,533 for Metuchen Road)	\$289,000	10 years
b) The acquisition of a fire truck with boom and equipment, including all related costs and expenditures incidental thereto.	\$861,000	\$820,000	10 years
c) The acquisition of police cameras and related equipment,	\$333,204 (includes a grant from the State of	\$215,000	5 years

including all related costs and expenditures incidental thereto.	New Jersey in the amount of \$118,204)		
d) The acquisition of vehicles, equipment and a roller for the Department of Public Works, including all related costs and expenditures incidental thereto.	\$230,968	\$219,000	5 years
e) The acquisition of surveillance equipment for the recycling center, including, but not limited to, computer systems, cameras and other related equipment and further including all related costs and expenditures incidental thereto.	\$11,000 (includes a grant from Middlesex County in the amount of \$7,500)	\$7,500	5 years
f) Pitt Street Park improvements, including all work and materials necessary therefor and incidental thereto.	<u>\$75,042</u> (includes a Community Development Block Grant in the amount of \$67,542)	<u>\$6,000</u>	15 years
Total	<u>\$2,176,247</u>	<u>\$1,556,500</u>	

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/or the amount of the State Grants and the CDB Grant for each purpose.

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 8.60 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 \$1,556,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the 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 hereof shall be applied either to direct payment of the cost of the improvements or, if other than State Grants and the CDB 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. Any action taken by any Borough official pursuant to Bond Ordinance #2206 prior to its amendment and restatement hereby are hereby ratified confirmed and approved as if taken pursuant to the terms of this bond ordinance.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.”

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

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

**RESOLUTIONS:**

**RESOLUTION # 24-59**

**RESCINDING RESOLUTION 24-06B THAT AUTHORIZED THE PROFESSIONAL SERVICE APPOINTMENT OF SAVO SCHALK AS BOROUGH PROSECUTOR**

**WHEREAS**, in conformance with public laws of the state of New Jersey, 1996, c.95, sect. 14, the firm of **SAVO SCHALK.,** attorneys at law of the State of New Jersey, were appointed as **MUNICIPAL PROSECUTOR** for the calendar year 2024 under the supervision of the Attorney General or the County Prosecutor who may represent the State, County or Municipality in any matter within the jurisdiction of the Central Municipal Court or any other Municipal Court:

**WHEREAS**, in consultation with the Municipal Court and the offices of Savo Schalk, it has been determined that the firm of Savo Schalk will step down effective January 4, 2024 as Prosecutor for the Borough of South Plainfield.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that it hereby rescinds Resolution 24-06B and therefore the firm of Savo Schalk will not be serving as Municipal Prosecutor for the Borough of South Plainfield for the 2024 year.



**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. Municipal Court Administrator
4. Savo Schalk

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

**RESOLUTION # 24-60  
AUTHORIZING THE PROFESSIONAL SERVICE APPOINTMENT  
OF BELIZAIRE & ASSOCIATES AS BOROUGH PROSECUTOR**

**WHEREAS**, in conformance with public laws of the state of New Jersey, 1996, c.95, sect. 14, the firm of **BELIZAIRE & ASSOCIATES**, attorneys at law of the State of New Jersey, are hereby appointed **MUNICIPAL PROSECUTOR** for calendar year 2024 under the supervision of the Attorney General or the County Prosecutor who may represent the State, County or Municipality in any matter within the jurisdiction of the Central Municipal Court or any other Municipal Court:

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

1. The Mayor and Municipal Clerk are hereby authorized to execute a professional service agreement with Belizaire & Associates of 2 Broad Street, Suite 505, Bloomfield, NJ 07003 to provide prosecutorial services for calendar year 2024.
2. This Professional Service Agreement is awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. Payment for this position is determined by the annual salary ordinance for this professional service position. Health Benefit coverage will not be provided for the position of Municipal Prosecutor.
4. the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of the contracts as “Professional Services” without competitive bidding must be publicly advertised: A copy of this resolution shall be published in The Observer as required by law within ten days of its passage

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

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

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

**RESOLUTION 24-61  
AUTHORIZING THE DISPOSAL OF IT EQUIPMENT THAT IS DEEMED TO HAVE OUTLIVED ITS USEFUL LIFE, IS  
PERMANENTLY DAMAGED, OR HOLDS NO MONETARY VALUE**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes John Abbruzzese, IT Officer, to dispose of the following items deemed to have outlived its useful life and/or is permanently damaged, and/or that holds no monetary value:

**BE IT RESOLVED** that the aforementioned item(s) are also to be removed from the Borough of South Plainfield’s asset inventory; and

- 2834 – OptiPlex 7020
- 3159 – OptiPlex 3050
- 1243 – IBM Electric Typewriter
- 1552 – OptiPlex GX520
- 3203 – Canon Image runner copier/Printer/Scanner
- 3146 – OptiPlex 3050
- 2760 – OptiPlex 3040

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. John Abbruzzese, IT Department

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

**RESOLUTION 24-62**

**AUTHORIZING THE OFFICIAL POLICE TOWING OPERATORS FOR THE 2024 CALENDAR YEAR PURSUANT TO CHAPTER 434 OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD**

**WHEREAS**, pursuant to Chapter 434 of the Code of the Borough of South Plainfield, the Police Department has sought proposals from various towing operators for the police vehicle towing for the 2024 calendar year; and

**WHEREAS**, the operators of towing/wrecking establishments in the Borough of South Plainfield have made application in accordance with Chapter 434 of the Code of the Borough of South Plainfield for renewal of the license to operate on the rotation towing/wrecker list for the year 2024; and

**WHEREAS**, after proper review of the renewal application and inspection of the facilities by the South Plainfield Police Department it was deemed that following towing operators met the requirements of the Borough Code and are hereby appointed as the official police towers for the calendar year 2024:

**Light Duty**

1. J&L Auto Body
2. JVD Towing Service
3. Majestic Towing
4. Matthew's Service
5. R&C Auto Body

**Heavy Duty**

1. George Logan Towing Inc.
2. B&L Recovery and Towing
3. Noll Brothers Inc.
4. Scott Flowers Towing Inc.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the official towing operators for the South Plainfield Police Department be and hereby are as stated above for the year 2024.

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

**RESOLUTION 24-63  
AUTHORIZING THE HIRING OF PART-TIME 2024 SUMMER PERSONNEL**

**BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, New Jersey that at the recommendation of the Director of Recreation, authorization is hereby given for employing the following people for seasonal work for the South Plainfield Recreation Department at rates pursuant to the Salary Ordinance:

SUMMER PART-TIME PERSONNEL:

**Legends Camp**

Position	First Name	Last Name
Director	Renee	Eggert
Assistant Director	Shaun	Boffard
Assistant Director	Anthony	Eggert
Camp Certified Teacher	Elizabeth	Yarus
Camp Registrar	Nancy	McMahon
Camp Registrar	Thomas	Heim

**Community Pool**

Position	First Name	Last Name
Head Manager	William	Nickel
Assistant Manager (Tier 3)	Dominic	Faustini
Assistant Manager (Tier 3)	Bridgette	Wahlers
Assistant Manager (Tier 3)	Brendan	Wahlers
Assistant Manager (Tier 2)	Christopher	Chismar
Assistant Manager (Tier 2)	Jessica	Romero
Assistant Manager (Tier 2)	Samantha	Wick

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

**RESOLUTION 24-64  
AUTHORIZING THE NJ STATE CONTRACT PURCHASE  
OF THREE 2023 DODGE DURANGO PATROL VEHICLES**

**FROM NIELSEN OF MORRISTOWN  
IN AN AMOUNT NOT TO EXCEED \$147,154.50**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the NJ State Contract purchase of three 2023 Dodge Durango patrol vehicles from Nielsen of Morristown in an amount not to exceed \$147,154.50 pursuant to state contract number 23-FLEET-34933; 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. Daniel Hoppe, Police Captain
4. Peter Papa, Police Chief

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

**RESOLUTION # 24-65  
AUTHORIZING THE PROFESSIONAL SERVICE APPOINTMENT  
OF HEYER, GRUEL & ASSOCIATES AS PROFESSIONAL PLANNER FOR 2024**

**WHEREAS** the Borough of South Plainfield is in need of retaining an engineering firm to act as Borough Professional Planner for the year 2024; and

**WHEREAS** the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of the contracts as “Professional Services” without competitive bidding must be publicly advertised:

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

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with **Heyer, Gruel & Associates of 236 Broad Street, Red Bank, NJ 07701**, for calendar year 2024
2. This contract is being awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.
3. The fee schedule for Planning Services is attached to the 2024 proposal submission that is comprised of a variable fee structure range (*and no additional per day charge for a vehicle*) depending on assignment at hand and shall not exceed \$250,000.00 in total expenses for each professional. **NO ADDITIONAL PER DAY CHARGE FOR A VEHICLE.**
4. A copy of this resolution shall be published in The Observer as required by law within ten (10) days of its passage.

**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. Fred Heyer of Heyer, Gruel & Associates

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilwoman Faustini			X				
Councilwoman Mott			X				
Councilman Smith			X				

Councilman White			X			
Councilman Wolak	X		X			
Council President Bengivenga		X	X			
			6	0		
Mayor Anesh – TIE ONLY						

**RESOLUTION 24-66  
AUTHORIZING THE NJ STATE CONTRACT PURCHASE  
OF A 2023 CHEVROLET TAHOE  
FROM GENTILINI MOTORS  
IN AN AMOUNT NOT TO EXCEED \$64,142.61**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the NJ State Contract purchase of a 2023 Chevrolet Tahoe from Gentilini Motors in an amount not to exceed \$64,142.61 pursuant to state contract number 21-FLEET-01485; 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. Wendell Born, Police Captain
4. Peter Papa, Police Chief

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

**RESOLUTION # 24-67  
AMENDING RESOLUTION 24-43 THAT AUTHORIZED CUSTODIANS OF PETTY CASH AND CHANGE FUNDS FOR  
THE 2024 YEAR TO ADD POLICE CHIEF PAPA AND RECREATION DIRECTOR**

**WHEREAS**, in accordance with N.J.S.A. 40:5-21, the Borough of South Plainfield has the following employees as custodians of the “petty cash” funds:

Patricia Olano	Office on Aging Director	\$200.00 \$1,000.00 bonded
Peter Papa	Police Chief	\$300.00 No bond
Leonard Miller	Public Works Superintendent	\$300.00 No bond
Glenn F. Cullen	Finance Officer	\$200.00 \$1,000.00 bonded

**WHEREAS**, the Borough Council of the Borough of South Plainfield hereby authorize the following offices to have a “change funds” as follows:

Amy Antonides	Municipal Clerk/Registrar	\$200.00 No bond
Yolanda Diaz	Court Administrator	\$150.00 No bond
Kim Clifford	Tax Collector	\$450.00 No bond
John Abbruzzese	Code Enforcement Officer	\$100.00 No bond
Peter Papa	Police Chief	\$200.00 No bond
Joseph Abbruzzese	Fire Official	\$ 50.00 No bond
Elizabeth Yarus	Recreation Director	\$300.00 No bond

**NOW THEREFORE BE IT FURTHER RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex that the aforementioned authorization is hereby granted and that a copy of this Resolution be forwarded to the following:

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. Division of Local Government Services (2 copies)

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

**RESOLUTION 24-68**

**AUTHORIZING THE EMERGENCY SERVICES OF STILO EXCAVATION TO REPAIR A SANITARY SEWER MAIN AT THE INTERSECTION OF LANE AND MANNING AVENUES**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the emergent services of Jen Electric Inc. to repair a traffic light at Hadley Road and Corporate Blvd. in an amount not to exceed \$7,252.05; and

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. Len Miller, DPW Superintendent

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

**RESOLUTION 24-69**

**AUTHORIZING THE CANCELLATION OF CAPITAL IMPROVEMENT AUTHORIZATION BALANCES IN THE AMOUNT OF \$118,500.00**

**WHEREAS**, the following capital improvement authorization balances remain unexpended:

Borough of South Plainfield			
General Capital Fund			
Schedule of Improvement Authorizations Balance Cancellations			
1/22/24			
Ordinance			
Number	Description		AMOUNT
2259	Various Capital - Norwood Avenue		118,500.00
Total			118,500.00
	<b>Grants Receivable - Norwood Ave</b>		<b>118,500.00</b>
	<b>Total</b>		<b>118,500.00</b>

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that the above listed unexpended balances be cancelled.

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

**RESOLUTION 24-70**

**AUTHORIZING THE APPOINTMENT OF JOSEPH NAPPE III TO FULL-TIME COMMUNICATIONS SUPERVISOR AT THE ANNUAL SALARY OF \$83,043.83**

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

It hereby authorizes the appointment of Joseph Nappe III to full-time Communications Supervisor at the annual salary of \$83,043.83 retroactively effective January 15, 2024; 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. Carmela Miller, Payroll
4. Anne Daley, Benefits
5. Daniel Hoppe, Police Captain
6. James McConville, Police Lt.
7. John Abbruzzese, IT

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

**RESOLUTION: 24-71**

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

**WHEREAS**, the South Plainfield Police Department in accordance with R.S. 39:10A-1, are in possession of abandoned vehicles due to the failure of the owners claiming such and are now desirous of conducting a public auction on Friday, February 2, 2024 at 11:00 a.m. at 2480 Plainfield Avenue, South Plainfield, New Jersey for the following abandoned vehicles:

YEAR	MAKE	MODEL	VIN#	STATUS	MIN. BID
2003	Lincoln Majestic	Aviator 23-54143	5LMEU88H53ZJ02289	Fair	\$ 200.00
2008	Cadillac JVD	CTS 23-52201	1G6DS57V380148619	Fair	\$1,800.00
2011	Infiniti J&L	M56 23-53969	JN1AY1AP9BM520629	Fair	\$6,800.00
2023	Flywing R&C	Marshal 23-52002	L5YTCKAV6P1135264	Good	\$1,900.00

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South  
{A1298313.1 }

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

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

**RESOLUTION 24-72  
AMENDING RESOLUTION 21-301 THAT AUTHORIZED THE NJ STATE CONTRACT  
PURCHASE OF BODY WORN CAMERAS AND ASSOCIATED MAINTENANCE  
FOR THE POLICE DEPARTMENT FROM AXON ENTERPRISES INC.  
TO NOW INDICATE A FORWARD ANNUAL COST OF \$55,956.67 PER YEAR TO 1/2028**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby amends resolution 21-301 that authorized the NJ State Contract purchase of body worn cameras and associated maintenance for the Police Department from Axon Enterprises Inc. in an amount not to exceed \$323,709.00 pursuant to state contract number #T0106 to now indicate a forward annual cost of \$55,956.67 per year through January 2028; 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, Police Chief

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

**RESOLUTION 24-73  
AUTHORIZING THE BOROUGH TO PAY ALL PART-TIME, NON-SEASONAL,  
EMPLOYEES THE MINIMUM EQUAL TO THE STATE MINIMUM WAGE  
RATE OF \$15.13 PER HOUR**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the Borough to pay all part-time, non-seasonal, employees the minimum equal to the state minimum wage rate of \$15.13 per hour; 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. Carmela Miller, Payroll

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



**RESOLUTION 24-74**  
**AUTHORIZING THE TRANSFER OF UNCLAIMED FUNDS FROM THE MUNICIPAL COURT TO THE BOROUGH'S OPERATING ACCOUNT**

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

Check	Date	Payee	Amount	Summons
1245	12/15/2022	Veda Berry	\$10.00	E20-2940
1250	1/12/2023	Lorraine Esposito	\$1.00	E22-699

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

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

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

**RESOLUTION 24-75**  
**AUTHORIZING 2023 APPROPRIATION TRANSFERS IN THE AMOUNT OF \$44,00.00 FROM THE CURRENT FUND PURSUANT TO N.J.S.A. 40A:4-58**

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

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

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

<b>CURRENT FUND</b>				
<b>FROM:</b>				<b>AMOUNT</b>
3-01-26-290-002-101	Road Repais & Maintenance		S&W	<b>3,000.00</b>
3-01-26-290-002-445	Road Repais & Maintenance		O&E	<b>4,000.00</b>
3-01-26-290-003-102	Snow		S&W	<b>15,000.00</b>
3-01-27-335-001-101	Environmental Commission		S&W	<b>5,000.00</b>
3-01-36-472-000-675	SSI		Statutory	<b>17,000.00</b>
<b>Total FROM:</b>				<b>44,000.00</b>
<b>TO:</b>				<b>AMOUNT</b>
3-01-20-140-000-204	Computer Service		O&E	<b>5,000.00</b>
3-01-26-290-003-102	Snow		S&W	<b>18,000.00</b>
3-01-25-240-003-241	Crossing Guards		O&E	<b>16,500.00</b>
3-01-31-445-001-581	Water		O&E	<b>4,500.00</b>
<b>Total TO:</b>				<b>44,000.00</b>

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

**RESOLUTION 2024-76**

**RESOLUTION AUTHORIZING SETTLEMENT OF 2021 and 2022 TAX APPEALS FILED BY KARTIK HOSPITALITY LLC FOR THE PROPERTY KNOWN AS 2989 HAMILTON BOULEVARD AND IDENTIFIED AS BLOCK 535, LOT 1.02 ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

**WHEREAS**, Kartik Hospitality LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as 2989 Hamilton Boulevard and identified as Block 535, Lot 1.02 on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$1,800,000 for the years under appeal; and

**WHEREAS**, Taxpayer filed an appeal of its 2021 and 2022 tax assessments in the Tax Court of the State of New Jersey under docket numbers 008602-2021 and 000832-2022; and

**WHEREAS**, a proposed settlement of the aforesaid tax appeals was negotiated between Taxpayer and the Borough Tax Assessor and Borough Tax Attorney as set forth in the Stipulation of Settlement annexed hereto; and

**WHEREAS**, the Borough Appraiser, Victor D. DiSanto, MAI, opined that the Borough was not able to defend the assessment for the tax years under appeal and recommended that the settlement be approved; and therefore, this proposed settlement is reasonable and reflects the correct market value for the Property which was over assessed for the years under appeal; and

**WHEREAS**, pursuant to the Stipulation of Settlement annexed hereto, the aforesaid tax appeals are to be resolved as follows:

- The 2021 original assessment in the amount of \$1,800,000 shall be reduced to \$900,00 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2021;
- The 2022 original assessment in the amount of \$1,800,000 shall be reduced to \$900,00 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2022;
- The Freeze Act shall not apply to the Tax Court Judgments;
- Taxpayer agrees to waive statutory interest provided the subject refund is paid within sixty (60) days from the date of entry of the Tax Court Judgments;
- The refund shall be paid by check made payable to “Ventura Miesowitz Trust Account” and mailed to Daniel G. Keough, Esq., c/o Ventura, Miesowitz & Keough, 783 Springfield Avenue, Summit, NJ 07901 within sixty (60) days from the date of entry of the Tax Court Judgments;
- The Property’s tax assessment for Tax Year 2024 has been set at \$900,000. The tax assessment for Tax Year 2025 shall be set at a total tax assessment of \$900,000 “on the books” conditioned upon (a) there being no “change in value” [as that phrase has been defined pursuant to N.J.S.A. 54:51A-8 (Freeze Act)] of the Property prior to the close of the 2025 tax assessment books; (b) the Property not being sold at a higher market value prior to the close of the 2025 tax assessment books; and (c) there being no district-wide reassessment or revaluation conducted for Tax Year 2025.
- Taxpayer agrees that provided the total tax assessment for Tax Years 2024 and 2025 has been set at \$900,000, there will be no 2024 or 2025 tax appeals filed on the Property. Taxpayer may file an appeal only in the case of material depreciation in the improvements as defined by statute.

**WHEREAS**, the Borough of South Plainfield Tax Assessor agrees that it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

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

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

**WHEREAS**, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer’s request for tax assessment reduction; and

**WHEREAS**, the Mayor and Borough Council leave the allocation between land and improvements of the aforesaid tax assessment reduction to the Borough Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Borough.

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

1. he Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$900,000 total tax assessment for the 2021 and 2022 tax years for Block 535, Lot 1.02 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by Kartik Hospitality LLC under Docket Nos.: 008602-2021 and 000832-2022 for the property known as 2989 Hamilton Boulevard and identified as Block 535, Lot 1.02 on the Borough of South Plainfield Tax Assessment Maps which reduces the 2021 and 2022 total tax assessments on the Property from \$1,800,000 to \$900,000; which provides that Taxpayer agrees to waive statutory interest on any refund or overpayment due provided the refund check is made payable to “Ventura Miesowitz Trust Account” and mailed to Daniel G. Keough, Esq., c/o Ventura, Miesowitz & Keough, 783 Springfield Avenue, Summit, NJ 07901 within sixty (60) days of entry of the Tax Court Judgments; which provides that the Freeze Act shall not apply to the Tax Court Judgments; which provides that the Property’s 2024 tax assessment has been set at \$900,000; which provides that the Property’s tax assessment for Tax Year 2025 shall be set at a total tax assessment of \$900,000 “on the books” conditioned upon (a) there being no “change in value” [as that phrase has been defined pursuant to N.J.S.A. 54:51A-8 (Freeze Act)] of the Property prior to the close of the 2025 tax assessment books; (b) the Property not being sold at a higher market value prior to the close of the 2025 tax assessment books; and (c) there being no district-wide reassessment or revaluation conducted for Tax Year 2025; which provides that Taxpayer agrees that provided the total tax assessment for Tax Years 2024 and 2025 has been set at \$900,000, there will be no 2024 or 2025 tax appeals filed on the Property. Taxpayer may file an appeal only in the case of material depreciation in the improvements as defined by statute.
3. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

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

**RESOLUTION: 24-77**

**AUTHORIZING THE CANCELLATION OF TAXES FOR 100% DISABLED VETERAN PERTAINING TO 1604 GRANT AVENUE IN SOUTH PLAINFIELD**

**WHEREAS**, property known as Lot **14** in Township Block **18** more commonly known as **1604 Grant Avenue** in **South Plainfield, NJ** is owned by **Charles & Eriko Shegog**; and

**WHEREAS**, **Charles Shegog**, 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 **October 8, 2023** as verified by the Tax Assessor; and

**WHEREAS**, the Tax Bills for the four quarters of 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 4<sup>th</sup> quarter of 2023 in the amount of **\$1,666.50**; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2024 in the amount of **\$3,781.63**.

**BE IT FURTHER RESOLVED**, that the Tax Collector be, and she hereby is, authorized and directed to cancel monies levied for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2024, and 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2025 once the preliminary bills are determined.

**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) of **\$1,666.50**, as mentioned above.

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

**RESOLUTION 24-78**

**AUTHORIZING THE EMERGENCY PURCHASE OF ROCK SALT FROM WALDRON ENTERPRISE**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the emergent purchase of rock salt from Waldron Enterprise located at P.O. Box 336 South Plainfield, NJ in an amount not to exceed \$20,000.00; and

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. Len Miller, DPW Superintendent

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

**RESOLUTION 24-79  
AUTHORIZING 2023 APPROPRIATION TRANSFERS IN THE AMOUNT OF  
\$20,00.00 FROM THE CURRENT FUND  
PURSUANT TO N.J.S.A. 40A:4-58**

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

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

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

<b>CURRENT FUND</b>				
<b>FROM:</b>				<b>AMOUNT</b>
3-01-20-150-000-235	Assessing		O&E	<b>2,500.00</b>
3-01-25-265-002-204	Fire Official		O&E	<b>3,000.00</b>
3-01-26-290-001-101	Public Works Administration		S&W	<b>2,500.00</b>
3-01-31-435-002-555	Street Lights		O&E	<b>7,000.00</b>
3-01-36-472-000-675	SSI		Statutory	<b>5,000.00</b>
<b>Total FROM:</b>				<b>20,000.00</b>
<b>TO:</b>				<b>AMOUNT</b>
3-01-25-240-001-401	Police		O&E	<b>7,500.00</b>
3-01-26-315-000-401	Vehicle Maintenance		O&E	<b>12,500.00</b>
<b>Total TO:</b>				<b>20,000.00</b>

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

<b>CURRENT FUND</b>			<b>AMOUNT</b>
4-01-23-210-000-661	Other Insurance	O&E	<b>100,000</b>
4-01-23-220-000-611	Health Insurance	O&E	<b>50,000</b>
4-01-26-290-003-102	Snow	S&W	<b>20,000</b>
4-01-26-290-003-321	Snow	O&E	<b>50,000</b>
4-01-26-305-003-235	Recycling	O&E	<b>125,000</b>
4-01-20-140-000-204	Computers	O&E	<b>30,000</b>
4-01-20-140-000-255	Tax Collection	O&E	<b>5,000</b>
4-01-29-390-000-235	Library	O&E	<b>200,000</b>
4-01-31-440-001-541	Telephone	O&E	<b>20,000</b>
4-01-32-465-001-545	Landfill	O&E	<b>25,000</b>
4-01-36-472-000-675	SSI	Statutory	<b>50,000</b>
4-01-44-901-000-235	Capital Improvement Fund	Capital	<b>25,000</b>
<b>Total CURRENT FUND</b>			<b>700,000</b>

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

**CORRESPONDENCE:**

- Board of Health Monthly Report – December 2023
- Code Enforcer’s Lien Report
- Resignation of Kristy Lowrie from the Public Celebrations Committee
- Resignation of Traci Bruton, Communications Supervisor

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

**PAYMENT OF BILLS**

Current Fund	4-01	935,828.62
Current Fund	3-01	238,294.68
Pool Utility	4-26	0.00
Pool Utility	3-26	0.00
Sewer Utility	4-07	14,388.84
Sewer Utility	3-07	11,104.71
Sewer Utility Capital	C-08	0.00
General Capital	C-04	796,931.69
Pool Capital	C-27	0.00
Election Account	E-18	4,000.00
Grant Fund	G-02	66,687.08
Land for Rec & Consv.	T-10	0.00
Legends Camp Trust	T-11	843.45
Dog Trust	T-12	2.40
Treasurers Trust	T-13	29,527.27
Recreation Trust	T-14	4,275.33
Senior Citizen Trust	T-16	0.00
<b>Total All Funds:</b>		<b>\$2,101,884.07</b>
<b>Plus wires totaling:</b>		<b>\$265,090.29</b>
<b>GRAND TOTAL:</b>		<b>\$2,366,974.36</b>

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

**COUNCIL REPORTS:**

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – advised that the Legends Camp in 2023 was a benefit to the Community Pool. There was a surge in swim lessons, so the pool ended up having a positive fiscal season despite being closed down a few times due to smoke in the atmosphere. Mr. Cullen advised that Bond Ordinance 2293 this evening does not represent new financing but a reshuffling of existing funds. Mr. Cullen concluded by saying that the sewer bill will be mailed out next week.

Engineer Miller – reported progress.

Clerk Antonides –reported progress.

Chief Papa – thanked Fire Chief Tom Scalera for his 12 years of service and welcomed Jason Campell as the new Fire Chief.

Councilwoman Mott – reported progress

Councilman Smith – thanked Mr. Miller and his crew for their work with the recent snowstorm and thanked Chief Papa for his departments work with recent incidents.

Councilman Wolak – reported progress.

Councilwoman Faustini – reported that the Buddy Ball program will begin on February 5<sup>th</sup> at the Pal and volunteers are still needed. The STEM program will begin next week. The High Energy Exercise program takes place on Mondays, Wednesdays and on Zoom through March 27<sup>th</sup>. Sign-ups are on the Community Pass System. Ponytail Softball sign-ups are now available. The opening day is April 13<sup>th</sup>.

Councilman White – advised that the new Japanese Restaurant “Ottoyee Japanese Cuisine” will be opening soon and went on to report progress.

Council President Bengivenga – echoed Chief Papa’s comments and well wishes regarding former Fire Chief Tom Scalera. We thank him for his years of service and wish him well. We look forward to working with the new Fire Chief Campbell.

Mayor Anesh – reported progress.

Mayor Anesh announced that we are now going into closed session at 7:41 p.m. All are welcome to stay should they wish to.

**ADJOURNMENT**

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Councilman White made a motion to adjourn at 8:23 p.m., seconded by Councilman Smith and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC/CMR  
Municipal Clerk