

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
MARCH 4, 2013, 7:17 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:17 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 meeting having been provided to the Borough's two official newspapers and also published on the Borough's website.

The roll call was administered by Clerk Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman Barletta	x		
Councilman Bengivenga	x		
Councilman Diana		x	
Councilman McConville	x		
Councilman White	x		
Council President Rusnak	x		
Mayor Anesh	x		
ALSO PRESENT			
Administrator Cullen	x		
Clerk Antonides	x		
Attorney Rizzo	x		
Engineer Miller	x		

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

Proclamation – Mayor Anesh read a Proclamation in full honoring Purple Day for Epilepsy Awareness on March 26, 2013. Councilman Barletta accepted this proclamation. Photographs from the media were taken and everyone extended a round of applause.

Mayor Anesh next read a Proclamation entitled “National Nutrition Month – March, 2013”. Debbie Boyle accepted the proclamation and reminded everyone of the upcoming Healthy Bake-Off Contest. Photographs from the media were taken and everyone extended a round of applause.

Presentation – Mayor’s 2012 Wedding Fund Donations – Mayor Anesh called the following groups forward to present them with a donation check from the weddings that he performed during 2012. Photographs from the media were taken and a round of applause was extended for the following charitable organizations received said donation:

- South Plainfield Domestic Violence Awareness \$2,000.00
- American Heart Association \$ 500.00
- Pink Socs Foundation \$ 500.00
- Elks Camp Moore Cooley Anemia \$ 350.00
- Team Brittany \$1,000.00
- The Boyle Memorial Foundation \$ 500.00
- Unico Plainfield Chapter \$ 350.00
- South Plainfield Elks \$ 500.00

A total of \$5,700.00.

**RESOLUTION 2013-84A
AUTHORIZING RELEASE OF 2012 WEDDING FUND DONATIONS TO VARIOUS CHARITIES**

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

Authorization is hereby given to release 2012 wedding fund donations to the following charitable institutions:

- South Plainfield Domestic Violence Awareness \$2,000.00
- American Heart Association \$ 500.00
- Pink Socs Foundation \$ 500.00
- Elks Camp Moore Cooley Anemia \$ 350.00
- Team Brittany \$1,000.00
- The Boyle Memorial Foundation \$ 500.00
- Unico Plainfield Chapter \$ 350.00
- South Plainfield Elks \$ 500.00

A total of \$5,700.00.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana						X	
Councilman McConville			X				
Councilman White		X	X				
Council President Rusnak	X		X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

Approve Council Minutes: February 19, 2013 – CDBG Special Hearing
February 19, 2013 - Agenda
February 19, 2013 – Public
February 19, 2013 - Executive Session

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga		x	x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White	x		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

Public Comment For Agenda Items Only:

Mayor Anesh opened the floor for public comment.

Mr. Paul McCullen of 1213 Walnut Street inquired about Bond Ordinance 1985 asking for a breakdown as to what certain fees within the bond are for. Mr. McCullen also asked if the bond will be off-set by any DOT funding. Councilman Bengivenga responded by advising that the grants for this project are now exhausted and advised what the other items within the bond are for.

With no further comments made from the public, Mayor Anesh closed the floor.

ORDINANCES – SECOND READING BY TITLE was read by Clerk Antonides for the following:

ORDINANCE 1983

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2012 THROUGH 2014 FOR THE PROFESSIONAL MANAGERS

Mayor Anesh opened the floor for public hearing. With no public comments, Mayor Anesh asked the Council if they had any comments and there were none.

Adoption of Ordinance #1983: March 4, 2013

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga		x	x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White			x				
Council President Rusnak	x		x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

ORDINANCE 1984
AN ORDINANCE RESTRICTING VEHICLES FROM DESIGNATED STREETS.

Mayor Anesh opened the floor for public hearing. With no public comments, Mayor Anesh asked the Council if they had any comments and there were none.

Adoption of Ordinance #1984: March 4, 2013

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	x		x				
Councilman Bengivenga			x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White		x	x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

ORDINANCES – FIRST READING BY TITLE was read by Clerk Antonides who advised that the public hearing is set for March 18, 2013 at approximately 7:00 p.m. for the following:

ORDINANCE 1985

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$649,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$599,000 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 \$649,000, including \$20,000 from Capital Fund Balance ("Capital Fund Balance") and further including the aggregate sum of \$30,000 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 Capital Fund Balance, negotiable bonds are hereby authorized to be issued in the principal amount of \$599,000 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 and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) The extension of Hollywood Avenue, including all work and materials necessary therefor and incidental thereto.	\$149,000	\$141,904	10 years
b) The environmental cleanup of the former Suburban Bus Company Property, including all work and materials necessary therefor and incidental thereto.	\$300,000	\$285,670	15 years
c) The acquisition of police sport utility vehicles, including all related costs and expenditures incidental thereto.	\$110,000	\$104,761	5 years
d) The acquisition of airpacks for the Fire Department, including all related costs and expenditures incidental thereto.	\$20,000 (includes \$20,000 from Capital Fund Balance)	\$0	N/A

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
e) The acquisition generators for the rescue squad, including all related costs and expenditures incidental thereto.	\$20,000	\$19,047	15 years
f) The acquisition of a variable message board, including all related costs and expenditures incidental thereto.	\$15,000	\$14,285	10 years
g) The acquisition of miscellaneous capital equipment, including all related costs and expenditures incidental thereto.	\$35,000	\$33,333	15 years
TOTALS	<u>\$649,000</u>	<u>\$599,000</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 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 note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the 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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the 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 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 purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs 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 11.94 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 \$599,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$130,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than Capital Fund Balance referred

to in Section 1 hereof, to payment of the obligations issued pursuant to this 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 real 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.

Introduction of Ordinance #1985: March 4, 2013

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White		x	x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

LAND USE ORDINANCE #1986

**AN ORDINANCE AMENDING LAND USE ORDINANCE 1311 SECTION 8 ENTITLED
“SCHEDULE OF REQUIRED FEES FOR ESCROW DEPOSITS”**

A. Variances.

- (1) Bulk variances under N.J.S.A. 40:55D-70c, not requiring site plan or subdivision approval: \$100.00
- (2) Variance under N.J.S.A. 40:55D-70d, not requiring site plan or subdivision approval (use, etc.):
One-Family or Two-Family Home: \$1,000
All others: \$2,500.00
- (3) Conditional use approval (fees shall be in addition to site plan approval): \$1,000.00

B. Site Plan Applications (Fees Shall be in Addition to any Required Variances).

(1) Residential site plan (involving dwelling units)

(a) Preliminary approval:

<i>Number of Units</i>	<i>Fee</i>
1 to 9	\$ 2,500.00
10 to 25	4,000.00
26 to 50	5,000.00
51 to 100	7,000.00
101 to 250	8,500.00
251 to 500	11,000.00
Over 500	13,000.00

- (b) Final approval: twenty (20) percent of preliminary approval escrow fee or a minimum of one thousand (\$1,000.00) dollars whichever is greater.

(2) Nonresidential Site Plan (Not Involving Dwelling Units).

- (a) Preliminary approval with principal buildings over one thousand (1,000) square feet of gross floor area:

<i>Gross Floor Area (square feet)</i>	<i>Fee</i>
1,001 to 2,500	\$ 2,000.00
2,501 to 5,000	3,000.00
5,001 to 10,000	5,000.00
10,001 to 15,000	7,000.00
15,001 to 20,000	9,000.00
20,001 to 25,000	11,500.00
25,001 to 100,000	14,000.00
Over 100,000	16,000.00

- (b) Preliminary approval without principal buildings over one thousand (1,000) square feet gross floor area:

<i>Lot Area</i>	<i>Fee</i>
Up to an acre	\$2,000.00
1 to 5	3,000.00
5 to 10	4,500.00
Over 10	5,500.00

(c) Final approval: twenty (20%) percent of preliminary approval escrow fee or a minimum of one thousand (\$1,000.00) dollars, whichever is greater.

(d) Minor site plan: one thousand (\$1,000.00) dollars.

C. Subdivision Applications (Fees Shall be in Addition to any Required Variances).

(1)	Subdivision (two lots):	\$ 500.00
(2)	Preliminary subdivisions:	
	Preliminary approval of 3-10 lots	2,500.00
	Preliminary approval of 11-25 lots	3,500.00
	Preliminary approval of 26-50 lots	4,500.00
	Preliminary approval of 51-100 lots	7,000.00
	Preliminary approval of 101-250 lots	9,000.00
	Preliminary approval of 251-500 lots	11,000.00
	Preliminary approval of over 500 lots	13,000.00
(3)	Final subdivisions:	
	Final approval of 3-25 lots	1,500.00
	Final approval of 26-100 lots	2,500.00
	Final approval of 101-500 lots	3,500.00
	Final approval of over 500 lots	4,500.00

D. Planned Unit Development. Fees shall be as for a simultaneous major site plan and major subdivision application, with fees for residential and nonresidential development computed separately and thereafter cumulatively upon the applicant.

E. Concept Plan Applications.

(1)	Minor subdivision or minor site plan	\$ 100.00
(2)	Major subdivisions	500.00.
(3)	All site plans with more than 1,001 square feet of gross floor area	500.00.
(4)	Use variance application	500.00.
(5)	All fees for concept plans or informal submission: to be credited toward required escrow fees for the review of the formal application for the same development.	

F. General development plan: \$1,000.00, (in addition to any other site plan and/or subdivision fees which may also be required).

G. Resubmissions.

(1) Applicants shall pay escrow deposit fees based upon thirty-three (33%) percent of the original submission fee for each resubmission of revised plans, including applications for use variances, preliminary subdivisions, final subdivisions, preliminary site plans, final site plans and planned unit development applications.

- (2) If plans are resubmitted in accordance with conditions of approval by the appropriate board, the escrow deposit fee for resubmission shall be one-third (1/3) of the original escrow fee.

H. Special Design Elements. Applicants shall pay escrow fees based upon twenty (20%) percent of the original escrow fee, when and as determined by the reviewing board that the proposed project includes a special design consideration, such as but not limited to a sanitary sewer pump station, detention or retention ponds, a potable water storage facility, traffic signalization devices, off-tract improvements, etc.

I. Request for Rezoning. Any property owner seeking a rezoning of its property shall, in addition to the fee paid pursuant to other applicable statutes or ordinances, pay an escrow fee of \$2,000.00.

J. Administrative and Bookkeeping – In order to offset the cost of escrow accounts, there shall be imposed a fee of \$15.00 per \$1,000.00 of escrow or portion thereof.

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

Introduction of Ordinance #1986: March 4, 2013

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana						x	
Councilman McConville		x					
Councilman White			x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS:

RESOLUTION NO. 2013-85

RESOLUTION AUTHORIZING AGREEMENT TO PERMIT A SHED NEAR A STORM WATER EASEMENT WITHIN A RIGHT-OF-WAY LOCATED AT 112 HILL HOLLOW ROAD, OWNER OF THE PROPERTY KNOWN AS CEDRIC R. JOHNSON

WHEREAS, Cedric R. Johnson is the owner of property known as 112 Hill Hollow Road, South Plainfield, New Jersey, also known as Block 137, Lot 20 on the Tax Map of the Borough; and

WHEREAS, the Mr. Johnson had applied to the Borough Zoning Board of adjustment for a use variance from the Borough’s Zoning Ordinance that involves approval of an amended site plan; and

WHEREAS, the Zoning Board granted the requests for variances and approved the amended site plan, but conditioned such approval, in part, on Mr. Johnson obtaining approval from the Mayor and Council for said shed in a right-of-way of the municipality located on the property; and

WHEREAS, the Borough has determined that the placement of the shed within its right-of-way will not detrimentally affect the property or the purpose for the right-of-way, and has no objection to the placement of same with the understanding that the shed will be removed at the expense of Mr. Cedric R. Johnson or any other owner of record if deemed necessary by the Borough;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that permission is granted to Cedric R. Johnson to place a shed in the right-of-way of the Borough on property known as 112 Hill Hollow Road (Block 137. Lot 20) pursuant to the plan submitted to the Zoning Board and reviewed by the Borough Engineer conditioned upon Cedric R. Johnson or any owner of record agreeing to remove shed at his expense in the event the Borough should deem it necessary in the future.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga		X	X				
Councilman Diana						X	
Councilman McConville			X				
Councilman White	X		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-86
AUTHORIZING THE MAYOR AND BOROUGH ADMINISTRATOR TO EXECUTE A CONTRACT BETWEEN THE
BOROUGH OF SOUTH PLAINFIELD
AND THE CHIEF OF POLICE

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

authorization is hereby given for the Mayor and Borough Administrator to execute the employment contract between the Borough of South Plainfield and the Chief of Police.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	X		X				
Councilman Bengivenga		X	X				
Councilman Diana						X	
Councilman McConville							X
Councilman White			X				
Council President Rusnak			X				
		VOTE:	4	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2013-87
AUTHORIZING A WAIVER OF A FIRE PERMIT FEE FOR THE CULTURAL ARTS COMMITTEE’S ANNUAL
TALENT SHOWCASE AT THE WESLEY METHODIST CHURCH
SCHEDULED FOR MARCH 16, 2013

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

Authorization is hereby given to waive the fire permit fee for the Cultural Arts Committee’s annual Talent Showcase at the Wesley Methodist Church scheduled for March 16, 2013

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga		X	X				
Councilman Diana						X	
Councilman McConville			X				
Councilman White	X		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-88
AUTHORIZING THE CHIEF FINANCIAL OFFICER TO RELEASE \$38,564.77 FOR THE YEARS 2010 AND 2011 FOR
105 SYLVANIA PLACE, LLC
KNOWN AS BLOCK 308, LOT 28
DUE TO STATE TAX COURT TAX APPEAL JUDGMENT

WHEREAS, the following list of taxpayers have filed appeals with the State Tax Court and have received judgments reducing their assessments:

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be credited.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
105 Sylvania Place, LLC	308	28	2011	\$17,069.66
105-109 Sylvania Place South Plainfield, NJ 07080			2010	\$21,495.11

Make check payable to:

Brach Eichler LLC
and 105 Sylvania Place, LLC
101 Eisenhower Parkway
Roseland, NJ 07068
A0735411

Total

\$38,564.77 *

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 credit(s) in the amount(s) as mentioned above.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga		X	X				
Councilman Diana						X	
Councilman McConville			X				
Councilman White	X		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION: 2013-89

AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$1,321.49 FOR EDWARD SROKA OF 423 ELSIE AVENUE

WHEREAS, the Tax Collector advises that the following taxpayer and/or their agent have overpaid their taxes and have requested a refund:

Block: 313 Lot: 9
Edward Sroka
423 Elsie Avenue
South Plainfield, NJ 07080
\$1,321.49

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
Councilman Barletta			X				
Councilman Bengivenga		X	X				
Councilman Diana						X	
Councilman McConville			X				
Councilman White	X		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2013-90

AUTHORIZING AWARD OF CONTRACT TO EDISON HEATING & COOLING IN AN AMOUNT NOT TO EXCEED \$8,000.00 FOR THE EMERGENCY NEED OF A HEAT EXCHANGER SYSTEM FOR THE SENIOR CENTER

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

Authorization is hereby given award a contract to Edison Heating & Cooling in an amount not to exceed \$8,000 for the emergency need of a heat exchanger system for the Senior Center

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga		X	X				
Councilman Diana						X	
Councilman McConville			X				
Councilman White	X		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2013-91
AUTHORIZING AWARD OF BID TO ANPE CORPORATION FOR HOUSING REHABILITATION PROJECT FOR
PADULA OF 122 LINCOLN AVENUE
IN AN AMOUNT NOT TO EXCEED \$19,060

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

Authorization is hereby given award a contract to ANPE Corporation for housing rehabilitation project for Padula of 122 Lincoln Avenue in an amount not to exceed \$19,060.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga		x	x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White	x		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2013-92
AUTHORIZING AWARD OF BID TO ANPE CORPORATION FOR HOUSING REHABILITATION PROJECT FOR
COCRANE OF 1415 CENTRAL AVENUE
IN AN AMOUNT NOT TO EXCEED \$12,300

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

Authorization is hereby given award a contract to ANPE Corporation for housing rehabilitation project for Cocrane of 1415 Central Avenue in an amount not to exceed \$12,300.

IL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga		x	x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White	x		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2013-93
AUTHORIZING REJECTION OF BID TO ANPE CORPORATION DUE TO BID PRICE OF \$11,350 WHICH EXCEEDED
THE COST ESTIMATES FOR HOUSING REHABILITATION PROJECT FOR KNOPS OF
227 EAST FAIRVIEW AVENUE

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

Authorization is hereby given to reject bid in the amount of \$11,350 received by ANPE Corporation for housing rehabilitation project for Knops of 227 East Fairview Avenue as the bid exceeded the cost estimates for the housing rehabilitation project.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga		x	x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White	x		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**Borough of South Plainfield
 Temporary Budget Amendment
 CALENDAR YEAR 2013
 CURRENT FUND**

				AMOUNT
3-01-25-140-000-204	Computer Service		O&E	10,000.00
3-01-20-145-000-101	Tax Collection		S&W	5,000.00
3-01-23-220-000-601	Health Benfeits		O&E	200,000.00
3-01-25-252-000-311	Emergency Management		O&E	2,000.00
3-01-26-290-000-101	Road Repairs & Maintenance		S&W	50,000.00
3-01-26-290-000-235	Road Repairs & Maintenance		O&E	15,000.00
3-01-26-290-003-321	Snow		O&E	25,000.00
3-01-26-315-000-101	Vehicle Maintenance		S&W	5,000.00
3-01-26-315-000-215	Vehicle Maintenance		O&E	5,000.00
3-01-29-390-000-235	Library		O&E	200,000.00
3-01-32-465-001-545	Landfill		O&E	25,000.00
3-01-36-472-000-675	SSI		Statutory	50,000.00
3-01-25-265-003-581	Fire Service Charges		O&E	25,000.00
3-01-37-480-000-225	Judgements		O&E	10,000.00
3-01-41-722-001-301	Recycling Grant		O&E	100,152.31
3-01-38-481-000-225	Tax Appeals		O&E	25,000.00
TOTAL CURRENT FUND				752,152.31
SEWER				AMOUNT
3-07-55-515-001-585	Sewer O&E		O&E	1,000,000.00
TOTAL SEWER				1,000,000.00

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga		x	x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White	x		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2013-95
 CONFIRMING THE HIRING OF SEASONAL EMPLOYEES ON A PER DIEM BASIS**

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

This resolution hereby acknowledges and confirms that that Kyle Schroeder and Lawrence J. Delaney were per diem seasonal employees from October 4, 2010 through September 10, 2012.

BE IT FURTHER RESOLVED that confirmation of the aforementioned fact is hereby given by the Mayor and Governing Body of the Borough of South Plainfield for the following two seasonal per diem employees:

Mr. Kyle Schroeder
 322 Ranger Street
 South Plainfield, NJ 07080

Mr. Lawrence J. Delaney
 1535 Windrew Avenue
 South Plainfield, NJ 07080

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga		x	x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White	x		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION NO. 13-96

AUTHORIZING T&M ASSOCIATES TO ISSUE A NEW BIDDER NOTICE FOR RECYCLING SERVICES DUE TO AN ADDENDUM IN ORIGINAL SPECIFICATIONS AND EXTENDING EXISTING RECYCLING SERVICES FOR 30 DAYS

WHEREAS, the Governing Body authorized T&M Associates to provide and administer bids for recycling services for the Borough of South Plainfield; and

WHEREAS, a Notice to Bidders was published advising that sealed bids would be received by the Borough and opened and read in public on March 6, 2013; and

WHEREAS, a bidder has requested clarification concerning specifications, and the Borough Engineer has agreed that additional information is necessary and shall be issuing an Addendum

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that T&M Associates is authorized to issue a new Notice to Bidders with regard to bids for recycling services as required to issue the Addendum, with all bids to be opened and read at a date to be established by T&M Associates; and

IT IS FURTHER RESOLVED that the current contract for recycling services with Republic Services shall be extended by thirty (30) days as a result of the need to extend the date for opening of bids.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta					x		
Councilman Bengivenga					x		
Councilman Diana						x	
Councilman McConville	x		x				
Councilman White							x
Council President Rusnak		x	x				
		VOTE:	2	0			
Mayor Anesh – TIE ONLY							

(Note: Borough Attorney Rizzo advised this passes 2-0 as the vote is based on the vote of the voting members present. In this case there are only two voting members present thus it passes 2-0)

RESOLUTION 2013-97

AUTHORIZING THE WAIVER OF ALL PERMIT FEES FOR THE INSTALLATION OF A GENERATOR AT THE PUBLIC WORKS DEPARTMENT

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

Authorization is hereby given to waive all permit fees for the installation of a generator at the Public Works Department.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga		x	x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White	x		x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

ACCEPTANCE OF CORRESPONDENCE

BE IT RESOLVED THAT THE FOLLOWING CORRESPONDENCE BE AND ARE HEREBY ACCEPTED BY THE BOROUGH COUNCIL OF SOUTH PLAINFIELD AND AUTHORIZATION IS HEREBY GIVEN TO FILE ALL CORRESPONDENCE RECEIVED:

- Middlesex County Planning Board Minutes – January 8, 2013
- Recycling Monthly Report – January, 2013
- Planning Board Minutes – January 22, 2013
- Board of Adjustment Minutes – January 15, 213 & February 5, 2013
- Business Advisory Group Minutes – January 19, 2013
- Economic Development Committee Website Sub-Committee Minutes – January 30, 2013
- Health Advisory Board Minutes – February 26, 2013

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga			X				
Councilman Diana						X	
Councilman McConville		X	X				
Councilman White	X		X				
Council President Rusnak			X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**SOUTH PLAINFIELD BOROUGH
APPROVAL OF BILLS AND CLAIMS**

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill list for the payment of claims; and

WHEREAS, all vouchers listed herewith have been encumbered and sufficient funds are available for payment; and

WHEREAS, the required signatures of the Department Head or the and/or the Finance Chairperson, the Vendor, and the Chief Financial Officer, have all been obtained on each voucher on the attached list.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of South Plainfield Borough that the voucher list submitted is hereby approved for payment in the total amount of **\$504,059.36**

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

1. Municipal Clerk
2. Glenn Cullen, Chief Financial Officer
3. Dotty Paradiso, Supervisor of Accounts

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	x		x				
Councilman Bengivenga			x				
Councilman Diana						x	
Councilman McConville			x				
Councilman White		x	x				
Council President Rusnak			x				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Borough Attorney Paul Rizzo, Esq. – reported that he researched Mr. Madura’s question from a previous council meeting regarding a deed restricted site. Mr. Rizzo said it is not a deed restriction provision but a provision that allowed the Borough to void the transaction if construction of a warehouse within a year was not started. This goes back to 1960/1961. Now we don’t know what the exact history was back then as to what happened, obviously they did not void the transaction. At this point we are not 50+ years after the fact and are certainly not in a position to void the transaction at this time

Administrator Cullen – advised that the Governor recently gave his State of the State Address pertaining to State Aid figures and it appears that South Plainfield will be kept frozen to where it was a year ago. To conclude, we anticipate introducing our budget at the next meeting or the meeting after that.

Engineer Miller – advised that a letter was received from the State and unfortunately South Plainfield was not the recipient of Safe Route to School grant money. Mr. Miller said unofficially that he heard that not too many of these grants went out due to so much damage to roads due the Sandy storm and the State is looking to use that grant funding to repair these roads instead. Mr. Miller went on to brief the Council on the status of upcoming bid projects.

Clerk Antonides – reported that the method in which Borough Officials file their annual Financial Disclosure Statement is dramatically changing for this year. She advised that the State is expected to be sending instruction in this regard toward the end of March. Officials will have to file their own Financial Disclosure electronically themselves and submit it to the State. They will no longer fill it out and then turn it over to the Clerk's office. The State will be extending the filing date for this year due to this change. More information in this regard will be forthcoming.

Councilman Diana – was absent this evening.

Councilman Barletta – reported that last Friday he had the opportunity to read to some 5th graders for Read Across America. Councilman Barletta said this is his third year in a row doing this and is always amazed at how polite the students are. It was a fun time.

Councilman Bengivenga – thanked the Mayor and Council on behalf of Traffic Safety for their support pertaining to Ordinance 1984 this evening.

Councilman McConville – advised that the new garbage truck is now at the DPW and part of their fleet. This truck will prove to be a life saver for various projects and pick-ups in town. The truck should be on the road in about a week or so.

Councilman White – congratulated all the recipients of donations this evening and expressed how nice it was to see all the donations this evening from the Mayor's 2012 weddings, and thanked the Mayor for all his time he puts into them. The Believe in Brittney Event is going to be held on March 23rd and begin at the Senior Center. There will be various events throughout the day. Councilman White concluded by saying that he too had the pleasure of reading to students for Read Across America. The Library did a great job on Saturday with their Read Across America Program.

Council President Rusnak – thanked the Mayor for all his time he spent performing all the marriages of which enables us to donate to all the charities today. Council President Rusnak advised that this Saturday in Atlantic City five young men from South Plainfield wrestling will be going for State titles. On another note, Council President Rusnak advised that DPW pick-ups are still taking place.

Mayor Anesh – reported that he also read in the schools and at the Library for Read Across America and expressed how fun it was and how different the event can be for different age groups. The kids used the time to ask some interesting questions. Mayor Anesh thanked the Library Director, Linda Hansen, Library Board President, Darlene Cullen and the Board of Trustees for an excellent program. Mayor Anesh congratulated the South Plainfield wrestlers for their accomplishments. To conclude, Mayor Anesh advised there will be a grand opening of the Fight Club this Saturday at 10:00 a.m.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Ms. Susanne Lepard said she is proud to be a South Plainfield resident with all the donations this evening.

Debbie Boyle of Van Fleet went on to advise of all the upcoming events and dates for various activities in town. (*which can be viewed on the South Plainfield website*)

Darlene Cullen, Library Board President, suggested that if anyone has a chance to go to the Borough's website to see the photographs taken during the Read Across American event at the Library this past Saturday. Mayor Anesh was a perfect Cat in the Hat, Councilman White was also absolutely fabulous, herself and the Mayor's Representative were dressed as Thing 1 and Thing 2 and Christine wore a cute flower posing as Daisy Massey. We received accolades from everyone present and it was just a fabulous event. Mrs. Cullen thanked the Mayor, Councilman White, Glenn Cullen and a former Council member who took their time out to be with us for this event.

Mr. Monduro – expressed his concerns for the parcel in which Mr. Rizzo spoke of earlier disagreeing saying that he believes there is a deed restriction on it.

Ms. Ginny O’Brian from Madison Avenue asked if the truck issue is a dead one. Mayor Anesh said not it is still on going and in DOT review.

Mr. Paul McCullen of 1213 Walnut Street asked how many members have to be present for a vote to pass. Mr. Rizzo explained. Mr. McCullen asked if the new garbage truck can be refitted with a plow. Councilman Barletta said whereas it is possible and something to consider, plows do put a large strain on these trucks and we must remember that they are not new trucks, they are used. It is possible they can assist on maybe side roads or small jobs. Councilman Barletta said it is worth investigating. Councilman McCullen pointed out that the trucks are in use virtually every day and they do not just stay parked for long periods of time without use.

Mr. Bob Richkus of 1325 Famularo Drive thanked the Governing Body for coming out to the school to read to the children for Read Across America Day. It really meant a lot to them.

With no further comments from the public, Mayor Anesh closed the floor.

ADJOURNMENT

Without further comment and no Executive Session for this evening, Mayor Anesh called for a motion to adjourn. Councilman White made a motion to adjourn at 8:50 p.m., seconded by Councilman Barletta and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides

Amy Antonides, RMC/CMC - Municipal Clerk