

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
JULY 15, 2013, 7:05 P.M.  
PUBLIC MEETING**

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**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:05 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 White led the invocation.

**Proclamation:** Parents Day – July 28, 2013  
23<sup>rd</sup> Anniversary of the American's with Disabilities Act

Mayor Anesh read both proclamations in full. Everyone extended a round of applause. There were no presentations for this evening.

**Approve Council Minutes:**  
June 24, 2013 - Agenda  
June 24, 2013 – Public  
June 24, 2013 – Executive Session

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

**Public Comment For Agenda Items Only:**  
Mayor Anesh opened the floor for public comment.

Ms. Chrissy Buteas of 434 Lucy Court asked what we are bonding for? Mayor Anesh said primarily for road projects i.e. Montrose Avenue and some other miscellaneous roads. Councilman Bengivenga said this one utilizes state grant funding. Ms. Buteas asked what the impact is pertaining to resolution #13-235 regarding tax appeals. Mr. Cullen explained that it is a small appeal of about \$5,000.00.

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

Mayor Anesh asked for a motion to add resolution #13-253 authorizing the extension of the tax grace period. Councilman Rusnak made a motion to add this resolution to tonight's agenda, seconded by Councilman White and unanimously carried.

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

**ORDINANCE – FIRST READING BY TITLE** – was read by Clerk Antonides by title. The public hearing was set for August 12, 2013 at approximately 7:00 p.m.:

**BOND ORDINANCE 1991**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$577,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$273,250 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 \$577,000, and further including the aggregate sum of \$23,750 as the several down payments for the improvements or purposes required by the Local Bond Law and further including a grant in the amount of \$280,000 from the State of New Jersey Department of Transportation for improvements to Montrose Avenue. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) for the cost of the improvements to Montrose Avenue since this purpose is being partially funded by the State Grant. The amount of the down payment appropriated is at least 5% of the costs of the improvements or purposes which are not

funded by the State Grant (\$297,000). The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$273,250 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 Montrose Avenue, Oak Tree Avenue, Oakmoor Avenue, Lowden Avenue, Amboy Avenue and other various roads, including all work and materials necessary therefor and incidental thereto.	\$410,000 (includes a grant in the amount of \$280,000 from the State of New Jersey Department of Transportation for Montrose Avenue)	\$115,000	10 years
b) The acquisition of police and fire equipment, including all related costs and expenditures incidental thereto.	\$50,000	\$47,500	5 years
c) The acquisition of equipment for the Department of Public Works, including all related costs and expenditures incidental thereto.	\$22,000	\$20,500	15 years
d) Acquisition of easements on Stelton Road, including all related costs and expenditures incidental thereto.	<u>\$95,000</u>	<u>\$90,250</u>	40 years
TOTAL:	<u>\$577,000</u>	<u>\$273,250</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 bond anticipation note shall mature later than one year from its date. 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. 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(a) 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 19.41 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 \$273,250, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$74,000 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 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 the State 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 ARule@) 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 #1991: July 15, 2013**

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTIONS:**

**RESOLUTION 2013-231  
ACCEPTING THE 2012 MUNICIPAL AUDIT**

**WHEREAS**, N.J.S.A. 40:A5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transaction, and

**WHEREAS**, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by Resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and,

**WHEREAS**, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

As evidenced by the group affidavit form of the Governing Body, and

**WHEREAS**, such Resolution of Certification shall be adopted by the annual audit, as per the regulations of the Local Finance Board, and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgation’s of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52-27BB-52 to wit: R.S. 52:27BB-52 – “A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office”.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of South Plainfield, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said audit.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga	x		X				
Councilman Diana			X				
Councilman McConville		x	X				
Councilman White			X				
Council President Rusnak			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-232**  
**Borough of South Plainfield**  
**ACCEPTING THE CORRECTIVE ACTION PLAN – 2012 AUDIT**

**WHEREAS**, there exists comments entitled “Recommendations” in the 2012 Audit showing deficiencies in various departments; and

**WHEREAS**, each department was advised of the weaknesses/deficiencies within their department, and

**WHEREAS**, the Borough Auditor, in conjunction with the Borough employees and the Borough Council, discussed a Corrective Action Plan for the 2012 Audit;

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, that as per the requirements of the Federal OMB Circular No. A-128 13(d), that the attached Corrective Action Plan for the 2012 Audit Findings be submitted to the Department of Community Affairs for their review.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-233**

**ACKNOWLEDGMENT OF THE RENEWAL OF THE 2013-2014 LIQUOR LICENSE 4701 STELTON ROAD LLC TRADING AS HOLIDAY INN SOUTH PLAINFIELD**

**WHEREAS**, applications for renewal of Liquor License 1222-33-015-007 for the year 2013-2014 has been submitted to the Municipal Clerk; and

**WHEREAS**, no objections to said renewal has been filed by any citizens; and

**WHEREAS, OBJECTION HAS BEEN FILED** by the New Jersey Department of Treasury citing that the Municipal Clerk is to hold and not release the 2013-2014 Liquor License until such time that certain matters pertaining to the applicant's tax clearance status are resolved AND that the applicant complete a person to person transfer from 4701 Stelton Road to Menlo Management SP, LLC;

**WHEREAS**, the proper Borough and State fees have been paid by the applicant.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of the Borough of South Plainfield that the following application for renewal be submitted to the NJ Division of ABC acknowledging the renewal status of their liquor licenses for the year commencing July 1, 2013 and expiring June 30, 2014, however said license will not be issued until authorization is given to the Municipal Clerk to do so:

	License #	Type	License Name	Trade Name
1	1222-33-015-007	Plenary Retail Consumption	4701 Stelton Road LLC	Holiday Inn South Plainfield

**BE IT FURTHER RESOLVED** Plenary Retail Consumption License 1222-33-015-007 for 4701 Stelton Road LLC with the Trade Name of Holiday Inn South Plainfield will be submitted to the Division of ABC and as such, their application for renewal for the 2013-2014 year is hereby acknowledged by the Governing Body of South Plainfield; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk is authorized to issue this 2013-2014 liquor license to the above named licensee upon authorization by the State of New Jersey Division of ABC and the NJ Department of Treasury.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga	x		X				
Councilman Diana			X				
Councilman McConville		x	X				
Councilman White			X				
Council President Rusnak			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-234**

**AUTHORIZING A REFUND OF A COAH FEE IN THE AMOUNT OF \$2,500.00 FOR BUILDING CONSTRUCTION THAT NEVER TOOK PLACE FOR PATRICIA BENDER OF SOUTH PLAINFIELD AUTO BODY LOCATED AT 4307 NEW BRUNSWICK AVENUE**

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

Authorization is hereby given to refund \$2,500.00 to Patricia Bender of South Plainfield Auto Body located at 4307 New Brunswick Avenue, South Plainfield, NJ 07080 representing a COAH fee for building construction that never took place.



COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga	x		X				
Councilman Diana			X				
Councilman McConville		x	X				
Councilman White			X				
Council President Rusnak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**BOROUGH OF SOUTH PLAINFIELD**  
County of Middlesex, State of New Jersey

**RESOLUTION 2013-235**  
**RESOLUTION AUTHORIZING SETTLEMENT OF 2009, 2010, 2011, 2012 AND 2013 TAX APPEALS**  
**FILED BY VNB REALTY, INC., FOR THE PROPERTY KNOWN AS 100 DURHAM AVENUE AND**  
**IDENTIFIED AS BLOCK 541, LOT 6.01, ON THE BOROUGH OF SOUTH PLAINFIELD TAX**  
**ASSESSMENT MAPS**

**WHEREAS**, VNB Realty, Inc. (hereinafter referred to as “Taxpayer”) is the owner of the property known as 100 Durham Avenue and identified as Block 541, Lot 6.01, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

**WHEREAS**, the assessed value of the Property was set at \$600,000 for 2009, 2010, 2011, 2012 and 2013; and

**WHEREAS**, Taxpayer filed appeals of the 2009, 2010, 2011 and 2012 tax assessments in the Tax Court of the State of New Jersey under docket numbers 013709-2009, 014232-2010, 010626-2011 and 011298-2012; and

**WHEREAS**, Taxpayer filed an appeal of the 2013 tax assessment with the Middlesex County Board of Taxation; 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, Russ Sterling, MAI, opined that the Borough was not able to defend the assessments for the 2011, 2012 and 2013 tax years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for Tax Years 2011, 2012 and 2013; and

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

- The 2009 tax appeal shall be withdrawn by Taxpayer;
- The 2010 tax appeal shall be withdrawn by Taxpayer;
- The 2011 original assessment in the amount of \$600,000 shall be reduced to \$550,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax credit for 2011;
- The 2012 original assessment in the amount of \$600,000 shall be reduced to \$550,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax credit for 2012;
- The 2013 original assessment in the amount of \$600,000 shall be reduced to \$525,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax credit for 2013;

- The parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax year 2014;
- Taxpayer has agreed to waive statutory interest;
- Taxpayer has agreed that any adjustments to taxes as a result of the settlement shall be credited toward future taxes in lieu of refunds, which credits shall be applied to the next quarterly payment due after entry of Judgment.

**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. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$550,000 total tax assessment reduction for the 2011 and 2012 tax years for Block 541, Lot 6.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$525,000 total tax assessment reduction for the 2013 tax year for Block 541, Lot 6.01 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
3. 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 VNB, Inc. under Docket Nos.: 013709-2009, 014232-2010, 010626-2011 and 011298-2012 for the property known as 100 Durham Avenue and identified as Block 541, Lot 6.01 on the Borough of South Plainfield Tax Assessment Maps which withdraws the tax appeals for Tax Years 2009 and 2010; which reduces the 2011 and 2012 total tax assessments on the Property from \$600,000 to \$550,000; and which reduces the 2013 total tax assessment on the Property from \$600,000 to \$525,000; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for tax year 2014; which provides that the Taxpayer has agreed that any adjustments to taxes as a result of the settlement shall be credited toward future taxes in lieu of refunds, which credits shall be applied to the next quarterly payment due after entry of Judgment; and which further provides that the Taxpayer has agreed to waive statutory interest.
4. 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
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-236  
AUTHORIZING THE REJECTION OF ALL BIDS FOR 3<sup>RD</sup> PARTY ELECTRICAL SERVICES  
RECEIVED ON JUNE 27, 2013 DUE TO THE BIDS EXCEEDING COST ESTIMATES**

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

Authorization is hereby given to reject the one and only bid received for 3<sup>rd</sup> party electrical services from Starion Energy Inc. that was received at 1:00 p.m. on June 27, 2013 as the bid exceeded the cost estimates for 3<sup>rd</sup> party electrical services as projected/estimated by the Borough Engineer.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-237  
AUTHORIZING THE MUNICIPAL CLERK TO ADVERTISE AND CONDUCT A BID OPENING FOR  
2013-2014 CROSSING GUARD SERVICES**

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

Authorization is hereby given to the Municipal Clerk to advertise for bids and conduct a bid opening for 2013-2014 Crossing Guard Services.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-238**

**AUTHORIZING A SOLE SOURCE PROVIDER PURCHASE FROM WINDSOR BARREL WORKS FOR EIGHT LITTER CANS TO BE PURCHASED UTILIZING CLEAN COMMUNITY GRANT FUNDING IN AN AMOUNT NOT TO EXCEED \$9,100.00**

**WHEREAS** a need has arisen to purchase eight litter cans for placement around the Borough; and

**WHEREAS**, Windsor Barrel Works is the only company that carries the specific model that are constructed from recycled plastic lumber boards, and although there are other manufacturers that produce a similar style of litter can, none look exactly like those that the Borough already has and whereas the purchase of an exact match would keep the continuity throughout the Borough;

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a soul source provider contract with Windsor Barrel Works, a division of Kettle Creek Corporation for the purchase of eight litter cans in an amount not to exceed \$9,100.00 which shall be applied to the municipal line item from Clean Communities Grant Account.

**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. Alice Temple, Clean Community Coordinator

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			X				
Councilman Bengivenga	x		X				
Councilman Diana			X				
Councilman McConville		x	X				
Councilman White			X				
Council President Rusnak			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION NO. 2013-239**

**AUTHORIZING CHANGE ORDER OF CONTRACT WITH STILO EXCAVATING INC. FOR THE PURPOSE OF REPAIRING AREAS OF NEW MARKET AVENUE. THIS CHANGE ORDER WILL NOT INCREASE THE TOTAL CONTRACT AMOUNT WHICH WAS PREVIOUSLY INCREASED FROM \$349,930.95 TO \$399,930.95 BY RESOLUTION NO. 12-309.**

**WHEREAS**, the Governing Body of the Borough of South Plainfield has entered into a contract with Stilo Excavating for \$349,930.95 for a project entitled “2012 Road Improvement Program”; and

**WHEREAS**, the Governing Body of the Borough of South Plainfield increased the original contract by \$50,000 to an adjusted contract amount of \$399,930.95 by Resolution No. 12-309; and

**WHEREAS**, the Governing Body of the Borough of South Plainfield would like to extend the limits of the project to include the repair of areas on New Market Avenue; and

**WHEREAS**, the extra work will be performed at the unit prices in the attached proposal from Stilo Excavation dated July 1, 2013; and

**WHEREAS**, the work will be paid for based on the actual as-built quantities at a price not-to-exceed \$40,584.00 and not-to-exceed the adjusted contract amount of \$399,930.95; and

**WHEREAS**, funds for said purpose have been certified by the Chief financial Officer and are available through capital funding;

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that authorization is hereby given to extend the scope of the project to include the repair of areas of New Market Avenue at a cost not-to-exceed \$40,584.00 and not-to-exceed the adjusted contract amount of \$399,930.95.

**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, Engineer

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-240**  
**AUTHORIZING A BLOCK PARTY LOCATED FROM 319/322 CLINTON PLACE TO WEST CRESCENT PARKWAY REQUESTED BY LIZ AND HARLAN GRAY FOR JULY 28, 2013 FROM 12 NOON TO 6:00 P.M.**

**WHEREAS**, a request was made by Liz and Harlan Gray to hold a block party on July 28, 2013 from 319/322 Clinton Place to West Crescent Parkway from 12 noon to 6:00 p.m.; and

**WHEREAS**, Police, Fire and Rescue Squad have been notified and given their approval.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that permission to hold said block party is hereby granted; and

**FURTHER BE IT RESOLVED** that copies of this resolution be given to the Police Department, Fire Department, Rescue Squad, Department of Public Works, Emergency Management and the applicant.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-241**  
**AUTHORIZING THE AMENDMENT OF RESOLUTION 13-205 TO CORRECT THE HOURLY RATES OF THE 2013 SEASONAL HELP FOR THE SOUTH PLAINFIELD RECREATION DEPARTMENT PARKS PERSONNEL PURSUANT TO SALARY ORDINANCE 1977**

**BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, New Jersey that at the recommendation of the Chief Financial Officer, this resolution authorizes the amendment of Resolution 13-205 to correct the hourly rates of the 2013 seasonal help for the South Plainfield Recreation Department Parks Personnel pursuant to salary ordinance 1977:

Head Counselor(Teacher Cert. req) 22.86/hr (was 22.43)

Senior Counselor II 12.57 (was 22.86)

Senior Counselor 10.09/hr (same)

Junior Counselor III 8.97/hr. (same)

Junior Counselor II 8.57/hr. (was 8.41)

Junior Counselor I 8.17/hr (was 8.02)

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

1. Mr. Kevin Hughes, Recreation Director
2. Glenn Cullen, Chief Financial Officer
3. Marie Dudek, Payroll

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-242**

**AUTHORIZING A BLOCK PARTY LOCATED ON RANDOLPH AVENUE FROM FRONT STREET TO END OF DRIVEWAY REQUESTED BY GARY ROHRER AND CHRIS SCHULZ FOR SEPTEMBER 2, 2013 FROM 2:00 P.M. TO 7:00 P.M.**

**WHEREAS**, a request was made by Gary Rohrer and Chris Schulz to hold a block party on September 2, 2013 on Randolph Avenue from Front Street to the end of driveway from 2:00 p.m. to 7:00 p.m.; and

**WHEREAS**, Police, Fire and Rescue Squad have been notified and given their approval.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that permission to hold said block party is hereby granted; and

**FURTHER BE IT RESOLVED** that copies of this resolution be given to the Police Department, Fire Department, Rescue Squad, Department of Public Works, Emergency Management and the applicant.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-243**

**AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE 1222-3-016-007 FOR 2013 - 2014 FOR MADHUSUDAN LTD. T/A PALACE OF JAIPUR**

**WHEREAS**, applications for renewal of Liquor License 1222-33-016-011 for the year 2013-2014 has been submitted to the Municipal Clerk on July 09, 2013; and

**WHEREAS**, no objections to said renewal has been filed; and

**WHEREAS**, the proper Borough and State fees have been paid by the applicant.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of the Borough of South Plainfield that the following license be granted renewals of their liquor licenses for the year commencing July 1, 2013 and expiring June 30, 2014:

	License #	Type	License Name	Trade Name
1	1222-33-016-011	Plenary Retail Consumption	Madhusudan Limited Liability Co.	Palace of Jaipur

**BE IT FURTHER RESOLVED** Plenary Retail Consumption License application for renewal 1222-33-016-011 for Madhusudan LTD with the Trade Name of Palace of Jaipur has been submitted and as such, their application for renewal for the 2013-2014 year is hereby approved by the Governing Body of South Plainfield; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby holding the original license in the municipal file as applicant is no longer operating for business as indicated in their application for renewal and as such is now in a “pocket license” status.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
Mayor Anesh – TIE ONLY							

**RESOLUTION 13-244**

**AUTHORIZING THE AWARD OF A PROPOSAL FROM J. STILO TRUCKING, LLC WITH THE BOROUGH OF SOUTH PLAINFIELD FOR SOLID WASTE REMOVAL SERVICES FOR AN AMOUNT NOT TO EXCEED \$500.00 PER PULL**

**WHEREAS** rates for proposals (RFP’s) were solicited and submitted to the Department of Public Works for solid waste removal services and the following vendors submitted RFP’s:

Stilo Excavating	\$500.00/per pull
Midco Waste Systems	\$515.00/per pull
Waste Management	\$625.00/per pull
Plainfield Municipal Utilities Authority	\$658.20/per pull
Pinto Brothers Disposal, LLC	\$760.00/per pull

**WHEREAS**, the RFP’s have been reviewed by the Superintendent of Public Works and the CFO who has verified that the lowest proposal was received from J. Stilo Trucking, LLC in the amount of \$500.00 per pull; and

**WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available in the 2013 current fund budget;

**WHEREAS**, the Mayor and Council of the Borough of South Plainfield have determined that it is in the best interest of the Borough of South Plainfield to enter into an agreement with J. Stilo Trucking, LLC for the provision of solid waste services for a one year term commencing July 16, 2013 and ending July 16, 2014 as they are the lowest proposal rate received; and

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract for solid waste removal services with J. Stilo Trucking, LLC at a cost not to exceed \$500.00 per pull for a one year term.

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>4</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-245  
AUTHORIZING MASER CONSULTING, PA TO BID OUT REMEDIATION SERVICES FOR  
THE SUBURBAN BUS COMPANY  
LOCATED ON NEW MARKET AVENUE IN SOUTH PLAINFIELD**

**BE IT RESOLVED** that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for Maser Consulting, PA to prepare as well as to administer bids for remediation services for the Suburban Bus Company site located on New Market Avenue in the Borough of South Plainfield.

**BE IT FURTHER RESOLVED** that the Clerk and/or Maser Consulting, PA has authorization to advertise for said bid and that copies of this Resolution shall be forwarded as follows:

1. Municipal Clerk
2. Chief Financial Officer
3. Maser Consulting, PA

COUNCIL	MOTION	2 <sup>ND</sup>	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				
		<b>VOTE:</b>	<b>5</b>	<b>1</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-246  
AUTHORIZING WAIVER OF TYPE 3 PERMIT FEES FOR LABOR DAY FIREWORKS PRESENTED  
BY PYROTECHNICO FIREWORKS**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH PLAINFIELD, NEW JERSEY, THAT:**  
authorization is hereby given to waive the Type 3 Fire Permit fees for the 2013 Labor Day Fireworks presented by Pyrotechnico Fireworks.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							



**RESOLUTION 13-247**  
**AUTHORIZING WAIVER OF FIRE PERMIT FEES FOR BOROUGH ORGANIZATIONS**  
**PARTICIPATING IN LABOR DAY**  
**FESTIVITIES AT THE SOUTH PLAINFIELD MIDDLE SCHOOL**

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 borough organizations participating in the 2013 Labor Day festivities at the South Plainfield Middle School.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 13-248**  
**AUTHORIZING THE WAIVER OF PERMIT FEES FOR THE AMERICAN LEGION PERTAINING TO**  
**THEIR ANNUAL PICNIC ON AUGUST 24, 2013**

**BE IT RESOLVED**, that American Legion Chaumont Post 243 located at 243 Oak Tree Avenue will hold its annual picnic on August 24, 2013 and will be cooking food on their outdoor grill and smoker and as such hereby request a waiver for the required permit fees;

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of South Plainfield hereby authorizes the waiver of the permit fees for the aforementioned event.

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

- Municipal Clerk
- Chief Financial Officer
- Joseph A. Abbruzese, Fire Inspector
- American Legion

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**R E S O L U T I O N #2013-249**  
**AUTHORIZING THE CANCELLATION AND DISCHARGE OF TAX SALE CERTIFICATE FOR FELIX**  
**GOMEZ OF 2224 LEWIS PLACE IN SOUTH PLAINFIELD**

**WHEREAS**, The Collector of Taxes advises that the following Taxpayer(s) had Tax Certificates erroneously issued as a result of the March 28, 2013 Tax Sale which needs to be cancelled:

**BLOCK**            **LOT** **ASSESSED TO:**            **CERTIFICATE NO.**  
**104**            **1**                    **Felix Gomez**                    **13-00040**

**NOW, THEREFORE BE IT RESOLVED** by the Municipal Council of the Borough of South Plainfield that the appropriate Municipal Officers be, and they are hereby authorized to execute a cancellation and discharge of the aforementioned Tax Sale Certificates.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION # 13-250**  
**AUTHORIZING THE APPOINTMENT OF MELISSA KATSINGRIS TO THE LIBRARY BOARD OF TRUSTEES AS A FULL MEMBER TO FILL THE UNEXPIRED TERM OF SUE GOULET THROUGH 12/31/2016**

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

Melissa Katsingris is hereby moved up from being the 2013 Mayor’s Representative to an appointment as a full member to the Library Board of Trustees to fill the unexpired term of Sue Goulet through 12/31/2016.

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

1. Amy Antonides, Municipal Clerk
2. Melissa Katsingris, Library Board Trustee
3. Darlene Cullen, Library Board President

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION # 13-251**  
**MAYOR ANESH AUTHORIZES THE MAYOR’S APPOINTMENT OF FRANK LEMOS TO THE LIBRARY BOARD OF TRUSTEES AS THE MAYORS REPRESENTATIVE FOR 2013 TO FILL MELISSA KATSINGRIS’ UNEXPIRED TERM THROUGH 12/31/2013**

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

2013 APPOINTMENT	BOARD	POSITION	TERM EXPIRES
<b>FRANK LEMOS</b>	Library Board	Mayor’s Representative	12/31/2013

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

- Amy Antonides, Municipal Clerk
- Frank Lemos, Library Board – Mayor’s Representative
- Darlene Cullen, Library Board President

*(NO VOTE TAKEN FOR MAYORAL APPOINTMENTS)*

**RESOLUTION 13-252  
AUTHORIZING THE HIRING OF JOANNE M. BRODERICK  
AS FULL TIME ASSESSING CLERK**

**BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the hiring of JOANNE M. BRODERICK as Assessing Clerk at a starting salary of \$27,000 with an effective date of July 29, 2013.

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

- Glenn Cullen, CFO
- Marie Dudek, Payroll
- Amy Antonides, Municipal Clerk
- Mary Frances Hildebrandt, CTA

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 2013-253**

**AUTHORIZING THE EXTENSION OF TAX PAYMENT GRACE PERIOD**

**WHEREAS**, municipalities are required to charge interest on delinquent tax payments under the provisions of R.S. 54:4-66 and R.S. 54:4-67; and

**WHEREAS**, municipalities are also allowed to grant a grace period during which time interest will not be charged on delinquent tax payments; and

**WHEREAS**, the Taxpayers of the Borough of South Plainfield are entitled to a grace period wherein interest will not be charged; and

**WHEREAS**, tax bills are expected to be mailed by July 26, 2013;

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD**, that interest at the rate of ten-millionth of one percent (0.0000001%) per annum shall be charged on the tax bills nominally due on August 1, 2013 provided that the payment therefore is actually received by the Tax Collector on or before August 20, 2013; and

**BE IT FURTHER RESOLVED**, that any quarterly property tax installment due for the third quarter of Calendar Year 2013 for which payment has not been received by August 20, 2013 shall be charged interest from August 1, 2013 to the date that the payment is actually received by the Tax Collector, to be calculated at the rate of

eight percent (8%) per annum on the first \$1,500.00 of the delinquency, and at eighteen percent (18%) per annum on any and all delinquent amounts in excess of \$1,500.00; and

**BE IT FURTHER RESOLVED**, that beginning with the fourth quarterly installment of Calendar Year 2013 due and payable on November 1, 2013, and continuing for all tax quarters thereafter, interest shall be charged on delinquent payments at the rates of eight percent (8%) per annum on the first \$1,500.00 of the delinquency, and at the rate of eighteen percent (18%) per annum on any and all delinquent amounts in excess of \$1,500.00, to be calculated from the date that the payment was originally due until the date that the payment is actually received by the Tax Collector.

COUNCIL	MOTION	2 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta			x				
Councilman Bengivenga	x		x				
Councilman Diana			x				
Councilman McConville		x	x				
Councilman White			x				
Council President Rusnak			x				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**ACCEPTANCE OF CORRESPONDENCE**

- Planning Board Minutes – May 14, 2013 & June 11, 2013
- Traffic Safety Advisory Commission Minutes – May 22, 2013
- Request for Municipal Consent for Fiber Optic Cables
- Health Advisory Board Minutes – June 18, 2013
- Recycling Monthly Report – May, 2013
- Code Enforcement Monthly Report – June, 2013
- Environmental Commission Minutes – May 8, 2013

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

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

Current Fund	2-01	0.00
Current Fund	3-01	340,038.21
Pool Utility	2-26	0.00
Pool Utility	3-26	4,473.47
Sewer Utility	2-07	0.00
Sewer Utility	3-07	5,181.01
Sewer Utility Capital	C-08	34,996.50
General Capital	C-04	122,207.01
Election Account	E-18	0.00
Grant Fund	G-02	7,291.34
Dog Trust	T-12	3,752.13
Treasurers Trust	T-13	15,548.41
Recreation Trust	T-14	945.76
<b>TOTAL ALL FUNDS</b>		<b>\$534,433.84</b>

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

**COUNCIL REPORTS:**

Borough Attorney Paul Rizzo, Esq. – had no report for this evening.

Administrator Cullen – advised that earlier this evening the DPW got together to discuss potential road projects to apply for state grant funding. During this meeting it was decided that Franklin Avenue is the best road to submit a request for said grant funding. The council would need to advise Mr. Miller if they wish to proceed in this regard. The Council briefly discussed different options of roads in need of paving and concluded based on Mr. Miller’s recommendation that Franklin Avenue may be the most advantages of roads to be chosen for a grant award due to main connecting roads. Mr. Miller said he will proceed to put the application together for submittal.

Engineer Miller – said that regarding the road program, the contractor will be out there starting this week to begin with the concrete work. The DOT grant will be worked on in the coming days. We will look at Franklin Avenue for this grant. They have to be filed by September. Mayor Anesh asked Mr. Miller about the status of the bus route permit. Mr. Miller said the plans were resubmitted last Friday. We wait to hear back from the state. We are also about to submit plans to the state pertaining to the library edition.

Clerk Antonides – had no report for this evening.

Councilman Diana – Presented the Council with some photos of the Highland Woods Preserve advising that the Environmental Commission just put up some deer fencing with grant funding. It was a nice job that was done. Councilman Diana expressed his concerns for the seniors saying how dangerous the high temperatures can be for them.

Councilman Barletta – advised that the Knights of Columbus will have their Food Drive on July 19<sup>th</sup> from 8:00 am to 5:00 pm. The Christmas in July event is fast upon us of which event is to encourage residents to support their local businesses. Councilman Barletta also advised that at last week’s Planning Board meeting, Restaurant Depot was approved to move their facility to New Durham Avenue as they have outgrown their current location. We are pleased to be able to keep them in South Plainfield. Some discussion was had regarding traffic flow on New Durham Avenue, but it was mentioned that this is being looked into with a possibility of installing another traffic light.

Councilman Bengivenga – reminded everyone that this Sunday is the Rescue Squad’s Car Show fund raiser from 11 am to 3pm.

Councilman McConville – reported progress.

Councilman White – announced that the Public Celebrations will be accepting nominations for this year’s Grand Marshal for the Labor Day Parade. Information is posted on the Borough’s website.

Council President Rusnak – explained that resolution #13-253 was put on the agenda this evening because the tax bills will be going out a little bit late. This resolution will extend the grace period from August 10<sup>th</sup> to August 20<sup>th</sup>. Residents will probably start to receive their tax bills toward the end of July.

Mayor Anesh – brought up a potential need for a cooling center in South Plainfield for the coming week in particular with very high temperatures in the forecast. The Senior Center would be a site for such a cooling center. Mr. Cullen said that is correct. We recently had the main compressor unit repaired at the Senior Center due to vandalism. Mr. Cullen said the cooling center didn’t receive any use today, but as it gets hotter during the week, maybe it will be put to use by some. Mayor Anesh went on to suggest getting the word out to residents that the cooling center is available to anyone in need. Perhaps a Nixel message could be sent. Concerns were expressed regarding a high turnout in need of this cooling center. It was then suggested that the Pal Building could be used, perhaps some schools, etc. It was briefly noted that the pool hours have been extended.

Mayor Anesh also advised that he attended the benefit concert for Brittney which was a great show put on by former students. The music was wonderful. Mayor Anesh also advised that he enjoyed the recent Summer Drama breakfast.

**COMMENTS FROM THE PUBLIC:**

Mayor Anesh opened the floor for public comment.

Mrs. Nancy Grennier gave the Council a progress report on the forthcoming Christmas in July event. There are about 15 vendors so far. There will be a band and a DJ. Summer Drama kids will be present as well as local Scouts. A dunk tank will be there and we are seeking volunteers.

Debbie Boyle of Van Fleet thanked the Mayor Anesh for speaking at the concert for Brittney last evening. About \$5,000.00 was raised with about 250 in attendance.

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

At 7:45 p.m. Mayor Anesh called for an adjournment from the public portion of the meeting to go into Executive Session.

**ADJOURNMENT**

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Council President Rusnak made a motion to adjourn at 8:05 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC - Municipal Clerk