

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
SEPTEMBER 3, 2013, 7:55 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:55 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 Diana led the invocation.

Proclamation: Honoring South Plainfield Crossing Guards.

Mayor Anesh read the proclamation in full honoring the South Plainfield Crossing Guards and called them all forward to be presented with a copy of the proclamation. Everyone extended a round of applause and photographs were taken by the media.

Approve Council Minutes:

- August 12, 2013 - Agenda
- August 12, 2013 – Public
- August 12, 2013 – Executive Session

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:	6	0			
Mayor Anesh – TIE ONLY							

Public Comment For Agenda Items Only:

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

The following Ordinance was a second reading by title read by Clerk Antonides. Mayor Anesh opened the floor for public comment.

Ms. Debbie Boyle of Van Fleet, said that as far as the Board of Ed is concerned with regards to the parking ordinance, nothing has been formally brought to the Board of Ed. The Board of Ed has a Traffic Safety Liaison but no detail in this regard has been submitted to the Board of Ed. Mayor Anesh said he believes this liaison changes from time to time, but what this Council will do is formally reach out to the Board of Ed to discuss this matter further. Councilman Bengivenga said that one of his concerns is that the Board of Ed has a liaison for Traffic Safety and they have not been attending the meetings, yet they are supposed to. The Board of Ed is very much a part of this process. They receive our minutes after each Traffic Safety meeting of which the liaison should be sharing with the Board of Ed.

Mr. Kenneth Reed of 124 Adams Ave. said that earlier he asked the Council if they have any children who attend any of the schools in which pertain to this parking ordinance as he feels it would be conflict of interest for the council to vote on this ordinance in which they have children who attend any of the schools involved as he spoke to a Superior Court Judge who advised him that it would be a conflict of interest. Borough Attorney, Paul Rizzo, advised that he has been a litigator for over thirty years and has disagreed with Superior Court Judges all the time. With respect, in their arena they have the final say and Mr. Rizzo said he then has the option of appealing if necessary. However, in this arena he has the final say in terms of what he advises this governing body and how they proceed. There may be a good faith difference of opinion between the Superior Court Judge that Mr. Reed is speaking of and he and would welcome a phone call from this Judge to have a conversation about this. In this case, if you are going to disqualify yourself as a member of the governing body from voting from an issue which "could" (hypothetically) affect you, especially in these smaller towns as this town is still perceived to be, one would never be able to vote on anything. In this instance, Mr. Rizzo said he does not hear or see any example where any council member will personally benefit with this vote on this ordinance. Mr. Rizzo said the other thing that weighs heavy on his advice is that this ordinance is based on the Traffic Safety Officer's recommendation and his years of looking into the safety hazards of not being able to get emergency vehicles down these streets in question. Therefore, Mr. Rizzo said he does not see any council member who will benefit from voting on this ordinance thus causing them to step down. Mr. Reed said he agrees, but to allow him to ask if any council person is affected by this ordinance. Mr. Cullen said he believe our Traffic Safety Officer, Lt. Murtagh, who is recommending this ordinance tonight, will have to now adhere to opposite side of the street parking. Councilman Diana pointed out that this Council has taken a position of an overabundance of caution when needed to recuse themselves from a vote on all types of matters.

Mr. Vincent Siniscal of 125 Adams Ave. said he has resided there for ten years and has seen the conflict that takes place with the parents dropping off their children. Mr. Siniscal said that when the school pick-up drop-off is not taking place there is no problem. He does understand the issue of getting emergency vehicles down the road. Why is a homeowner penalized when their car is not the problem? Shouldn't the solution be that the school parents can't park on the street. Councilman Bengivenga said he does sympathize and further explained the options the Traffic Safety Commission looked into. Certain options can pose an enforcement issue, however, this

Council will continue to review this situation and perhaps we can amend this ordinance to find a better solution for the residents while at the same time adhering to safety concerns. Mr. Siniscal said he feels bad for the residents. Lt. Murtagh said he does too, and is supporting an ordinance in which he will now have a ton of cars parked in front of his own home.

Councilman Barletta said he does try to put himself in the position of the residents when making decisions. But much time has gone into this with Traffic Safety and Lt. Murtagh and he trusts what they have to say pertaining to the safety aspects of this. Councilman Barletta said he invites residents to come to the next Traffic Safety Commission meeting in which maybe we can work on tweaking the ordinance a little to help those affected residents. Maybe we can come up with another solution. Councilman Barletta said that as much as he truly sympathizes with the affected residents, as a governing body official, the thought of not being able to get emergency vehicles down a road takes precedence. It is not an easy solution, yet many years of thought have gone into this. Hopefully this council can put some pressure on the Board of Ed to help come up with a solution for this. Also, residents are invited to come to the next Traffic Safety meeting to discuss more options. Councilman Bengivenga said an ordinance can always be amended.

ORDINANCE NO. 13-1992
AN ORDINANCE REVISING PARKING ORDINANCES

WHEREAS, the Borough Police Department has recommended that parking ordinances affecting the South Plainfield High School and Middle School be reviewed and revised as many are outdated; and

WHEREAS, the Traffic Safety Advisory Commission has recommended to the Mayor and Council that the parking ordinances be revised;

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

- Section 2b of Ordinance No. 602 prohibiting parking on a portion of Geary Drive shall be and is rescinded and void;
- Ordinance No. 667, which restricts parking on Geary Drive, Garden Drive, Florence Place, and Robert Place on school days between 7:30 a.m. and 8:30 a.m., and 2:30 p.m. and 3:30 p.m., shall be and is hereby rescinded and void;
- Ordinance No. 695, which prohibits on parking on Merchants Avenue and Plainfield Avenue between the hours of 7:00 a.m. and 9:00 a.m., and 2:00 p.m. and 4:00 p.m., is hereby rescinded and void;
- Ordinance No. 741, which is a duplicate of Ordinance No. 667, is hereby rescinded and void;
- Ordinance No. 751, which prohibits or restricts parking on Triangle Place and Spring Street, is hereby rescinded and void;
- Ordinance No. 842, which prohibits or restricts parking on Lane Avenue, is hereby rescinded and void;
- Ordinance No. 848, which amended Ordinance No. 842 and prohibited or restricted parking on Lane Avenue, is hereby rescinded and void; and
- That portion of Ordinance No. 1032, which prohibits parking on Triangle Place, is hereby rescinded and void.

BE IT FURTHER ORDAINED that the parking ordinances of the Borough of South Plainfield shall be amended to restrict parking to one side of the designated street on days when school is in session between the hours of 8:00 a.m. to 4:00 p.m. During such time, parking shall not be permitted as follows:

1. Ritter Avenue – West side from Triangle Place to VanFleet Avenue;
2. Ritter Avenue – East side from High School parking lot to a point 148 feet south of the High School parking lot;
3. Triangle Place – Both sides between Lane Avenue and Ritter Avenue
4. Spring Street – Both sides between Lane Avenue and Ritter Avenue
5. Merchants Avenue – North side between Lane Avenue and Ritter Avenue;
6. Merchants Avenue – Both sides from Lane Avenue to a point 375 feet north of Lane Avenue;
7. Freed Place – West side from Middle School parking lot to Merchants Avenue;
8. VanFleet Avenue – South side between Lane Avenue and Ritter Avenue;
9. Lane Avenue – West side from High School parking lot to Merchants Avenue;
10. Lane Avenue – East side from High School parking lot to Merchants Avenue;
11. Lane Avenue – East side from Pearl Place to a point 150 feet north of Plainfield Avenue;
12. Geary Drive – North side between Plainfield Avenue and Garden Drive; and
13. Geary Drive – South side between Garden Drive and a point 145 feet east of Garden Drive.
14. Norwood Ave – East side between South Plainfield Avenue and West Fairview Avenue;
15. Adams St – North side between Norwood Avenue and Park Avenue;
16. Sterling Avenue - North side between Norwood Avenue and Park Avenue;
17. West Fairview Ave - North side between Norwood Avenue and Park Avenue;
18. Garibaldi Ave – Both sides between Jackson Avenue and Harvard Avenue;
19. Garibaldi Ave – West side between Harvard Avenue and Tremont Avenue;
20. Gray Drive – West side between Franklin Avenue and a point 390 ft south of Franklin Ave;
21. Lake St – North side between Plainfield Avenue and a point 165 feet east of South Central Avenue;
22. South Central Ave – west side between Lake St and South Madison Dr;

BE IT FURTHER ORDAINED that the parking ordinances of the Borough of South Plainfield shall be amended to provide that there will be no parking, stopping or standing at any time at the following locations:

1. Geary Drive – From Plainfield to a point 145 feet east of Garden Drive;
2. Lane Avenue – West side between Pearl Place and Plainfield Avenue;
3. Lane Avenue – East side between Plainfield Avenue and a point 120 feet north of Plainfield Avenue; and
4. Ritter Avenue – West side from High School parking lot to Triangle Place.

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

Adoption of Ordinance #1992: September 3, 2013

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS:

RESOLUTION 2013-287

RESOLUTION SEEKING THE IMMEDIATE REMOVAL OF RED LIGHT CAMERAS IN THE BOUNDARIES OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the New Jersey Department of Transportation (NJDOT) has integrated a traffic control signal monitoring system (also known as the RLR System) as a five year pilot program with the purpose of recording evidence authorities need to prosecute red-light runners and other traffic violators. The system is made up of a single

camera or a multiple camera system of which trigger vehicle sensors when a violation occurs to capture the traffic violation in live time; and

WHEREAS, the NJDOT designated certain municipalities and/or counties for the red-light running automated enforcement pilot program and as such, some of the designated sites of the RLR Systems encroach upon the border of the Borough of South Plainfield in the County of Middlesex specifically at the intersections of Stelton Road and Hadley Road as well as Stelton Road and New Brunswick Avenue; and

WHEREAS, the purpose of the pilot RLR System is to alter driver behavior to reduce the incidents of red light running thus improving the overall safety of problematic light controlled intersections; and

WHEREAS, the RLR System is thought, in theory, to be a logical measure of determining the improvement of such intersections of which would yield a decrease in all accident types, however, this logic is proving contrary to what the residents of the Borough of South Plainfield are experiencing; and

WHEREAS, the Governing Body of the Borough of South Plainfield are of the opinion that traffic accidents have in fact “*INCREASED*” in South Plainfield specifically where the RLR Systems are encroaching upon the jurisdiction of this Borough; and

WHEREAS, the Governing Body of the Borough of South Plainfield believe that in light of the fact that traffic accidents have increased as a direct result of the RLR System specifically at the intersections of Stelton Road and Hadley Road as well as Stelton Road and New Brunswick Avenue that they are NOT in the best interests of the Borough of South Plainfield or its residents and in essence are a detriment to our residents; and

WHEREAS, the Governing Body of the Borough of South Plainfield seek to keep their residents safe from harm to the best of their abilities and are especially deeply concerned for the safety and well-being of their residents due to an “*INCREASE*” of motor vehicle accidents as a result of the installation of the RLR System specifically at the intersections of Stelton Road and Hadley Road as well as Stelton Road and New Brunswick Avenue and strongly desire the immediate removal of said RLR Systems that encroach upon the jurisdiction of the Borough of South Plainfield;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that it hereby implores the New Jersey Department of Transportation to IMMEDIATELY remove the RLR Systems that encroach upon the boundaries of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey; and

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

1. Honorable Governor Chris Christie
2. New Jersey Department of Transportation
3. Middlesex County Department of Transportation
4. Middlesex County Board of Chosen Freeholders
5. Local Legislators serving the Borough of South Plainfield
6. James Parker, Chief of Police
7. Glenn Cullen, Borough Administrator
8. Amy Antonides, Municipal Clerk

COUNCIL	MOTION	2 ND	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							

RESOLUTION #13-288
AUTHORIZING THE RELEASE OF PERFORMANCE BOND POSTED BY HAMILTON COMMONS, LLC FOR PUBLIC IMPROVEMENTS TO BLOCK 259, LOTS 12.01 & 12.02 AND ACCEPTANCE OF THE MAINTENANCE BOND IN THE AMOUNT OF \$5,682.96

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from Hamilton Commons, LLC for the Improvements located at Block 259, Lots 12.01 & 12.02; and

WHEREAS, Hamilton Commons, LLC has submitted a Maintenance Bond in the amount of \$5,682.96; and

WHEREAS, the Borough Attorney and the Borough Engineer have given approval of the form and content of the aforementioned Maintenance Bond.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of South Plainfield, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Public Improvements located at Block 259, Lots 12.01 & 12.02.

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:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-289
AUTHORIZING THE WAIVER OF PERMIT FEES FOR THE SOUTH PLAINFIELD ATHLETIC BOOSTER CLUB FOR THE INSTALLATION OF AN UPGRADED SIGN LOCATED ON PLAINFIELD AVE. IN FRONT OF THE MIDDLE SCHOOL

BE IT RESOLVED, that the South Plainfield Athletic Booster Club is planning to change the high school sign that is located on Plainfield Avenue in front of the Middle School and as such, has requested permit fees in this regard be waived;

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of South Plainfield hereby authorizes the waiver of all permit fees for the aforementioned upgraded sign for the school;

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

1. Municipal Clerk
2. Chief Financial Officer
3. Building Department

COUNCIL	MOTION	2 ND	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 2013-290

**RESOLUTION AUTHORIZING SETTLEMENT OF 2010, 2011, 2012 AND 2013 TAX APPEALS FILED
BY UNITED ARTISTS, REGAL ENTERTAINMENT (HSP CENTER LP), FOR THE PROPERTY
KNOWN AS 1000 CORPORATE COURT AND IDENTIFIED AS BLOCK 528, LOT 47.09, ON THE
BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS**

WHEREAS, United Artists, Regal Entertainment (HSP Center LP) (hereinafter referred to as “Taxpayer”) is the owner of the property known as 1000 Corporate Court and identified as Block 528, Lot 47.09, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$4,205,000 for 2010, 2011, 2012 and 2013; and

WHEREAS, Taxpayer filed appeals of the 2010, 2011, 2012 and 2013 tax assessments in the Tax Court of the State of New Jersey under docket numbers 008744-2010, 003582-2011, 006332-2012 and 002426-2013; 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 2010, 2011, 2012 and 2013 tax year 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 2010, 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 2010 tax appeal shall be withdrawn by Taxpayer;

- The 2011 tax appeal shall be withdrawn by Taxpayer;
- The 2012 tax appeal shall be withdrawn by Taxpayer;
- The 2013 original assessment in the amount of \$4,205,000 shall be reduced to \$4,052,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax credit for 2013;
- The Borough shall withdraw its counterclaim filed for tax year 2013;
- 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;
- The 2014 total assessment of the property shall be calculated based upon the following: \$9,000,000 multiplied by the applicable average ratio of assessed to true value for South Plainfield Borough for the 2014 tax year. Taxpayer shall file a 2014 Middlesex County Tax Board Petition of Appeal and Stipulation of Settlement to effectuate this reduction;
- The parties agree that the provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall apply to the assessment for tax years 2015 and 2016.

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 \$4,052,000 total tax assessment reduction for the 2013 tax years for Block 528, Lot 47.09 which is most beneficial to the Borough and advise the Borough Attorney of that allocation.
2. The Borough Attorney is authorized to execute on behalf of the Borough of South Plainfield the attached Stipulation of Settlement pertaining to the tax appeals filed by United Artists, Regal Entertainment (HSP Center LP) under Docket Nos.: 008744-2010, 003582-2011, 006332-2012 and 002426-2013 for the property known as 1000 Corporate Court and identified as Block 528, Lot 47.09 on the Borough of South Plainfield Tax Assessment Maps which withdraws the tax appeals for Tax Years 2010, 2011 and 2012; which reduces the 2013 total tax assessment on the Property from \$4,205,000 to \$4,052,000; 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; which provides that the Taxpayer has agreed to waive statutory interest; which provides that the Borough shall withdraw its counterclaim filed for Tax Year 2013; which provides that the 2014 total assessment of the property shall be calculated based upon the following: \$9,000,000 multiplied by the applicable average ratio of assessed to true value for South Plainfield Borough for the 2014 Tax Year conditioned upon there being no “change in value” prior to the close of the 2014 tax assessment books and that no sale of the property is contemplated or will be effectuated for an amount in excess of \$9,000,000 prior to the close of the 2014 tax assessment books; which provides that Taxpayer shall file a 2014 Middlesex County Tax Board Petition of Appeal and Stipulation of Settlement to effectuate this reduction; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment for Tax Years 2015 and 2016; and which further provides that the Taxpayer, its successors and assigns, and the Borough agree to waive any rights they may have to file an Appeal for the 2015 and 2016 tax years for the purpose of implementing, enforcing and/or confirming the assessments of the property provided the assessment is set pursuant to the terms of the Stipulation of Settlement.
3. This settlement shall be without prejudice to the Borough’s dealings with any other taxpayer’s request or appeal for a tax assessment reduction.

COUNCIL	MOTION	2 ND	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							

RESOLUTION 13-291
AUTHORIZING THE REFUND OF \$10.00 TO RITA RINGEL OF 2508 AUDUBON AVENUE FOR THE ANNUAL PICNIC AT THE SENIOR CENTER

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes a refund of \$10.00 to Rita Ringel of 2508 Audubon Avenue in South Plainfield, NJ for the annual picnic at the Senior Center.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of South Plainfield that the Finance Office hereby has approval to release the aforementioned refunds.

COUNCIL	MOTION	2 ND	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							

RESOLUTION 2013-292
AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$626.27 FOR PRIMELENDING C/O PARKER OF 262 VAN FLEET AVENUE

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

Block: 188 Lot: 24
 James & June Parker
 262 Van Fleet Avenue
 South Plainfield, NJ 07080
 \$626.27

Issue refund check payable to: Primelending 17330 Preston Road Ste 100C Dallas, TX 75252

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		x				
Councilman White			x				
Council President Rusnak			x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2013-293
AUTHORIZING A REFUND OF TAX OVERPAYMENT IN THE AMOUNT OF \$1,592.64 FOR RANGA GADDAM OF 552 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: 315.01 Lot: 3 Qual: C0002
 Ranga Gaddam
 552 Elsie Avenue
 South Plainfield, NJ 07080
 \$1,592.64

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		x				
Councilman White			x				
Council President Rusnak			x				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 13-294

AUTHORIZING RETROACTIVE PAY WITH A \$2.50/Hr. RATE ADJUSTMENT FOR SAVITREE RAMRUP FOR COVERING THE COURT OFFICE OF YOLANDA DIAZ FOR THE PERIOD OF APRIL 18, 2013 THROUGH JUNE 28, 2013, A TOTAL OF TEN WEEKS, DUE TO MS. DIAZ BEING OUT ON MEDICAL LEAVE

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 retroactive pay rate adjustment of \$2.50 per hour for Savitree Ramrum for covering the court office of Yolanda Diaz for the period of April 18, 2013 through June 28, 2013 (ten weeks) due to Ms. Diaz being out on medical leave.

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

1. Glenn Cullen, CFO
2. Marie Dudek, Payroll
3. Amy Antonides, Municipal Clerk
4. Savitree Ramrup, Municipal Court

COUNCIL	MOTION	2 ND	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
 Resolution No. 2013-295**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Improvements to Franklin Avenue project.

NOW, THEREFORE, BE IT RESOLVED that Council of South Plainfield formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-South Plainfield Borough -00217 to the New Jersey Department of Transportation on behalf of the Borough of South Plainfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of South Plainfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

COUNCIL	MOTION	2 ND	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							

RESOLUTION 13-296

AUTHORIZING THE PURCHASE OF AN ICE MACHINE FROM E&A SUPPLY IN AN AMOUNT NOT TO EXCEED \$2,769.42 FOR THE OFFICE OF EMERGENCY MANAGEMENT

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase of an ice machine from E&A Supply of 140 E. 5th Street in Plainfield, NJ in an amount not to exceed \$2,769.42 for the Office of Emergency Management.

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. OEM

COUNCIL	MOTION	2 ND	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							

RESOLUTION 13-297

AUTHORIZING THE APPOINTMENT OF EDWARD A. KANIA AND CHRISTOPHER WALLACE AS VOLUNTEER FIREFIGHTS FOR THE SOUTH PLAINFIELD VOLUNTEER FIRE DEPARTMENT AS RECOMMENDED BY FIRE CHIEF SCALERA

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 appointments of:

Edward A. Kania
 244 Cotton Street
 and
 Christopher Wallace
 409 Tompkins Avenue

As a volunteer firefighter for the South Plainfield Volunteer Fire Department as recommended by Fire Chief Scalera.

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

1. Glenn Cullen, CFO
2. Marie Dudek, Payroll
3. Amy Antonides, Municipal Clerk
4. Fire Chief Scalera

COUNCIL	MOTION	2 ND	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							

**RESOLUTION 2013-298
AUTHORIZING T&M ASSOCIATES TO GO OUT TO BID FOR
A VARIABLE MESSAGE SIGN**

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for T&M Associates to prepare as well as to administer and perform a bid services for a variable message sign.

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

1. Municipal Clerk
2. Chief Financial Officer
3. T&M Associates

COUNCIL	MOTION	2 ND	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							

**RESOLUTION 2013-299
AUTHORIZING THE CLOSE OUT OF THE NEUMANN CONSTRUCTION PROJECT PERTAINING
TO CIANCITTO OF 136 BAKER STREET
COAH REHABILITATION PROJECT**

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted to close out the Neumann Construction project pertaining to Ciancitto of 136 Baker Street COAH rehabilitation project.

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

1. Municipal Clerk
2. Chief Financial Officer
3. AHA Affordable Housing Administrators

COUNCIL	MOTION	2 ND	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							

ACCEPTANCE OF CORRESPONDENCE

- Recycling Monthly Report – July, 2013
- Board of Adjustment Minutes – June 18, 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:	6	0			
Mayor Anesh – TIE ONLY							

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

Current Fund	2-01	308.02
Current Fund	3-01	267,359.71
Pool Utility	2-26	0.00
Pool Utility	3-26	0.00
Sewer Utility	2-07	0.00
Sewer Utility	3-07	1,191,384.93
Sewer Utility Capital	C-08	0.00
General Capital	C-04	8,148.07
Pool Capital	C-27	0.00
Election Account	E-18	13,575.00
Grant Fund	G-02	877.00
Dog Trust	T-12	3,753.33
Treasurers Trust	T-13	24,951.56
Recreation Trust	T-14	0.00
TOTAL ALL FUNDS		\$1,510,357.80

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

COUNCIL REPORTS:

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

Administrator Cullen – reported progress and also said the Labor Day Parade was great.

Engineer Miller – reported that the Sampton Avenue Road project is now complete and the contractor is finishing up the last three roads.

Clerk Antonides – reported progress.

Councilman Diana – thanked all emergency services as there were no incidents that occurred on Labor Day. Councilman Diana reminded everyone about the upcoming dedication ceremony this Sunday at the Recycling Center and then wished all students a happy school year.

Councilman Barletta – reported progress.

Councilman Bengivenga – also thanked all the volunteers that worked on putting together such a fantastic parade. Councilman Bengivenga went on to remind everyone of the upcoming charity softball game this Saturday.

Councilman McConville – thanked all those who volunteered their time with the Labor Day Parade.

Councilman White – thanked everyone who volunteered in the parade and reported that the Senior Center is once again number one in the County with their meals program. Also, the Senior Center had another successful annual picnic with over 110 in attendance.

Council President Rusnak – said he wanted to publically thank our engineer, Len Miller, for managing to have all necessary roads paved before Labor Day and when school starts. Also, Council President Rusnak said the parade was wonderful.

Mayor Anesh – also reported progress.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Suzanne Lepore asked if there is any progress pertaining to the property on Park Lane. Mr. Rizzo said that we will have to follow up on that. Ms. Lepore went on to say that the property next to her is an open lot an expressed concerns that in the last year there is a lot of overgrowth from this empty lot encroaching into her property i.e. poison ivy, bamboo trees, etc. Mayor Anesh said that he will have Code Enforcement look into that.

Mr. Bill Tankiewicz of 209 Clarke Ave. said he drives back and forth by the DPW and noticed a garbage truck has been missing for several weeks and is curious as to where it is. Mr. Cullen said he will find out where it is. Council President Rusnak said maybe it is parked in a different spot or in the garage. Mr. Cullen said it could also be in for maintenance. Mayor Anesh said we will locate the missing garbage truck.

A resident inquired if there is any progress regarding the quiet zones by the railroads. Council President Rusnak explained that a company in Georgia who thought they could help us with this issue came to South Plainfield and investigated the area and as a result said unfortunately there was nothing that they would be able to do.

Debbie Boyle of Van Fleet advised that the Mayor's wellness program will once again hold the National Walk to School Day on October 9, 2013. It was such a huge success last year and everyone seemed to enjoy that. The digital sign is in the works right now.

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

At 8:27 p.m. Mayor Anesh called for an adjournment from the public portion of the meeting to go into Executive Session advising that everyone is welcome to stay if they choose.

ADJOURNMENT

Without further comment and no more action necessary for this evening, Mayor Anesh called for a motion to adjourn. Councilman McConville made a motion to adjourn at 9:00 p.m., seconded by Councilman Bengivenga and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC - Municipal Clerk