

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
AUGUST 14, 2017, 7:00 P.M.  
AGENDA MEETING**

**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:00 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 Carmela Sutor as follows:

COUNCIL	Present	Absent	Late
Councilman Bengivenga	X		
Councilman Dean		X	
Councilwoman Faustini	X		
Councilman Vesce	X		
Councilman Wolak	X		
Council President White	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Carmela Sutor	X		
Attorney Paul Rizzo, Esq.	X		
Engineer Miller	X		
Stanley Slacketka, LLP	X		
Andrew Nguyen	X		

**Review of Agenda Items:** Deputy Clerk Sutor reviewed all the items on the agenda for this evening. Mayor Anesh added that we will be having a presentation this evening for the Fair Share Housing Professionals, this is the Borough's COAH plan and was advertised as a Town Hall style meeting.

Glenn Cullen stated that we are looking to add Resolution #17-325 to the Agenda and it is just to establish some guidelines and rules for the Dog Park. Mayor Anesh read these into record and called for a motion to add Resolution #17-325.

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

**RESOLUTION #17-307  
AUTHORIZING A CLOSED SESSION MEETING**

**WHEREAS**, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Borough Council of the Borough of South Plainfield wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

**WHEREAS**, the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Borough Council to discuss certain matter(s) in private, and in this case for the purpose of the Borough Council to discuss the below matter(s) all of which requires attorney-client privilege:

- Personnel – Deputy Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of South Plainfield that it will go into an Executive Session for the purpose of Borough Council to discuss the aforementioned matter(s) all of which requires attorney-client privilege in this regard;

**BE IT FURTHER RESOLVED** that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) are signed and/or the negotiations are formally settled. Interested parties may contact the Borough Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

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

Mayor Anesh asked if the Council had any comments about the agenda this evening. Councilman Bengivenga asked to separate Resolution #17-318. Councilman Bengivenga mentioned that at the last meeting he spoke about the railroad crossings in South Plainfield and how they desperately need repair and at this meeting I asked for a Resolution to Conrail. After the meeting last week, thanks to TAPinto for doing an article about it, Conrail’s legal team contacted me and asked how they could be of assistance and will do anything that they can to help alleviate the problems. We are scheduled to meet sometime this week at the crossings and since he has given me commitment to fixing the railroads quick and committed to a meeting that quickly that I would ask to have Resolution #17-315 removed from the agenda.

Mayor Anesh called for a motion to table Resolution #17-315.

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

Mayor Anesh asked if Council had any further comments. There were no comments. Mayor Anesh stated that Stanley Slacketka, LLP will give his presentation on Fair Share Housing.

Borough Attorney Paul Rizzo stated that we are at the point where we have an agreement that was approved by the court and we are now obligated to move forward and act ordinances in accordance with the agreement. There will be a court proceeding in September, which is called a compliance hearing where the court will evaluate whether we have moved forward as we are obligated to do so. This affordable housing is something that was foisted on the towns by judicial etic, not by any legislation. Going back 40 years the legislature has never seen fit to do anything to help the towns, address or deal with this. The Governor’s solution was to essentially ignore the courts in terms in what they wanted don’t. The courts took back the enforcement of affordable housing obligations on all the towns. To this point approximately 120 towns have settled. It has permitted through these settlements approximately 36,000 affordable units; bearing in mind that is a 20% set aside which means 180,000 residences throughout the

state that are permitted to be built. Every town but South Brunswick has settled or in discussions at this point. South Brunswick is the only town that refused to settle and litigate it. They are in the process of appealing. Old Bridge settled with an agreement to allow 1,396 affordable units; East Brunswick settled allowing 1,067; Piscataway settled for 975. Our agreement is for 880 which puts us in a little better position. None of these are what we want and none of these are optimal. South Brunswick refused to settle and the court imposed on them an obligation to allow 3,000 affordable units, that's 15,000 new residences that could be built if they lose their appeals. We have done a good job making the best of a bad situation. At least we were able to come to an agreement where it will be two primary developments and we were afforded through our agreement an ability to participate/contribute to the design. We need to enact these ordinances that are going to allow the construction as we have agreed to do. Once introduced and approved they will be presented to the court and we will proceed from that point.

Stanley Slacketka explained in detail exactly what we are doing in terms of these ordinances. Mr. Slacketka further stated that the Borough has been engaged for the preparation of housing plans and providing opportunities for affordable housing over the course of the past couple decades. Fundamentally, the plan being described this evening is the plan that has been in place over the last 10 years or so. Essentially there is only one new affordable housing site that has been added because the Borough was obligated to add that site in based on the determination of the court master. The Motorola site and the zoning overlays that we recommended be put in place on the downtown and in the north western part of the Borough in the OBC-1 district because the Borough has limited available developable vacant land within the Borough. The obligation that has been established by the courts and fact recognized the limited capacity of the Borough to be able to bring on new development. As part of the settlement and negotiation process we made that the Borough maintained a significant amount of control on the ultimate development that takes place in those areas. If this plan is ultimately approved by the court will carry us through the year 2025 and for the next eight years the Borough would be protected from any exclusionary lawsuit. There are two overlay districts. One of them covers the downtown and some commercial zones immediately adjacent to the downtown and the other is in the further northwestern corner of the Borough which corresponds to the OBC-1 district in that area. What these two overlay zones provide is certain incentives for mixed use development which is commercial on the first floor and residential on the second floor or third floor. If that type of development is constructed there would be an obligation to provide for an affordable housing set aside. Which means a certain percentage of those units that are constructed in those buildings would have to be set aside for affordable housing. If it is rental project, 15% of the units would be required to be affordable and if it is a for sale project, 20% of the units would be required to be affordable, which would go towards our 2025 project. Mr. Slacketka briefly described the first 4 ordinances being introduced this evening.

Councilman Wolak asked who is going to pay for additional schooling and police and fire? Mr. Slacketka responded that any new development has to pay property taxes, they are not excluded.

**PUBLIC COMMENT ON AGENDA ITEMS ONLY:** Mayor Anesh opened the floor for public comments. With no public comments, Mayor Anesh closed the floor from public comments.

Debbie Boyle of Van Fleet Avenue asked if there was any knowledgeable estimation of the number of students that would come in from those areas because the School did a redistricting plan 4 years ago and the County gave a figure coming out of Celebrations of about 30 students and those are townhomes/condos. Mr. Slacketka responded no we did not do any estimates of any of the school children coming from the Harris or Motorola site.

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

**ADJOURN AGENDA MEETING:** With no further comments, Mayor Anesh asked for a motion to adjourn from the Agenda Meeting. Council President Derryck White made a motion to adjourn from the Agenda Meeting at 7:52 p.m., seconded by Councilwoman Faustini and unanimously carried by all in favor.

Respectfully Submitted By:

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Carmela A. Sutor, Deputy Clerk