

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
FEBRUARY 19, 2019, 2018 7:05 P.M.
PUBLIC MEETING**

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 Bengivenga	X		
Councilman Dean	X		
Councilwoman Faustini	X		
Councilman Vesce	X		
Councilman White	X		
Council President Wolak	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller	X		

Flag Salute: was led by Mayor Anesh and Councilwoman Faustini led the invocation.

Public Comment: Mayor Anesh opened the floor for public comment on agenda items only. With no comments from the public, Mayor Anesh closed the floor.

Authorizing the Approval of Council Minutes:

February 4, 2019 – Agenda
February 4, 2019 – Public

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

PROCLAMATION – BLACK HISTORY MONTH -Mayor Anesh read the proclamation in full and invited Olivia Leach, Roberto Sayers and Joretta Strayhorn to come forward to accept the proclamation. Everyone extended a round of applause and photographs were taken by the media present.

The following Ordinance 2125 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for public comment and with no comments made closed the floor.

BOND ORDINANCE #2125

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$629,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$597,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$629,000, and further including the aggregate sum of \$32,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$597,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of rescue squad ambulances, including all related costs and expenditures incidental thereto.	\$338,000	\$320,900	5 years

b) The acquisition of police sport utility vehicles, traffic safety devices and surveillance equipment, including all related costs and expenditures incidental thereto.	\$230,000	\$218,300	5 years
c) The acquisition of a sport utility vehicle for the Fire Department, including all related costs and expenditures incidental thereto.	\$49,000	\$46,450	5 years
d) The acquisition of a heating, ventilation and air-conditioning unit for the Fire Department, including all related costs and expenditures incidental thereto.	<u>\$12,000</u>	<u>\$11,350</u>	15 years
Total:	<u>\$629,000</u>	<u>\$597,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the

extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 5.19 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 \$597,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$7,500 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 to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to

comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable 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.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2126 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for public comment and with no comments made closed the floor.

**AN ORDINANCE AMENDING CHAPTER 216, ARTICLE III, SECTION 216-7,
OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD
TITLED “MISCELLANEOUS FEES”**

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

the following fees, as established by the South Plainfield Borough Council be and are hereby amended to include the following additional fee:

<u>South Plainfield Tiger Shark Swim Team</u>	<u>Fee</u>
One Family Swim Team Member	\$90.00
Additional Swim Team Member	\$70.00

- The Borough Council may amend these fees in the future by resolution.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Dean			X				
Councilwoman Faustini	x		X				
Councilman Vesce			X				
Councilman White			X				
Council President Wolak		x	X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2127 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for public comment and with no comments made closed the floor.

**ORDINANCE NO. 2127
AN ORDINANCE AMENDING CHAPTER 187, TITLED VEHICLES AND TRAFFIC.**

WHEREAS, the Traffic Safety Advisory Committee has reviewed a concern with a parking lot entrance to 316 Durham Avenue, which is a McDonald’s restaurant, and has recommended that the Vehicles and Traffic Ordinance be amended to prevent certain left turns; and

WHEREAS, the Governing Body of the Borough of South Plainfield has considered the recommendation of the Traffic Safety Advisory Committee and deems it to be appropriate;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 187, titled Vehicles and Traffic, shall be amended as follows:

Article IV, Prohibited Turns, Section 187-28(A)(12), shall be deleted and replaced with the following:

Parking lot entrance to 316 Durham Avenue (McDonald’s restaurant), no left turn from the most southerly driveway onto northbound Durham Avenue, and no left turn from northbound Durham Avenue into the southerly driveway of 316 Durham Avenue.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilman Dean		X	X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White	X		X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2128 was read by Clerk Antonides by title on first reading. Mayor Anesh set the public hearing for March 4, 2019.

**ORDINANCE 2128
AN ORDINANCE AUTHORIZING SALE OF PROPERTY KNOWN AS
BLOCK 362, LOT 3 OF THE BOROUGH OF SOUTH PLAINFIELD.**

WHEREAS, the Borough of South Plainfield is the owner of Block 362, Lot 3 located on Kenneth Avenue (hereinafter the “Property”); and

WHEREAS, the Property is vacant and measures 75 feet by 100 feet; and

WHEREAS, the Property is no longer used by the Borough for any purpose; and

WHEREAS, the Property is undersized because it is less than the minimum width and size for development in the R-10 Zone; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., allows the sale of municipally-owned properties at a private sale under certain circumstance (N.J.S.A. 40A:12-13(b)(5)) or at public auction; and

WHEREAS, the Borough Council is of the opinion that the criteria set forth in N.J.S.A. 40A:12-13(b)(5) are present, namely that the Property is less than the minimum width and size required for development in the R-10 Zone and is without capital improvements, and there are two owners with real property contiguous to the Property so that the Property shall be offered to the contiguous property owners and sold to whichever may be the highest bidder; and

WHEREAS, the Borough has had an appraisal performed by Sterling DiSanto & Associates and determined the fair market value of the Property to be \$120,000.00; and

WHEREAS, the Borough Council is of the opinion that the Property is a remnant lot what is no longer useful to the Borough; and

WHEREAS, the Borough Council is of the opinion that the sale of the Property is beneficial to the health, safety and welfare of the residents of the Borough because said Property is a remnant lot that is not useful to the Borough and requires expenditure of scarce public resources and does not generate any real estate tax revenue;

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

1. The Borough Council hereby authorizes the sale of the Property to the highest bidder between the owners of the contiguous properties at a minimum price of \$120,000.00;
2. Pursuant to N.J.S.A. 40A:12-13(b), the Borough Clerk shall advertise the sale of this Property in the official newspaper of the Borough within five days following enactment of this Ordinance;
3. The Borough Clerk shall post a description of the Property to be sold pursuant to this Ordinance, together with minimum price within the Borough Municipal Building;
4. The Borough Attorney shall transmit to the owners of the contiguous properties notice of the Borough’s intention to sell;
5. Offers for the Property shall be made to the Borough Clerk for a period of 20 days following the advertisement herein required, at no less than the minimum price set forth in this Ordinance, by either of the contiguous property owners;
6. In the event neither contiguous property owner offers to purchase the Property, or does not offer the minimum price required, the Property may be sold at public auction on a date and time to be set by resolution of the Borough Council;
7. The Property will be sold “as is” and “whereas” without representations or warranties, and subject to existing restrictions of record. The Property shall be conveyed by quit claim deed;
8. The Borough reserves the right to reject all bids in its sole discretion; and
9. The Borough Attorney is hereby authorized to prepare the necessary closing documents to convey the Property to the highest bidder, and the Mayor and Borough Clerk are hereby authorized to sign all necessary closing documents.

This Ordinance shall take effect immediately after adoption and publication according to law.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS

RESOLUTION 2019-81

AUTHORIZING APPLICATION TO THE MIDDLESEX COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR A 2019 COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE PURPOSE OF IMPROVEMENTS

WHEREAS, the Borough of South Plainfield wishes to apply to Middlesex County Housing and Community Development Agency for discretionary aid; and

WHEREAS, the Borough's Citizen Advisory Committee met to discuss possible uses of the 2019 CDBG funding; and

WHEREAS, the Governing Body of the Borough of South Plainfield held a public hearing on February 19, 2019 to elicit input from Borough residents on the best uses for the 2019 CDBG;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of South Plainfield do hereby make application to Middlesex County Housing and Community Development for discretionary aid to be used for the following proposed uses:

Senior Center Salary	\$12,500
Community Pool & Recreation ADA Access	\$45,000
Senior Center Improvements	\$17,684
TOTAL	\$75,184

BE IT FURTHER RESOLVED that a certified copy of this resolution will be forwarded to the Director of the Middlesex County Housing and Community Development Agency.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 19-82

AUTHORIZING THE SERVICES OF T&M FOR REMEDIAL INVESTIGATIVE WORK AT THE DPW FOR TASK 6 AND TASK 7 PURSUANT TO THEIR PROPOSAL IN AN AMOUNT NOT TO EXCEED \$16,900.00

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for T&M Associates for remedial investigative work at the DPW for tasks 6 and 7 of their proposal in an amount not to exceed \$16,900.00.

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 Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 19-83
AUTHORIZING THE SERVICES OF T&M ASSOCIATES TO ADMINISTER
AND EXECUTE THE U.S. DOT'S INFRASTRUCTURE FOR REBUILDING
AMERICAN GRANT APPLICATION IN AN AMOUNT
NOT TO EXCEED \$3,750.00**

WHEREAS, the U.S. Department of Transportation has approved and announced federal financial assistance for highway and freight a project of significance through the Infrastructure for Rebuilding America (INFRA) Grant for Fiscal Year 2019; and

WHEREAS, the Borough Council of South Plainfield, County of Middlesex, in the State of New Jersey, is interested in applying for said grant funding to offset the costs of the Hollywood Avenue Extension Project; and

WHEREAS, the Governing Body of South Plainfield desires to obtain infrastructure for Rebuilding America Program funds in the amount of \$30 million dollars and hereby authorizes T&M Associates to complete the required grant application to receive funding for this project; and

WHEREAS, T&M Associates has submitted a proposal to complete the application for the sum not to exceed \$3,750.00;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Governing Body of the Borough of South Plainfield hereby authorizes T&M Associates to complete the U.S. Department of Transportation's Infrastructure for Rebuilding America Grant Application.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 19-84
AUTHORIZING THE EMERGENT SERVICES OF JEN ELECTRIC TO REPAIR TRAFFIC LIGHT AT SOUTH
CLINTON AND NEW MARKET TO BE REIMBURSED BY INSURANCE IN THE AMOUNT OF \$19,116.10**

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 authorizes the emergent services of Jen Electric to repair traffic light at South Clinton and New Market to be reimbursed by insurance in the amount of \$19,116.10; and

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

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

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 19-85
AUTHORIZING THE APPOINTMENT OF YOLANDA DIAZ AS MUNICIPAL COURT ADMINISTRATOR AT A
SALARY OF \$70,070.00
EFFECTIVE FEBRUARY 19, 2019**

WHEREAS, due to the retirement of the Karen Costantino as Court Administrator there exists a vacancy in the role of Court Administrator;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of South Plainfield hereby appoints Yolanda Diaz as Municipal Court Administrator at an annual salary of \$70,070.00 with benefits effective February 19, 2019; and

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

1. Municipal Clerk
2. Chief Financial Officer
3. Yolanda Diaz, Municipal Court Admin.
4. Anne Daley, Benefits
5. Carmela Sutor, Payroll

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION #19-86
AUTHORIZING THE RELEASE OF PERFORMANCE BONDS POSTED BY
JHP DEVELOPMENT, LLC FOR PUBLIC IMPROVEMENTS TO BLOCK 346, LOT 6,
BLOCK 347, LOTS 8.05 AND 8.06, BLOCK 367, LOT 2.11 AND ACCEPTANCE OF
THE MAINTENANCE BONDS IN THE AMOUNT OF \$4,697.28**

WHEREAS, the Borough of South Plainfield is in possession of a Performance Bond from JHP Development, LLC for public improvements located at Block 346, Lot 6, Block 347, Lots 8.05 and 8.06 and Block 367, Lot 2.11; and

WHEREAS, has submitted the Maintenance Bond in the amount of \$4,697.28; and

WHEREAS, the Borough Engineer has 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 the aforementioned Block(s) and Lot(s).

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 19-87
AUTHORIZING THE SERVICES OF T&M ASSOCIATES FOR ENGINEERING
ADMINISTRATION FOR IMPROVEMENTS TO SOUTH 9TH STREET
IN AN AMOUNT NOT TO EXCEED \$42,950.00**

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for T&M Associates for engineering administration for improvements to South 9th Street in an amount not to exceed \$42,950.00, funds of which are applied to Capital Bond Ordinances 2103 and 2112.

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 Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 19-88
AUTHORIZING 2018 APPROPRIATION TRANSFERS IN THE AMOUNT OF
\$10,000.00 FOR THE CURRENT FUND PURSUANT TO N.J.S.A. 40A:4-58

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

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

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

CURRENT FUND				
FROM:				AMOUNT
8-01-26-290-003-321	Snow		O&E	3,000.00
8-01-26-310-000-101	Public Buildings & Grounds		S&W	2,000.00
8-01-28-370-001-104	Recreation		S&W	1,500.00
8-01-30-415-001-101	Accumulated Leave		O&E	3,500.00
Total FROM:				10,000.00
TO:				AMOUNT
8-01-23-220-000-601	Health Insurance		O & E	7,500.00
8-01-25-240-001-519	Police		O & E	2,500.00
Total TO:				10,000.00

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 2019-89
AUTHORIZING A 2019 TEMPORARY BUDGET AMENDMENT
OF \$200,000.00 IN THE CURRENT FUND

WHEREAS, N.J.S.A. 40a:4-19 Local Budget Act provides that where any contracts, commitments or payments are to be made prior to the final adoption of the budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is prior to the adoption of the FY 2019 Budget, and

WHEREAS, the temporary budget set forth on the attached page does not exceed twenty-six and one quarter percent of the total appropriations in the previous year's budget (exclusive of any appropriations made for Debt Service, Capital Improvements Fund and Public Assistance).

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the temporary appropriations are hereby amended to add the following amounts and that a certified copy of this resolution is transmitted to the Chief Financial Officer.

CURRENT FUND			AMOUNT
9-01-20-140-000-204	Computers	O&E	10,000
9-01-20-145-000-101	Tax Collection	S&W	5,000
9-01-20-155-000-221	Legal	O&E	5,000
9-01-23-210-000-651	Other Insurance	O&E	10,000
9-01-25-240-001-225	Police	O&E	10,000
9-01-27-330-002-101	Youth Aid	S&W	3,000
9-01-31-440-001-541	Telephone	O&E	35,000
9-01-29-390-000-235	Library	O&E	100,000
9-01-36-472-000-675	SSI	Statutory	22,000
Total CURRENT FUND			200,000

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 19-90
ACCEPTING THE RESIGNATION OF NICOLE A. DEGUTIS AS
TELECOMMUNICATOR FOR THE POLICE DEPARTMENT AND AUTHORIZING
THE HIRING OF DAWN LOUISE AS TELECOMMUNICATOR AT THE PER DIEM
TRAINING HOURLY RATE OF \$20.77 AND PER DIEM HOURLY RATE OF \$29.07
UPON COMPLETION OF TRAINING EFFECTIVE FEBRUARY 19, 2019

BE IT RESOLVED that The Governing Body of the Borough of South Plainfield that it hereby accepts the resignation of Nicole A. Degutis as Telecommunicator for the Police Department and authorizes the hiring of Dawn Louise as Telecommunicator at the per diem training hourly rate of \$20.77 and the per diem hourly rate of \$29.07 upon completion of training effective February 19, 2019.

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

1. Municipal Clerk
2. Chief Parker
3. Anne Daley, Benefits
4. Carmela Sutor, Payroll

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 19-91
A RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, FOR THE PURPOSE OF AUTHORIZING A NON-BINDING REFERENDUM QUESTION THROUGH A TRADITIONAL “DEMOCRACY WEEK” METHOD THAT SEEKS VOTER SENTIMENT FOR THE DEVELOPMENT, CONSTRUCTION AND REFURBISHMENT OF THE COMMUNITY POOL

WHEREAS, it has been requested by the Mayor and Borough Council of the Borough of South Plainfield to develop, construct and refurbish a new community pool in the Borough; and

WHEREAS, information sessions available to the public pertaining to the proposed development, construction, and refurbishment of the community pool shall be held in the Council Chambers of Borough Hall located at 2480 Plainfield Avenue, South Plainfield, NJ 07080 at 7:00 p.m. on February 28, 2019, March 7, 2019 and March 18, 2019 in which the floor will be open for public comment; and

WHEREAS, the proposed development, construction and refurbishment of said new community pool is estimated to cost approximately \$2,475,000.00; and

WHEREAS, the Borough Council of the Borough of South Plainfield desire to ascertain the sentiment of the legal voters of the Borough of South Plainfield regarding the proposal to fund the development, construction and refurbishment of said new community pool through a capital bond ordinance by way of a non-binding referendum utilizing South Plainfield’s traditional “Democracy Week” method; and

WHEREAS, the Borough Council of the Borough of South Plainfield wishes to establish a “Democracy Week” for the week commencing on the dates and times as follows in the office of the Municipal Clerk during which the aforementioned non-binding referendum regarding the funding for the proposed new community pool may be posed to the legal registered voters of the Borough of South Plainfield as of March 1, 2019:

Tuesday, March 19, 2019	8:00 a.m. to 4:00 p.m.
Wednesday, March 20, 2019	8:00 a.m. to 4:00 p.m.
Thursday, March 21, 2019	7:00 a.m. to 7:30 p.m.
Friday, March 22, 2019	8:00 a.m. to 4:00 p.m.
Saturday, March 23, 2019	8:00 a.m. to 12 Noon

WHEREAS, N.J.S.A. 19:37-1 authorizes the Governing Body, when there is no other statute by which the voters’ sentiment can be ascertained, to submit such a question to a vote of the legally registered electors; and

WHEREAS, the non-binding referendum shall be organized and operated by the Borough Clerk by way of paper ballot to be conducted and received in the Borough Clerk’s Office at the Borough Municipal Building located at 2480 Plainfield Avenue, South Plainfield, New Jersey, from Tuesday March 19, 2019 through Saturday March 23, 2019, as part of South Plainfield Borough’s traditional “Democracy Week”; and

WHEREAS, the form of any public question put to the voters must follow the guidelines indicated in N.J.S.A. 19:3-6, which requires the phrasing of any public question on a ballot to clearly set forth the true purpose of the matter being voted upon, in simple language that can be easily understood by the voter;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey that it hereby declares that the week of March 19, 2019 through March 23, 2019 be and hereby is declared “Democracy Week” in the Borough of South Plainfield at the aforementioned specific dates and times; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey that during said “Democracy Week” the Borough Clerk is hereby authorized to organize and operate a non-binding referendum election through the traditional “Democracy Week” method by way of paper ballots within the Borough Clerk’s Office in the Borough of South Plainfield in which all legal voters of the Borough of South Plainfield that have been registered to vote by March 1, 2019 or sooner may participate; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey that during said “Democracy Week” the Borough Clerk is hereby authorized to prepare, distribute and collect paper ballots for the said non-binding referendum election to obtain the public’s sentiment for the following proposition:

“Shall the Borough Council of the Borough of South Plainfield adopt a bond ordinance in the maximum amount of \$2,475,000.00 to be authorized in order to fund the development, construction and refurbishment of a new community pool within the Borough of South Plainfield?”

To vote upon the public question printed below:

if you are in favor – check the box next to the word “yes”
 if you are opposed – check the box next to the word “no”

BE IT FURTHER RESOLVED by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey that the Borough Clerk shall include the following Interpretive Statement to accompany the aforesaid proposition:

INTERPRETIVE STATEMENT:

The proposed bond ordinance would be used to fund the development, construction and refurbishment of a new community pool within the Borough of South Plainfield. The estimated cost for the development, construction and refurbishment of a new community pool is \$2,475,000.00. The bond ordinance requires a 5 % down payment in the estimated minimum amount of \$123,750.00, which would have to be included in the municipal budget.

A “Yes” vote on the above question means that you do want the Borough Council to authorize the adoption of a bond ordinance to fund the development, construction and refurbishment of a new community pool.

A “No” vote on the above question means that you do not want the Borough Council to authorize the adoption of a bond ordinance to fund the development, construction and refurbishment of a new community pool.

BE IT FURTHER RESOLVED by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey that the Borough Clerk shall advertise the date and time of said Democracy Week along with the non-binding referendum question by publishing a notice of same in the official newspaper not less than seven (7) days prior to March 19, 2019; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of South Plainfield, in the County of Middlesex, State of New Jersey that the Borough Clerk shall publish a copy of this Resolution in the official newspaper within 10 days of its passage.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
VOTE:			6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 19-92

AMENDING RESOLUTION 19-72 THAT AUTHORIZED THE PART-TIME HIRING OF NIKOS AMICK AND RYAN HARRIS AS LABORERS FOR THE DPW AT THE HOURLY RATE OF \$13.29 TO NOW REMOVE NIKOS AMICK FROM THE HIRING PROCESS

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 amends resolution 19-72 that authorized the Borough to hire Nikos Amick and Ryan Harris on a part-time basis without benefits as Laborers for the DPW at the hourly rate of \$13.29 pursuant to the salary ordinance for such and contingent upon the successful completion of all background checks and drug testing to now remove Nikos Amick from the hiring process thus to only hire Ryan Harris at this time.

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

1. Glenn Cullen, CFO
2. Amy Antonides, Municipal Clerk
3. Carmela Sutor, Payroll
4. Anne Daley, Benefits
5. Len Miller, DPW Superintendent

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	x		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White		x	X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:

- BEDAG Committee Minutes – November 7, 2018
- Environmental Commission Minutes November 14th & December 12th, 2018
- Zoning Board Minutes – November 20th, December 4th, December 18th, 2018 and January 15, 2019
- Resident Email – New Truck Directional Signs
- Resident Email – Hollywood Avenue Truck Route

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		X	X				
Councilman Dean			X				
Councilwoman Faustini	X		X				
Councilman Vesce			X				
Councilman White			X				
Council President Wolak			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

PAYMENT OF BILLS

Current Fund	8-01	9,076.74
Current Fund	9-01	155,115.21
Pool Utility	9-26	0.00
Pool Utility	8-26	0.00
Sewer Utility	9-07	1,103,502.26
Sewer Utility	8-07	1,266.43
Sewer Utility Capital	C-08	0.00
General Capital	C-04	0.00
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	1,830.00
Dog Trust	T-12	0.00
Treasurers Trust	T-13	1,543.32
Recreation Trust	T-14	0.00
TOTAL ALL FUNDS		\$1,272,333.96

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga	X		X				
Councilman Dean			X				
Councilwoman Faustini			X				
Councilman Vesce			X				
Councilman White			X				
Council President Wolak		X	X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Borough Attorney Rizzo Esq. – reported progress.

Administrator Cullen – reported progress.

Engineer Miller – advised that the recent bids for curbside recycling came in significantly higher than what we are paying now through the County, almost double the price. As such, Mr. Miller recommended to hold off and await to see what the County is able to negotiate in this regard. The Hadley Road Improvement bid opening is scheduled for February 26th at 10:00 a.m.

Clerk Antonides – reported progress.

Councilman Vesce – reported that the overhead signs for the truck route on Hamilton Blvd. may be installed the end of the week, with weather permitting. Councilman Vesce advised that he received a couple emails from residents and one was pertaining to the Hollywood Avenue truck route which Mr. Miller has provided and update on for him to relay back to the resident. The other resident questioned Montrose which he will also respond back to the resident.

Councilwoman Faustini – The Library is hosting a Black History Month for Children on February 28th and will be celebrating Dr. Seuss's birthday with a special guest reader on March 2, 2019 at 10:30 a.m. On another note, Councilwoman Faustini pointed out that the resolution authorizing Democracy Week was passed this evening. There will be three information sessions and a redendoring of the proposed new community pool will be available.

Councilman Bengivenga – advised that the Information Sessions pertaining to the community pool are scheduled for 7 p.m. at Borough Hall in the Council Chambers on February 28th, March 7th and March 18th.

Councilman Dean – said he agrees with Mr. Miller on waiting to see what rates the County is able to negotiate for curbside recycling. Three vendors requested our specifications, however, only one bid and unfortunately the rate is nearly double what we pay now. Paint collection will be held this week at the recycling center. Councilman Dean went on to thank Senator Diegnan for his assistance with the truck route for our town.

Councilman White – reported that G's Famous Pizza just opened up and we welcome them to town and then went on to report progress.

Council President Wolak – reported progress.

Mayor Anesh – reported progress.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Debra Boyle of Van Fleet reported on the upcoming Talent Showcase sponsored by Cultural Arts Commission and named the Spelling Bee winners.

Ms. Ginny O'Brien of 151 Morris Avenue said she read the article regarding the pedestrian beacon to be placed on Maple Avenue and suggested other locations with emphasis on Plainfield and Madison Avenues such a beacon may be good for due to her concerns for the high traffic. Councilman White said that Traffic Safety has been at that location this past week. Mayor Anesh said that we will have traffic safety look at that intersection further. Ms. O'Brien went on to express her concerns over the sewer back-up into her basement she experienced and paid for last year. Ms. O'Brien vented her frustration feeling the back-up was caused by the utility and not by her. Photographs were taken and showed a pole that went through her line thus causing the back-up. Ms. O'Brien wants a refund of the money she paid out to the utility company indicating she will get an attorney involved. Mr. Miller explained that we sent everything to BPU and as a result that informed her to go through the appeal process as they don't feel there is enough pictures of this situation. Mayor Anesh asked Mr. Miller to send copies of the photos to him.

ADJOURNMENT

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Councilman Bengivenga made a motion to adjourn at 7:35 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk