

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
JANUARY 27, 2020 7:08 P.M.
PUBLIC MEETING**

CALL TO ORDER: Mayor Anesh called the meeting to order at 7:02 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		
Councilwoman Mott	X		
Councilman Smith	X		
Councilman White	X		
Councilman Wolak	X		
Council President Faustini	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 Councilman Smith 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:

January 13, 2020 – Agenda Meeting

January 13, 2020 - Public Meeting

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

Proclamation - Lunar New Year – was read in full by Mayor Anesh. Mayor Anesh invited the Buddhist Light Association members present to come forward and accept the proclamation. Everyone extended a round of applause and photographs were taken by the media present.

ORDINANCES:

The following Ordinance 2162 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for public comment. With no comments from the public Mayor Anesh closed the floor.

**ORDINANCE NO. 2162
AN ORDINANCE AMENDING CHAPTER 317 OF THE
CODE OF THE BOROUGH ENTITLED “PARKS AND RECREATION AREAS”.**

WHEREAS, New Jersey statute, N.J.S.A. 40:12-6 provides that the Board of Recreation Commissioners shall have full control over all lands, playgrounds, and recreation places acquired or leased by a municipality, and may adopt suitable rules, regulations, and bylaws for the use thereof and conduct of all persons while using the same; and

WHEREAS, the Borough Code provides in Chapter 317-5(A) that the Borough Council may adopt an application form to be used by the Recreation Commission whenever any group, association, or organization desires to use park facilities for a particular purpose, when the provision is in conflict with the State’s statute;

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 317, Section 317-5(A) be revised to eliminate the last sentence of said paragraph which currently reads, “The Borough Council may adopt an application form to be used by the Recreation Commission for such situations.” It is the intention of the Borough Council that such amendment will allow the Recreation Commission to create or adopt any necessary application forms in accordance with the powers provided by New Jersey statute.

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

The following Ordinance 2163 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for public comment:

Mr. Steve Danyo asked what the other site improvements are. Mr. Cullen responded explaining that we are going to do a significant improvement to the pool house. We’re going to make a family bathroom that is handicap accessible, put in some fencing and pave the parking lot area. Mr. Danyo asked why the engineers didn’t include this in with the original plans. Mr. Cullen explained that this type of project isn’t like bidding out a road. The project came in about 10% more than we initially anticipated and before this, when you do the math, we were hoping we could include the pool house. Councilman Bengivenga said when we dug up the foundation around the original pool house we then discovered some block was completely disintegrated and compromising the structure plus the pump house has a major crack in the wall which you would not initially see until you began undergoing the project. Mr. Danyo asked if the council foresees other things coming up that money will need to be dumped into and how much are we up to so far. Mr. Cullen said we are at about \$3,050,000.00. Mr. Cullen went on to explain the bonding useful life. Where we are today isn’t much different from where we started. We started with an estimate of about \$20 per household and today we are looking at \$23.47 per household. Mayor Anesh said we do not foresee any major additional bonding for this project. Mr. Cullen also said he doesn’t foresee any additional bonding for this project. Mr. Cullen said as of right now the weather is cooperating, and we are still scheduled to open on time.

Roberto Sayers of West Crescent asked what the percentage was of those who came out and voted in favor of the pool and said he feels there was not enough advertisement of the Democracy referendum and suggested that we could have included a notice with our tax billing for example. Councilman Bengivenga responded that we could not include a notice in the sewer bills because they went out prior to scheduling the Democracy Day. Mayor Anesh said that he believes we did do a lot more notification than ever before. Mr. Cullen did a presentation at a Council meeting and there were several others. All access channels were notified as well as all social media sources. Mr. Sayers expressed concern for how much more the pool project costs will go up. Councilman Bengivenga clarified that when unforeseen events come up you have to make a decision as a governing body to either scrap the project or proceed and make it right. We don’t want to scrap a project that the voters did come out and overwhelmingly supported, and especially if a high percentage of the project is already well underway and we also have to remember that we are under contract with the contractor and bound to do the project and pay them. We did the Democracy Day because we felt the voters should have input on it. But when unforeseen extra costs come up, the council has to make that decision. Mayor Anesh said it’s going to be tough enough to meet a May deadline now, so when you see overruns, we can’t keep doing a Democracy Day for such a thing. We already got a gage of what the public support is. We are still under a 20% limit. Mr. Sayers said he is hoping we don’t see any more increases. Mayor Anesh agreed. Mayor Anesh pointed out that you have to keep in mind that if we did not go through with this pool refurbishment, we would still be bound to do something with that lot. Demolition costs and refurbishment into another use would probably be close to where we are at today.

Former Councilman, Jon Dean of Evergreen said he feels we did notify everyone as best as we possibly could about this project. Mr. Dean asked what part of Cady Lane is getting paved. Councilman Bengivenga said the pool parking lot and the drainage will be fixed and if money is left over we would love to expand it if we could. Mr. Cullen said the plumbing will be fixed also. If we’re going to do it we want to do it right. Mr. Dean said considering a project of this magnitude what you’re running into now is nothing compared to what it could have been. Mr. Dean said from his perspective he agrees that he can’t foresee any further issues.

Councilman Bengivenga thanked Mr. Cullen, Mr. Miller and Mr. Demico for helping with this project and identify a lot of the issues along the way. At the end of the day, we’re going to have a beautiful facility to be proud of. Mayor Anesh reiterated if we’re going to do this project, let’s do it right.

BOND ORDINANCE #2163

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE POOL HOUSE BUILDING, PARKING LOT, CADY LANE AND OTHER VARIOUS SITE IMPROVEMENTS, ALL WITHIN THE POOL UTILITY IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$420,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$420,000, including the sum of \$20,000 from the Pool Capital Improvement Fund as the down payment required by the Local Bond Law. The down payment is now 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 improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$400,000 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various improvements to the Pool Utility, including, but not limited to, the pool house, the parking lot and miscellaneous site improvements, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 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 \$400,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$30,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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 described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement 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				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman White			X				
Councilman Wolak			X				
Council President Faustini	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2164 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for public comment and with no public comments, closed the floor.

BOND ORDINANCE #2164

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,375,000 THEREFOR AND RE-APPROPRIATING \$150,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$207,800 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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,375,000, including (i) two grants previously received from the State of New Jersey Department of Transportation (the "State Grants"), one in the amount of \$542,200 for improvements to Saint Nicholas Avenue and the other in the amount of \$625,000 for improvements to Corporate Boulevard and Cragwood Road, as more fully described in Section 3(a) and (ii) unspent proceeds of obligations previously issued in the amount of \$150,000 authorized by Bond Ordinance #2110 of the Borough, finally adopted April 16, 2018, as re-appropriated by Bond Ordinance #2124 of the Borough, finally adopted February 4, 2019, which are no longer needed for its original purpose and which are hereby re-appropriated pursuant to N.J.S.A 40A:2-39 (the "Unspent Proceeds"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the project since the project is being partially funded by the State Grants.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grants or the Unspent Proceeds, negotiable bonds are hereby authorized to be issued in the principal amount of \$207,800 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to various roads, including Saint Nicholas Avenue, Corporate Boulevard and Cragwood Road, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 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 \$207,800, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$120,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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 described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement 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				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman White		x	X				
Councilman Wolak	x		X				
Council President Faustini			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2165 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for public comment and with no comments from the public, closed the floor.

BOND ORDINANCE #2165

BOND ORDINANCE AMENDING BOND ORDINANCE #2145, FINALLY ADOPTED JUNE 17, 2019, IN ORDER TO AMEND THE LIST OF ROADS ON FILE IN THE OFFICE OF THE CLERK AND PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$372,750 FOR ROAD IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF

\$355,000 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 improvement described in Section 3(a) of Bond Ordinance #2145, finally adopted June 17, 2019 (the "Original Bond Ordinance"), of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") is hereby amended in order to refer to a revised list of roads on file in the Office of the Clerk.

Section 2. The improvement described in Section 4(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 4(a), there is hereby appropriated the supplemental amount of \$372,750, such sum being in addition to the \$672,000 appropriated therefor by the Original Bond Ordinance and including the sum of \$17,750 as the additional down payment from the Capital Improvement Fund required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 3. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$355,000 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 4. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is road improvements, including resurfacing of roads and the installation of storm sewer inlets and piping, such improvements to be undertaken in concert with PSE&G, all as set forth on an amended list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length herein, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$995,000, including the \$640,000 authorized by the Original Bond Ordinance and the \$355,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$1,044,750, including the \$672,000 appropriated by the Original Bond Ordinance and the \$372,750 appropriated herein.

Section 5. 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 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 6. 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 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 4(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 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 \$355,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$70,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$30,000 is estimated therefor herein.

Section 8. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 3 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 4(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 9. Any grant moneys received for the purpose described in Section 4(a) hereof shall be applied either to direct payment of the cost of the improvement 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 10. 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 11. 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 12. 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				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman White			X				
Councilman Wolak			X				
Council President Faustini	x		X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2166 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for public comment and with no comments from the public, closed the floor.

BOND ORDINANCE #2166

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$230,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE 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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$230,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$230,000 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various sewer utility improvements, including, but not limited to sanitary sewer main improvements on Hadley Road and New Brunswick Avenue, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 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 \$230,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

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 described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement 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. The appropriation authorized by this bond ordinance provides in full for the (i) \$153,776.35 emergency appropriation created by a resolution of the Borough duly adopted on November 18, 2019, and entitled, "AMENDING RESOLUTION 19-324 OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT AUTHORIZED AN EMERGENCY APPROPRIATION FOR THE PURPOSE OF A SANITARY SEWER REPAIR ON NEW BRUNSWICK AVENUE IN THE SEWER UTILITY THAT WAS IN THE AMOUNT OF \$118,470.41 TO NOW BE \$153,776.35 PURSUANT TO N.J.S.A. 40A:4-46 TO PROVIDE FOR EXTRAORDINARY EXPENSES RESULTING FROM A SANITARY SEWER MAIN BREAK", and (ii) \$54,049.98 emergency appropriation created by a

resolution of the Borough duly adopted January 13, 2020, and entitled, "RESOLUTION OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION FOR THE PURPOSE OF A SANITARY SEWER REPAIR ON HADLEY ROAD IN THE SEWER UTILITY IN THE AMOUNT OF \$54,049.98 PURSUANT TO N.J.S.A. 40A:4-46 TO PROVIDE FOR EXTRAORDINARY EXPENSES RESULTING FROM A SANITARY SEWER MAIN BREAK" and accordingly, said emergency appropriations shall not be provided for in the Borough's 2020 municipal budget.

Section 12. 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				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman White		X	X				
Councilman Wolak	X		X				
Council President Faustini			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

The following Ordinance 2167 was read by Clerk Antonides by title on second reading. Mayor Anesh opened the floor for public comment and with no comments from the public closed the floor.

ORDINANCE 2167

AN ORDINANCE AMENDING ORDINANCE 2160 THAT PROVIDES FOR THE COMPENSATION OF EMPLOYEES OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENATION FOR THE YEARS 2020 THROUGH 2023 FOR NON-UNION PROFESSIONALS AND GOVERNING BODY

The ordinance #2167 read by title upon first reading herewith has been introduced at the meeting of the Mayor and Borough Council of the Borough of South Plainfield, held on January 13, 2020. In summary, this ordinance amends Ordinance 2160 that provides for the compensation of and method of payment of such compensation for the years 2020 through 2023 for non-union professionals and Governing Body to add a full-time salary for the Zoning Officer. The public hearing where further consideration will be made will be held on January 27, 2020 at approximately 7:00 p.m. at the Municipal Building located at 2480 Plainfield Avenue, South Plainfield, NJ. A full complete copy of this ordinance shall be provided, free of charge prior to adoption, to all those who request said copy at the Borough Clerk's office during normal business hours of 8 a.m. to 4 p.m. or emailed upon request. A copy is also located on the municipal website and may be freely viewed and printed.

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

RESOLUTIONS:

RESOLUTION 20-72

AMENDING RESOLUTION 19-358 THAT CONFIRMS THE APPOINTMENT OF COMMUNITY EMERGENCY RESPONSE TEAM (CERT) MEMBERSHIP TO ADD ANTHONY BARBARA

WHEREAS, the volunteer Community Emergency Response Team (CERT) Program was created to educate people about disaster preparedness and train them in the basic skills needed to assist others when professional responders are not immediately available; and

WHEREAS, the volunteer Community Emergency Response Team falls within the Borough’s Office of Emergency Management (OEM) and is also comprised of volunteer South Plainfield Amateur Radio Club members; and

WHEREAS, all CERT members are trained by the Office of Emergency Management to assist and provide aid, as needed, for emergency disaster response and to educate and promote disaster preparedness and awareness to the community;

NOW, THEREFORE, BE IT RESOLVED that Resolution 19-358 is hereby amended to add Keith Slicner as member of the CERT Team, numbered 27 below to comprise of the Borough of South Plainfield’s Community Emergency Response Team lead by the Borough’s Office of Emergency Management:

OEM LEADERSHIP:

1. James Parker, OEM Coordinator
2. Captain Charles Siedenberg – Deputy OEM Coordinator
3. Captain Matthew Koep – Deputy OEM Coordinator
4. Lt. Wendell Born – Deputy OEM Coordinator

COMMUNITY EMERGENCY RESPONSE TEAM (CERT):

- | | |
|---------------------|---------------------|
| 1. Derryck White | |
| 2. Marvin Bronstein | |
| 3. Wayne Grennier | 24. Gino Leonardis |
| 4. Eric Myers | 25. Adriana Arias |
| 5. Tim Holloran | 26. Amanda Fugate |
| 6. John Anesh | 27. Keith Slicner |
| 7. Larry Makoski | 28. Anthony Barbara |
| 8. Chuck Merryman | |
| 9. Tom Walsh | |
| 10. Harry Chiovarou | |
| 11. Bill Meixner | |
| 12. Drew Moore | |
| 13. Ron Hepburn | |
| 14. Dennis Hall | |
| 15. Dave Hackett | |
| 16. Sharon Padula | |
| 17. Cliff Perrino | |
| 18. Phillip DeFort | |
| 19. Roberto Morales | |
| 20. Michael Sesta | |
| 21. William Russell | |
| 22. Harlan Gray | |
| 23. William Carlson | |

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

RESOLUTION: 20-73

AUTHORIZING A BUILDING PERMIT REFUND IN THE AMOUNT OF \$60.00 FOR THE PROPERTY LOCATED AT 145 EAST GOLF AVENUE

WHEREAS, the Building Official confirms that the owner had inadvertently paid a permit fee for replacement steps, but upon sale of the home, it was agreed upon that the new owner would replace the steps themselves, and as such has requested a refund of the \$60.00 representing the permit fee;

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 refund check(s) in the

amount(s) of \$60.00 to the following:

Mary DeRose
104 Borman Road
South Plainfield, NJ 07080

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

RESOLUTION 20-74
AUTHORIZING THE SOLE SOURCE PROVIDER SERVICES OF
ONSOLVE FOR CODE RED EMERGENCY NOTIFICATION
IN AN AMOUNT NOT TO EXCEED \$5,905.35

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the sole source provider services of ONSOLVE for CodeRED Emergency Notification System from 1/1/2020 through 12/31/2020 in and amount not to exceed \$5,905.35.

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. James Parker, Chief of Police

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

RESOLUTION: 20-75
AUTHORIZING BUILDING PERMIT REFUNDS IN THE AMOUNT OF \$1,129.00 REPRESENTING VARIOUS
PROPERTIES IN SOUTH PLAINFIELD FOR SOLAR WORK NOT DONE

WHEREAS, the Building Official confirms that Vivint Solar Developer LLC had paid permit fees for various property owners in South Plainfield, however, the owners changed their minds and did not have the solar work done, and as such has requested a refund of the \$1,129.00 representing the permit fees;

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 refund check(s) in the amount(s) of \$1,129.00 to the following:

Vivint Solar Developer LLC
Attn: AR Department
1800 W Ashton Blvd.
Lehi, UT 84043

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

RESOLUTION 2020-76

RESOLUTION AUTHORIZING SETTLEMENT OF 2018 and 2019 TAX APPEALS FILED BY 3775 PARK AVENUE ASSOCIATES LLC, FOR THE PROPERTY KNOWN AS 140 PARK AND TOWNSHIP LINE AND IDENTIFIED AS BLOCK 495, LOT 2, ON THE BOROUGH OF SOUTH PLAINFIELD TAX ASSESSMENT MAPS

WHEREAS, 3775 Park Avenue Associates LLC (hereinafter referred to as “Taxpayer”) is the owner of the property known as Park and Township Line and identified as Block 495, Lot 2, on the Borough of South Plainfield’s Tax Assessment Maps (“Property”); and

WHEREAS, the assessed value of the Property was set at \$100,100 for the years under appeal; and

WHEREAS, Taxpayer filed appeals of its 2018 and 2019 tax assessments in the Tax Court of the State of New Jersey under docket numbers 010865-2018 and 011640-2019; 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 assessment for the tax years under appeal and recommended that the settlement be approved and therefore, this proposed settlement is reasonable and reflects the correct market values for the Property which was over assessed for the tax years under appeal; and

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

- The 2018 tax appeal shall be withdrawn and the assessment shall remain unchanged;
- The 2019 original assessment in the amount of \$100,100 shall be reduced to \$90,000 and the Borough of South Plainfield shall provide Taxpayer with a corresponding tax refund for 2019;
- The parties agree that the 2020 total tax assessment shall be set by the tax assessor at \$85,000 prior to the close of the 2020 tax assessment books and further agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment;
- Taxpayer has agreed to waive statutory interest provided that the tax refund is made payable to “3775 Park Avenue Associates LLC and Zipp and Tannenbaum, attorneys for plaintiff” and forwarded to counsel for Taxpayer within 60 days from the entry of the Judgment.

WHEREAS, the Borough of South Plainfield Tax Assessor agrees that it is in the best interests of the Borough of South Plainfield to resolve the aforesaid tax appeals pursuant to the terms and conditions set forth above and in the Stipulation of Settlement annexed hereto based on market conditions as well as the uncertainty and costs associated with continued litigation; and

WHEREAS, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Borough of South Plainfield; and

WHEREAS, the Mayor and Borough Council of South Plainfield having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Borough of South Plainfield to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto; and

WHEREAS, the Mayor and Borough Council make this settlement with the Taxpayer without prejudice to its dealing with any other South Plainfield taxpayer’s request for tax assessment reduction.

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 a \$90,000 total tax assessment for the 2019 tax year for Block 495, Lot 2.
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 3775 Park Avenue Associates LLC under Docket Nos.: 010865-2018 and 011640-2019 for the property known as Park and Township Line and identified as Block 495, Lot 2 on the Borough of South Plainfield Tax Assessment Maps which withdraws the 2018 Tax Court Complaint; which reduces the 2019 total tax assessment on the Property from \$100,100 to \$90,000; which provides that the 2020 total tax assessment shall be set by the tax assessor at \$85,000 prior to the close of the 2020 tax assessment books; which provides that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to the assessment; which provides that the Taxpayer has agreed to waive statutory interest provided the refund is received within 60 days of the Judgment; and which provides that any tax refunds resulting from the settlement shall be made payable to “3775 Park Avenue Associates LLC and Zipp and Tannenbaum as attorneys for plaintiff” and forwarded to counsel for Taxpayer within 60 days from the date of entry of the Judgment.
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 Bengivenga			X				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman White	x		X				
Councilman Wolak		x	X				
Council President Faustini			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 20-77
AUTHORIZING 2019 APPROPRIATION TRANSFERS IN THE AMOUNT OF
\$39,000.00 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
9-01-20-120-000-215	Borough Clerk's Office	O&E		1,000.00
9-01-20-145-000-255	Taxes	O&E		2,000.00
9-01-20-155-000-221	Legal	O&E		5,000.00
9-01-23-210-000-655	Other Insurance	O&E		5,000.00
9-01-23-220-000-601	Health Benefits	O&E		22,000.00
9-01-25-240-001-101	Police	S&W		6,000.00
9-01-26-290-003-102	Snow Removal	S&W		5,000.00
9-01-26-315-000-101	Vehicle maintenance	S&W		2,000.00
9-01-36-472-000-675	SSI	Statutory		2,000.00
Total FROM:				50,000.00
TO:				AMOUNT
9-01-20-130-000-102	Financial Administration	S&W		1,000.00
9-01-20-130-000-325	Financial Administration	O & E		2,000.00
9-01-20-140-000-204	Computers	O & E		2,000.00
9-01-20-145-000-101	Taxes	S&W		1,000.00
9-01-20-165-000-235	Engineering	O & E		5,000.00
9-01-22-195-001-405	Code Enforcement	O & E		1,500.00
9-01-25-240-001-519	Police	O & E		2,000.00
9-01-25-240-003-241	Crossing Guards	O & E		3,000.00
9-01-25-265-002-519	Fire Official	O & E		1,000.00
9-01-26-290-001-325	Public Works Admin	O & E		1,000.00
9-01-26-290-003-321	Snow Removal	O & E		3,500.00
9-01-26-310-000-401	Public Buildings & Grounds	O & E		2,000.00
9-01-28-370-002-204	Office on Aging	O & E		1,000.00
9-01-30-410-001-685	LOSAP	O & E		2,000.00
9-01-30-415-001-101	Accumulated Leave	O & E		12,000.00
9-01-36-471-000-681	PERS	O & E		2,500.00
9-01-36-475-000-683	Water	O & E		7,500.00
Total TO:				50,000.00

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

**RESOLUTION 20-78
ACCEPTING THE RESIGNATION OF CHRISTINE LEE
FROM THE CULTURAL ARTS COMMISSION**

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

It hereby accepts the resignation of Christine Less from the Cultural Arts Commission effective January 6, 2020; and

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

1. Amy Antonides, Municipal Clerk

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

RESOLUTION 20-79

AUTHORIZING CHANGE ORDER NO. 2 TO MIDATLANTIC CONSTRUCTION & DESIGN ASSOCIATES INC. FOR THE IMPROVEMENTS TO THE REFURBISHMENT OF THE COMMUNITY POOL TO INCREASE THE SCOPE OF WORK TO NOW INCLUDE ADDITIONAL UNFORESEEN WORK AND TO INCREASE THE CONTRACT AMOUNT BY \$180,000.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the additional project scope of the Improvements to the South Plainfield Community Pool to now include additional unforeseen work. The improvements shall be installed in accordance with the contract unit prices and the original contract amount of \$2,238,000.00 which was increased by \$154,000.00 with Change Order No. 1 and will be increased by \$180,000.00 with Change Order No. 2 for a new contract amount of \$2,572,000.00.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of South Plainfield that a copy of this resolution be distributed to the following:

1. Glenn Cullen, CFO/BA
2. Amy Antonides, Clerk
3. Charles Schneider, Project Manager / Brandstetter Carroll
4. Joe Ramirez, MidAtlantic Construction & Design Associates
5. Len Miller, Borough Engineer/Superintendent DPW

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

AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:

- Zoning Board Minutes – October 1, 2019
- Recreation Commission Minutes – November 12, 2019
- Environmental Commission Monthly Report – December 2019
- MCIA Curbside Recycling Program – Intent to Participate

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

PAYMENT OF BILLS

Current Fund	19-01	146,521.09
Current Fund	20-01	270,319.02
Pool Utility	20-26	0.00
Pool Utility	19-26	0.00
Sewer Utility	20-07	10,239.28
Sewer Utility	19-07	14,592.67
Sewer Utility Capital	C-08	0.00
General Capital	C-04	15,479.65
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	3,214.00
Dog Trust	T-12	3,333.33
Treasurers Trust	T-13	158.38
Recreation Trust	T-14	0.00
Senior Citizen Trust	T-16	850.00
TOTAL ALL FUNDS		\$464,707.42

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – reported that the MCIA sent us a notice requesting our interest level in renewing our curbside recycling with them. The costs most likely will be increasing. Alice Tempel is working on some comparisons. It is likely we will be renewing with them.

Engineer Miller – Mr. Miller said that we will soon be going out to bid for 2020 road improvements. We are hoping by going out to bid earlier we will secure good prices. We are also working on the St. Nicholas, Corporate Blvd. and Cragwood project which should be worked on after the resurfacing. These projects were funded mostly by the NJDOT with minimal fund required by the Borough.

Clerk Antonides – reported progress.

Councilman Smith – advised that he attended an Environmental Commission meeting and this time the Green Team was also present. We're working on obtaining the credits for the New Jersey Sustainable status. Also, this week Councilman Smith said he will be meeting with Clean Communities.

Councilman Wolak – reported progress.

Councilman White – provided an update on the Hometown Hero Banners. 31 Veterans have been approved so far. You have until the end of February to submit your name for a banner. The goal is to have the banners up and displayed for Memorial Day to November.

Councilwoman Mott – reported progress.

Councilman Bengivenga – said that today, January 27th is the 75th anniversary of the liberation of Auschwitz and to please keep any of the holocaust survivors our prayers. We should never forget. We are also looking for volunteer coaches

Council President Faustini – advised that now through February are T-ball sign-ups at the Pal. Ponytail softball signups are also taking place. Tonight, we had SP Rec Week organized by Emma Ward. There was a very nice turnout. February 3rd at 7:00 p.m. at the PAL will be another opportunity to participate.

Mayor Anesh – reported that for the first time the Mayor's Wellness Committee filed an application for Health Town Designation. Mayor Anesh thanked Debbie Boyle and Scott Carey for their help with this process.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment.

Nancy Grennier asked for clarification of what the increase for the pool project will be. Mr. Cullen said \$23 per year. Councilman Bengivenga emphasized that it is not cumulative. Mrs. Grennier said she noted the light are on at Spring Lake Park and asked if it will be open later in the Summer. Mayor Anesh said he doesn't believe they will be changing their hours. Mrs. Grennier asked if there will be a designated area for the Hometown Hero banners because the Business Association is wanting to put up welcome signs and banners. Councilman White said yes there are designated areas. Councilman White said we can discuss this after the meeting further. Mrs. Grennier went on to mention a few upcoming dates for events in town.

Steve Danyo asked what work is taking place by the field near the recycling center. Mr. Cullen said NJ American Water is working on strengthening the pipes and expect to be done by the Summer. Mr. Danyo expressed concerns pertaining to a corrosive trailer on site. Mr. Miller said that has already been investigated and it has been determined that they meet all required safety specifications to be there.

Debbie Boyle of Van Fleet thanked Emma Ward for her project saying she did a fabulous job of organizing it. Ms. Boyle went on to mention a few upcoming dates and events that are forthcoming.

Leon Gwiazdowski of 2309 Selene Avenue advised that his neighbor took down here tree and went on to thank the Governing Body for all their help.

Suzanne Lepore of Bullard Place advised that the Cultural Arts Talent Show auditions will be on February 22nd and March 1st. The show is scheduled for March 20th.

Mr. Pellogoni of 705 Delmar Ave. inquired about the businesses in South Plainfield. Mayor Anesh turned the floor over to Economic Development Chairman, Councilman White. Councilman White gave a very brief explanation on what Economic Development does and provided a brief on some of the forthcoming new businesses. However, it is extremely important during negotiations that discretion is used.

ADJOURNMENT

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Council President Faustini made a motion to adjourn at 8:04 p.m., seconded by Councilman White and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk