

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
JUNE 15, 2020 7:17 P.M.  
PUBLIC MEETING**

**\*Due to the COVID-19 outbreak, this meeting was transmitted virtually via the Webex platform**

**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:17 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		
<b>ALSO PRESENT</b>			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller	X		

**Flag Salute:** was led by Mayor Anesh and Councilwoman Mott 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:**

June 1, 2020 – Agenda Meeting

June 1, 2020 - Public Meeting

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

The below ordinance 2176 was and read by title by Clerk Antonides on first reading. Mayor Anesh set the public hearing for July 13, 2020 at approximately 7:00 p.m.

**ORDINANCE 2176**

**AN ORDINANCE CREATING THE SOUTH PLAINFIELD  
“HUMAN RELATIONS COMMITTEE” UNDER CHAPTER 17, ARTICLE VIII TITLED “BOARDS, COMMITTEES AND  
COMMISSIONS” WITHIN THE BOROUGH CODE**

**WHEREAS**, South Plainfield is a wonderful place to live, work, and raise our families, in large part because of our wealth of diverse bodies, minds, and backgrounds.

**WHEREAS**, the Mayor and Council of the Borough of South Plainfield have determined that it is in the best interest of the Borough to create a Human Relations Committee of the Borough of South Plainfield;

**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 17 the Code of the Borough of South Plainfield titled, “Boards, Committees and Commissions” shall be amended to add Article VIII, Human Relations Committee as follows:

## **ARTICLE VIII - Human Relations Committee**

### **SECTION 17-44. Establishment, Membership and Terms; Compensation.**

There is hereby established a Human Relations Committee for the Borough of South Plainfield that shall be made up of eleven (11) members and four (4) advisory members. The membership of the Commission shall be composed of a member from each Borough agency as follows:

- A. One (1) Member of the South Plainfield Cultural Arts Commission to be designated by the Chair of the Cultural Arts Commission.
- B. One (1) Member of the South Plainfield Recreation Commission to be designated by the President of the Recreations Commission.
- C. One (1) Member of the South Plainfield Business and Economic Development Advisory Group to be designated by the Chair of the Business and Economic Development Advisory Group.
- D. One (1) Member of the South Plainfield Environmental Commission to be designated by the Chair of the Environmental Commission.
- E. One (1) Member of the South Plainfield Library Board of Trustees to be designated by the President of the Library Board of Trustees.
- F. One (1) Member of the South Plainfield Housing and Community Development Committee to be designated by the Council Liaison of the Housing and Community Development Committee.
- G. One (1) Member of the South Plainfield Public Celebrations Committee to be designated by the Chair of the Public Celebrations Committee.
- H. One (1) Member of the South Plainfield Mayor's Wellness Committee to be designated by the Chair of the Mayor's Wellness Committee.
- I. One (1) member of the South Plainfield Board of Education to be designated by the President of the Board of Education.
- J. One (1) member of the Council of the Borough of South Plainfield who shall act as a liaison to be designated by the Mayor.
- K. One (1) member representative of the South Plainfield Police Department to be designated by the Police Chief.
- L. Advisory members must be eighteen (18) years of age and residents of South Plainfield. They shall be appointed by the Mayor with the advice and consent of the Borough Council. Each member shall serve for a term of three (3) years and until the appointment and qualification of their successor, except that the initial term of advisory members shall be as follows: two (2) advisory members for a term of three (3); one (1) advisory member for a term of two (2) years; and one (1) advisory member for a term of one (1) year. The initial appointment of advisory members shall be done at the annual reorganization meeting of the Mayor and Council next following the adoption of this Ordinance.
- M. All members shall serve without compensation.

Except for the initial appointment in the year of adoption of this Ordinance, all terms shall be from the day of appointment until December 31 of the year in which the appointment was made.

### **17-45. Appointment.**

For the initial year the Committee is established, appointments shall be made by the respective Commissions, Committees, groups and individuals as referenced in Section 17-44 by September 1 of each year to serve the remainder of the calendar year. For each year thereafter, appointments shall be made by February 1 of the calendar year. Upon each appointment being made, the person making such appointment shall notify the Borough Clerk of the appointment and provide the name and contact information to the Borough Clerk who shall maintain a record of same.

### **17-46. Powers and Duties.** The Committee shall have the following powers and duties:

- A. To establish, amend, and supplement its own bylaws to the extent not inconsistent with this article nor with any other municipal, state or federal regulation or law. The Committee shall meet regularly and at a minimum of bi-monthly (every two months).
- B. To foster, through community effort, good will, cooperation and conciliation among the groups and elements of the inhabitants of this Borough, and to make recommendations to the Mayor and Council for the development of policies and procedures in general and for programs of formal and informal education that will aid in eliminating all types of discrimination based upon race, creed, color, national origin, ancestry, age, gender, sexual preference, marital status, or developmental, mental, or physical disabilities.

- C. To investigate, mediate and attempt to resolve without resort to the judicial system or other form of adjudication any allegations of unlawful discrimination by residents of the Borough.
- D. To make a written annual report in June of each year to the Mayor and Council detailing its activities for the previous year and to make presentations before the Mayor and Council at such time as the Council shall request or the Committee deems desirable.
- E. The Human Relations Committee shall advise the Mayor and Borough Council on ways to promote social and cultural harmony throughout the Borough. The Committee shall propose educational and cultural programs to promote awareness and foster an inclusive sense of community within South Plainfield. It will also provide guidance to the Mayor and Council and other Borough Committees on ways to encourage kindness, cooperation, and unity among the multicultural residents of our town.
- F. The Committee is dedicated to cultivating an atmosphere of understanding and acceptance in South Plainfield that ensures residents and visitors of all backgrounds and circumstances can feel safe and welcome here.
- G. The Human Relations Committee shall be advisory in nature, it nor its members have the authority to contract, bind or act on behalf of the Borough of South Plainfield. Its sole function is to assist the Mayor, Council, Committees, Boards, Agencies and Administration of the Borough of South Plainfield in matters provided for above in the Borough of South Plainfield.

**SECTION 17-47. Chairperson.**

The Human Relations Committee shall, at its first meeting of each year, elect from those members described in paragraphs 17-44A through H above a chairperson who shall preside over all meetings.

**SECTION 17-48. Rules and Bylaws.**

The conduct of the Human Relations Committee at its meetings and for all activities of such Committee shall be governed by Rules and Bylaws which shall be established and adopted by the Committee at its first meeting of each year.

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

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

The below ordinance 2177 was and read by title by Clerk Antonides on first reading. Mayor Anesh set the public hearing for June 29, 2020 at approximately 7:00 p.m.

**ORDINANCE 2177**

**AN ORDINANCE AMENDING ORDINANCE 2173 THAT ESTABLISHES RATES FOR USE OF THE SOUTH PLAINFIELD COMMUNITY POOL TO PROVIDE RATES FOR THE YEAR 2020**

**BE IT ORDAINED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD** that the following rates shall be established for use of the South Plainfield Community Pool for 2020:

<b>Pool Saver Pass *</b>	<b>Targeted 7/15</b>
Resident - Individual	\$130.00
Resident - Individual + 1	\$200.00
Resident - Family	\$230.00
Resident - Senior Citizen	\$55.00
<b>Session (8 - 30 minute lessons)</b>	
Member	\$40.00
Non-Member Resident	\$80.00
Non-Member Non-Resident	\$120.00

<b>Day Pass</b>	
Resident – Individual – WEEKDAY	\$12.00
Resident – Individual _ WEEKEND/HOLIDAY	\$15.00
** Non-Resident – Individual – WEEKDAY	\$25.00
** Non-Resident – Individual - WEEKEND	\$30.00

\* Note: Pool admissions may be limited by daily social distancing capacity requirements. Pool Saver Pass does not guarantee admission.

\*\* Note : Non-Resident Passes will be subject to availability

\*\*\* Individual: Age 13 & Over (as of 6/30/2020). Applicants under 18 must have parental consent.

Individual +1: Adult plus one additional adult or child.

Family: Adult plus 2 or more.

Senior Citizen: 60 Years of age (as of 6/30/20).

All adults must show proof of residency. Individual +1 and families must reside in same home.

This ordinance shall take effect upon final adoption and publication according to law.

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

The below ordinance 2178 was and read by title by Clerk Antonides on first reading. Mayor Anesh set the public hearing for June 29, 2020 at approximately 7:00 p.m.

**ORDINANCE No. 2178**

**AN ORDINANCE AMENDING ORDINANCE 2172 THAT PROVIDES FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEAR 2020 FOR PART TIME SEASONAL COMMUNITY POOL HELP**

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

SECTION 1. The rates of compensation for each employee of the Borough of South Plainfield shall be on an annual basis as follows except where indicated. Such rates of pay shall be effective on January 1<sup>st</sup> of the years shown.

Employee Type	Rate per Hour	Stipend for Summer
Pool Attendant (Non-Certified Staff)	\$10.50	
Lifeguard (Tier 1)	\$12.75	
Lifeguard (Tier 2)	\$13.25	
Lifeguard (Tier 3)	\$13.75	
Assistant Managers	\$19.00	
Head Manager*		\$11,000.00

\*Swim Instruction will pay an additional \$1.00/per hour from guard rate.\*  
Salary is prorated due to delayed opening.

\*The Head Manager stipend has been adjusted and prorated for the shortened season. The Head Manager will be conducting preseason training for staff prior to pool opening.

SECTION 2. INCONSISTENCY – All ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. EFFECTIVE DATE – This ordinance shall become effective after publication in accordance with the law.

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

**RESOLUTIONS:**

**RESOLUTION 20-185  
APPOINTMENT OF GREEN TEAM MEMBERS FOR THE  
SUSTAINABLE NEW JERSEY PROGRAM IN 2020**

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

WHEREAS, the Borough of South Plainfield and the Environmental Commission recognize the need to build a model of government that benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and,

WHEREAS, the South Plainfield Environmental Commission By-Laws specify that one of its subcommittees is a sustainability committee known as the Green Team, which serves as the coordinating unit to create a greener community, save tax dollars, assure clean air and water, and improve working and living environments to build a community that is sustainable economically, environmentally and socially; and

WHEREAS, the Governing Body of the Borough of South Plainfield adopted a resolution in 2009 indicating the borough’s intent to pursue Sustainable New Jersey certification, and registered with the Sustainable New Jersey program; and

WHEREAS, the Governing Body has continued to support the Green Team’s efforts; and

WHEREAS, through the efforts of the Green Team to document existing sustainability programs and newly initiated programs, the Borough of South Plainfield achieved bronze-level certification in 2014 and 2017; and

WHEREAS, the Borough of South Plainfield's Sustainable New Jersey certification will expire at the end of 2020;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield that the following individuals, whom the Environmental Commission appointed to the Green Team subcommittee at its January 2020 Reorganization Meeting and the following Borough officials are hereby recognized as members of the South Plainfield Green Team:

<b>Members</b>	<b>Affiliation</b>	<b>Term Ends</b>
Robert Longo (Chairman)	South Plainfield Business Association	12/31/20
Alice Tempel	Borough Environmental Specialist	Term of office
Peter Smith	Council Liaison	Term of office
Glenn Cullen	Borough Administrator/CFO	Term of office
Leonard Miller	Borough Director of Public Works	Term of office
Tom Walsh	Environmental Commission Member	12/31/22
Danielle Hurst	Environmental Commission Member	12/31/20

#### **Associate Members**

Robert Ackerman	Borough Planning Board
Gino Leonardis	Borough Board of Adjustment
Debbie Boyle	Borough Board of Education
Noemy Gaitan	Member of the Public
Karina Gaitan	Member of the Public

BE IT FURTHER RESOLVED that the Governing Body of the Borough of South Plainfield continues to support the Mission Statement and goals of the Green team to

- Raise community awareness
- Engage citizen volunteerism
- Maintain fiscal responsibility and
- Attain "Sustainable Jersey" recertification

in the arenas of Education, Community, Communication and Promotion of sustainability models; and

BE IT FURTHER RESOLVED that the Green Team is encouraged to apply to the Sustainable New Jersey Program for recertification in 2020.

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

**RESOLUTION 20-186**  
**AUTHORIZING AWARD OF BID TO STILO EXCAVATION, INC.**  
**FOR ROAD IMPROVEMENTS TO ST. NICHOLAS AVENUE**  
**IN AN AMOUNT NOT TO EXCEED \$549,917.76**  
**AND AUTHORIZING THE MAYOR AND MUNICIPAL CLERK**  
**TO EXECUTE CONTRACT FOR SAME**

**BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, State of New Jersey, that:

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40A:11, any expenditure of public funds in excess of \$17,500 requires municipalities to advertise for proposals for delivery of said goods or services; and

**WHEREAS**, a need has been determined that road improvements on St. Nicholas Avenue are necessary; and

**WHEREAS** bids were solicited and opened on Thursday, June 4, 2020 at 10:00 a.m. and the following picked-up bid packages from the Borough Engineer and submitted base bids as follows:

Stilo Excavation Inc.	\$549,917.76
Fischer Contracting	\$571,327.66
Top Line Construction Corp.	\$631,765.66
Capital Paving & Contracting	\$712,613.26
S&L Contractors	\$713,022.00
Black Rock Enterprises	\$854,456.00

**WHEREAS**, the bids have been reviewed by the Borough's Engineer and Attorney and as such it has been determined that Stilo Excavation as the lowest bidder and be awarded said bid in the base bid amount of \$549,917.76 and that the bid be accepted, and a contract be awarded to Stilo Excavation Inc.; and

**WHEREAS**, funds for said purpose have been certified by the Chief Financial Officer and are available through capital funding and a NJ DOT Grant;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield that the Mayor and Municipal Clerk are hereby authorized to execute a contract for the aforementioned project.

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

**RESOLUTION 20-187**  
**AUTHORIZING THE DISPOSAL OF IT EQUIPMENT THAT IS DEEMED TO HAVE OUTLIVED ITS USEFUL LIFE, IS**  
**PERMANENTLY DAMAGED,**  
**AND HOLDS NO MONETARY VALUE**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes John Abbruzzese, IT Officer, to dispose of the following items deemed to have outlived its useful life and/or is permanently damaged, and that holds no monetary value;

- **2651 LaserJet Pro 400M401n**

**BE IT RESOLVED** that the aforementioned item(s) are also to be removed from the Borough of South Plainfield’s asset inventory; and

**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. John Abbruzzese, IT Department

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

**RESOLUTION: 20-188**

**AUTHORIZING THE REFUND OF \$200.00 TO THE AMERICAN LEGION FOR A DUPLICATE LIQUOR LICENSE FEE PAYMENT**

**WHEREAS**, the Municipal Clerk confirms that the American Legion had inadvertently paid twice for their annual liquor license renewal, and as such has requested a refund of the \$200.00 representing the duplicate payment;

**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 \$200.00 to the following:

**American Legion**  
**243 Oaktree Avenue**  
**South Plainfield, NJ 07080**  
**(\$200.00 Liquor License Refund)**

**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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		x	X				
Councilwoman Mott			X				
Councilman Smith	x		X				
Councilman White			X				
Councilman Wolak			X				
Council President Faustini			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 20-189**  
**ADOPTING A COMPANION ANIMAL MANAGEMENT PLEDGE WHICH IS A TOOL TO ESTABLISH**  
**HUMANE, EFFICIENT, AND EFFECTIVE SOLUTIONS TO COMPANION ANIMAL ISSUES IN THE BOROUGH OF**  
**SOUTH PLAINFIELD**

**RECOGNIZING** that cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets, and

**UNDERSTANDING** that municipalities have an important role in ensuring the wellbeing of animals while balancing the needs of pet owners and non-pet owners.

**WHEREAS** legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issue(s);

**WHEREAS** there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey;

**WHEREAS** New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries;

**WHEREAS** State responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services;

**WHEREAS** The New Jersey Society to Prevent Cruelty to Animals (NJSPCA) and municipal Animal Cruelty Investigators (ACIs) are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws;

**WHEREAS** New Jersey mandates training requirements for animal control officers and Animal Cruelty Investigators;

**WHEREAS** New Jersey impounds over 100,000 animals per year in animal shelters and impoundment facilities;

**WHEREAS** approximately 37% of the animals that enter New Jersey's impoundment facilities are euthanized, at a rate of around 3000 every month;

**WHEREAS** free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animal feces;

**WHEREAS** stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals; and

**WHEREAS** the Borough of South Plainfield, in the County of Middlesex, has spent some \$45,040.00 on their animal control program in a given year; and

**WHEREAS** it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats;

**WHEREAS** all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities also require licensure of cats. (Current vaccination against rabies is a pre-requisite to licensure);

**WHEREAS** all municipalities are required to canvass their residents to locate unlicensed dogs;

**NOW THEREFORE**, the Borough Council of the Borough of South Plainfield resolve to take the following steps with regard to our municipal responsibilities with the intent of making the Borough of South Plainfield a truly sustainable community:

1. It is our intent to do our utmost, within the bounds of our jurisdiction in the Borough of South Plainfield, to ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities as follows:

**Authority of municipalities:**

Pursuant to New Jersey Statutes, all municipalities must appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality, including providing emergency veterinary care for injured stray animals and coverage outside of normal working hours;

1. The municipality in which an animal facility is located is responsible for issuing the license for that facility to operate;
2. The NJ Vicious Dog Law establishes a state-wide standard for municipalities to effectively address situations of vicious or potentially dangerous dogs, regardless of breed;
3. The Animal Population Control Program provides for low-cost spaying and neutering for pet owners adopting dogs and cats from New Jersey shelters, pounds, and animal adoption referral agencies and pet owners participating in one of several Public Assistance Programs.

**The Municipality of the Borough of South Plainfield pledges to:**

Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in managed TNR programs.

1. Work to improve the enforcement of animal cruelty statutes.
2. Educate our community, including school children, about their responsibilities towards the pet animals they chose to keep.
3. Institute, as appropriate, cat licensing ordinances and increase the percentage of licensed dogs and cats through ease of licensing and licensing enforcement measures.
4. Identify and work to implement best practices to prevent unwanted breeding through effective animal control, availability of low-cost pet spaying and neutering services, public education, and pet-friendly rental and senior housing.
5. Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners.
6. Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control services.

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

1. Glenn Cullen, Borough Administrator
2. Amy Antonides, Municipal Clerk
3. Alice Temple, Environmental Specialist / Green Team

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

**RESOLUTION 20-190**  
**ADOPTING A SUSTAINABLE LAND USE PLEDGE WHICH SUPPORTS SUSTAINABLE SMART GROWTH LAND-USE POLICIES AND PLEDGES IN THE BOROUGH OF SOUTH PLAINFIELD**

**WHEREAS**, land-use is an essential component of overall sustainability for a municipality; and

**WHEREAS**, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

**WHEREAS**, well planned land-use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

**WHEREAS**, given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead;

**NOW THEREFORE**, the Borough Council of the Borough of South Plainfield resolve to take the following steps with regard to our municipal land-use decisions with the intent of making the Borough of South Plainfield a truly sustainable community. It is our intent to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly:

- **Regional Cooperation** - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.
- **Transportation Choices** - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.
- **Natural Resource Protection** - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.
- **Mix of Land Uses** - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.
- **Housing Options** - We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.
- **Green Design** - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

- ***Municipal Facilities Siting*** - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

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

1. Glenn Cullen, Borough Administrator
2. Amy Antonides, Municipal Clerk
3. Alice Temple, Environmental Specialist / Green Team

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

**RESOLUTION 20-191**

**RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL, AND RESIDENTIAL BUILDINGS**

**WHEREAS**, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council).

**WHEREAS**, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development.

**WHEREAS**, the purpose of this resolution is to enhance the public welfare and assure that public buildings are consistent with the South Plainfield desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of public buildings.

**WHEREAS**, the Borough desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock, continued procurement practices...etc. (e.g. improve water conservation, reduce light pollution, increase construction waste recycling).

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of South Plainfield hereby implements a Green Building Policy that: will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities.

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

**RESOLUTION 20-192**  
**BOROUGH OF SOUTH PLAINFIELD**  
**MIDDLESEX COUNTY, NEW JERSEY**

**RESOLUTION TEMPORARILY RELAXING THE PROHIBITION OF OUTDOOR DINING IN THE BOROUGH OF SOUTH PLAINFIELD TO PROVIDE ASSISTANCE TO LOCAL RETAIL BUSINESSES UNDER THE CURRENT SOCIAL DISTANCING RESTRICTIONS ENACTED IN CONNECTION WITH THE ONGOING, CORONAVIRUS PUBLIC HEALTH EMERGENCY**

**WHEREAS**, on January 30, 2020, the World Health Organization declared the outbreak of the novel coronavirus (COVID-19) to be a Public Health Emergency of International Concern as human-to-human transmission; and

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services Secretary declared the novel Coronavirus to be a United States Public Health Emergency.

**WHEREAS**, on February 3, 2020, New Jersey's Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

**WHEREAS**, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

**WHEREAS**, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

**WHEREAS**, on March 13, 2020, the President of the United States of America formally declared the outbreak of the novel Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act (50 U.S.C. § 1601. et seq.); and

**WHEREAS**, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several "social distancing" regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurants/bars and entertainment businesses; and

**WHEREAS**, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

**WHEREAS**, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or country parks, and beaches and boardwalks; and

**WHEREAS**, Executive Order 107 specifically regulated the continued operation of Bars/Restaurants and provided, in part, that "All restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;" and

**WHEREAS**, on June 3, 2020, Governor Murphy issued Executive Order 150 permitting restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, and all bars to offer "in person" service at outdoor areas subject to certain requirements and conditions effective June 15, 2020; and

**WHEREAS**, on June 3, 2020, Judith Persichilli, R.N., B.S.N., M.A., the Commissioner of the State of New Jersey Board of Health issued Executive Directive No. 20-014 providing for "COVID-19 Protocols for Food Establishments Offering Service in Outdoor Areas Pursuant to Executive Order No. 150"; and

**WHEREAS**, *N.J.A.C.* 13:2-5.5 provides: “The Director [of Alcoholic Beverage Control] for special cause shown, may issue such temporary permits for such contingencies where a license is not expressly provided for by law, and such a permit would be appropriate and consonant with the spirit of the Alcoholic Beverage Control Act” and that “The Director may impose special conditions or requirements on any such permit;” and

**WHEREAS**, *N.J.A.C.* 13:2-9.1 provides: “The rules of [*N.J.A.C.* 13:2-1.1, et. seq.] may be relaxed by the Director upon a showing of undue hardship, economic or otherwise, on a licensee; that the waiver of the rule would not unduly burden any affected parties; and that the waiver is consistent with the underlying purposes of Title 33 and the implementing rules.”; and

**WHEREAS**, on June 3, 2020, James Graziano, Acting Director of the Division of Alcoholic Beverage Control of the State of New Jersey, Department of Law and Public Safety issued a Special Ruling Establishing a Temporary COVID-19 Permit to Expand Licensed Premises (“COVID-19 Expansion Permit”) upon application and approval by the Division and the Municipality; and

**WHEREAS**, in the anticipation of the effective date of the permission granted in Executive Order 150 (June 15, 2020), the Mayor and Council of the Borough of South Plainfield find it to be appropriate to temporarily relax its Ordinances, including but not limited to the prohibitions relating to outdoor dining in order to permit said establishments to locate tables and chairs out-of-doors, in existing Parking Lots and/or in other locations on site, subject to the requirements and restrictions set forth in Executive Order 150, the Executive Directive No. 20-014 issued by the State of New Jersey Department of Health, and those set forth herein; and

**WHEREAS**, the Borough of South Plainfield has determined that it is in the best interests of the Borough to assist and promote the economic development of local business in these extremely difficult times and have determined that the ability for local businesses to expand its available dining space outdoors will economically assist the businesses in the reduction of capacity caused by the social distancing requirements; and

**WHEREAS**, the Mayor and Council have determined that it is in the best interest of the Borough to temporarily relax the outdoor dining restrictions on local business establishments and to extend outdoor dining into Private Parking Lots and areas to be established on private property under specific terms and conditions consistent with guidelines provided by Executive Order 150 and the State of New Jersey Department of Health and upon application and approval by a Committee of Borough Employees and Representatives to be established by the Borough.

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

1. The statements that are set forth in the preamble are true and accurate. All of the statements of the preamble are repeated and are incorporated herein by this reference thereto and are made a part hereof as if each and every statement were set forth fully herein.
2. Effective immediately, a Temporary Outdoor Dining Committee (“TODC”) is hereby established made up six (6) members comprised of the following: (1) the Borough Health Official, (2) the Borough Engineer, (3) the Borough Fire Official, (4) the Borough Clerk, (5) the Police Chief or his designee, and (6) the Borough Zoning Official. The TODC is hereby authorized to promulgate requirements, rules and regulations pertaining to the application for and the use of outdoor areas, by local business establishments for outdoor dining consistent with the guidelines established by the State of New Jersey including but not limited to all COVID related safety precautions and measures during the effective dates of this Resolution. The TODC is also authorized to grant approval to any business establishment for the use of space for outdoor dining for the time frames contained in the within Resolution.
3. Any and all business establishments of the Borough of South Plainfield who wish to utilize the existing private parking lots or private property for outdoor dining shall, prior to its use, complete and submit an application to the Borough Zoning Official for review and approval by the TODC. In an effort to assist the local businesses, the Borough has agreed to waive any application and/or approval fees relating its review.

#### **Restaurants/Bars/Food Service Establishment – Outdoor Dining**

4. The TODC is hereby granted the authority and discretion to approve Outdoor Dining Plan Applications pertaining to existing “full-service bars/restaurants,” defined as “restaurants engaged in the preparation and service of meals/food,” in order to permit said establishments to relocate existing indoor tables/seating or locate new tables/seats to other locations on site during the designated times, and/or the designated areas of Parking Lots and/or other private locations during the designated times subject to the following requirements and restrictions:

- A. Applicants who wish to relocate existing approved tables/seats to other locations on site, or to locate newly acquired tables/seats outdoors and/or other locations on site, shall be required to submit an Outdoor Dining Plan application, and a drawing depicting the proposed layout and location of tables/seating outside of said bar/restaurant, which shall also include but not be limited to, confirmation of the number of existing, approved tables/seats, a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area outside, the parking areas and any areas designated for “take-out” or “pick-up”, an illustration, rendering, and/or photograph of all proposed furniture, umbrellas, canopies, and trash receptacles, etc. must be of like nature and appearance to what is currently utilized on site. Applicants shall also submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas. The Applicant should also include how the proposed plan conforms to all safety and precautionary measures relating to social distancing and COVID-19 related issues. The approval of any temporary Outdoor Dining Plan in relation to this Resolution shall be subject to the following conditions:
- i. Applicants may be permitted to relocate existing approved tables/seats and/or to locate newly acquired tables/seats to other locations on site, including existing Parking Lots, subject to the review and approval of the TODC. Notwithstanding the provision of the Resolution, no tables/seats shall encroach on or obstruct the free flow of vehicular traffic and/or pedestrian traffic on a pedestrian walkway or any of its approaches. In addition, notwithstanding the provision of the Resolution, Applicants will not be permitted to increase the currently approved capacity for the Premises.
  - ii. Applicants may be permitted to utilize the private property of the adjacent property owner for outdoor dining with the express written consent and approval by the adjacent property owner and business, which must be submitted with the Application.
  - iii. Applicants who lease or rent their premises must provide written consent of their landlord to the utilization of the property for outdoor dining.
  - iv. Tables/seats may be permitted to be located in the existing Parking Lots and other on-site locations provided a minimum six (6) feet pedestrian walkway is maintained at all times and subject to applicable ADA requirements within the outdoor dining areas.
  - v. An approved tables/seats located in an “outdoor dining area,” defined as “a designated area on the premises of a retail food establishment or restaurant, but located outside of the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress,” may be permitted to be utilized between the hours of 9:00 A.M. and 9:00 P.M.
  - vi. Applicants must submit a Parking Plan which sets forth the existing number of spaces and the proposed number of parking spaces to be eliminated by the outdoor dining area. The Parking Plan shall also detail the flow of vehicular traffic and parking on-site. The location of the proposed outdoor dining area must be of a sufficient distance from the vehicular traffic to maintain a safe area for dining. Outdoor Dining will only be permitted in the event a sufficient number of parking spaces remain for the safe operations and effective flow of traffic on-site for the operation of the business establishment.
  - vii. Applicants must submit a Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining area, and the frequency with which the outdoor dining area will be policed for litter in order to control the accumulation of trash/recycling.
  - viii. Applicants must also acknowledge and agree to full compliance with all current and newly imposed safety and precautionary measures and guidelines established by the State of New Jersey relating to COVID -19.

- ix. The sale/service of alcoholic beverages in these locations shall be permitted, subject to compliance with any and all applicable ABC regulations/statutes, including but not limited to a COVID-19 Expansion Permit application, and subject to the review and approval of the Borough Administrator and Chief of Police and the Division of Alcoholic Beverage Control. The approval of any extension of premises application to permit the sale/consumption of alcoholic beverages in outdoor dining areas shall be temporary and shall automatically terminate upon the expiration of the within Resolution and/or by way of further Resolution of the Mayor and Council and/or direction and/or expiration of the Special Ruling of the Alcoholic Beverage Control.
- x. Applicants proposing to relocate existing tables/seats to the Parking Lots and on-site locations shall indemnify and hold harmless the Borough of South Plainfield, its employees, agents, and/or officers from all claims, losses, liens, expenses, suits and attorney's fees arising out of the placement, operation, and maintenance of the Outdoor Dining Area. Applicants must name the Borough of South Plainfield as an additional insured under the Applicant's general liability insurance, bodily injury, property damage, and personal injury insurance policies, on a primary and non-contributory basis in the minimum amount of one million (\$1,000,000.00) Dollars, and provide proof of same to the Borough Administrator, and proof that said policies have been amended to reflect coverage for the proposed outdoor dining area.

### **Temporary Signs**

5. Effective immediately, the Borough hereby relaxes and permits the usage of temporary signs without the necessity of a permit during the effective dates of the within Resolution. The composition and placement of temporary signs must be approved by the TODC. However, upon expiration of the within Resolution all temporary signs shall be removed and the existing procedures and requirements of the erection and location of temporary signs shall be reinstated.
6. Notwithstanding Section 5 hereof, nothing herein shall be construed to allow or permit the erection or location of permanent signs within the Borough of South Plainfield without the necessity of the formal application and approval by the Borough as provided for in its existing Resolution.

### **Canopies**

7. In the event the applicant seeks to utilize a canopy or similar covering for outdoor dining, they must provide with the application information regarding such canopy or covering to include the height, width and proposed location. A photograph is recommended but not required. Any such canopy or covering will be required to comply with the International Building Code and International Fire Code.

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that it hereby reserves the right to amend, terminate, or repeal this Resolution and/or any approvals granted herein at any point in time, if it determines that it is in the best interest of the health safety and welfare of the Borough, and accordingly no property rights or interests are granted to any person(s) or entities by virtue of this Resolution and/or approval hereunder and any person(s) or entities electing to pursue temporary relief in accordance with the provisions of this Resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon this Resolution and any approval hereunder shall be at their sole and exclusive risk and expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that with the exception of the temporary relief and application process set forth herein relating to outdoor dining, existing and proposed retail businesses must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of bars/restaurants; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that in the event the Borough Administrator, Zoning Officer and/or Police Department determines that a business establishment or person is in violation of the conditions of any temporary Outdoor Dining Plan approved in relation to this Resolution, the TODC is hereby authorized to immediately revoke the approval received in relation to this Resolution; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that the Borough Administrator, Zoning Officer and Police Department are hereby authorized and empowered to enforce this Resolution and the several provisions hereof as well as the conditions of approval for the use of outdoor dining; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that the Borough Administrator, Zoning Officer and the TODC are hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions hereof properly effective and useful for the benefit of the Borough and its businesses, including but not limited to the commencement of the application and approval process for outdoor dining; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that in order to avoid injustice or the possible abuse of discretion and to correct the possibility of error in judgment, any Applicant, who's Outdoor Dining Plan application is denied by the TODC, has the right to appeal to the Council by filing a notice of appeal with the Borough Clerk within ten (10) days of the denial of said application. Upon receipt of any such notice of appeal, the Council will hear the appeal at its next scheduled regular meeting which is scheduled at least three (3) calendar days after receipt of the notice of appeal, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be heard. At the conclusion of said hearing, the Council will consider the matter, determine whether to uphold, overturn or modify the TODC's decision, and thereafter notify the owner of its decision; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that the within Resolution and the authority delegated herein and the effects of any permission and/or approvals hereto are expressly conditioned upon Governor Philip Murphy Executive Order 150 and any other restrictions on residents of the State of New Jersey and essential and non-essential businesses and no action is authorized or permitted that would conflict with the actions and/or Executive Orders of Governor Murphy, or any rules, regulations, requirements, prohibitions, and/or guidance of the State of New Jersey and any of its Departments, Agencies, Divisions, including but not limited to the Office of Emergency Management; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that this Resolution shall take effect immediately, however, any approval for outdoor dining shall not be effective until June 15, 2020. The TODC is authorized and directed to commence immediately the promulgation of requirements, rules and regulations pertaining to the application for and the use of outdoor areas by local business establishments for outdoor dining and the approval of same to be effective June 15, 2020; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that in the event that Executive Order 150 is rescinded and/or modified to prohibit outdoor dining or this Resolution is rescinded and/or expires, any temporary approval afforded by the TODC in accordance with the terms and conditions of this Resolution shall be deemed void and have no further effect and the provision for outdoor dining shall cease; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that, upon the effective date of this Resolution, all requirements of prior ordinances, resolution or parts of ordinances or resolutions inconsistent with this temporary resolution are hereby temporary suspended to the extent of their inconsistencies only; and

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of South Plainfield, that the within Resolution and all authorizations contained herein, including but not limited to the delegation of authority and any and all approvals to allow for outdoor dining permitted herein on private property and the permission to locate temporary signs shall lapse and have no further legal effect on November 30, 2020; the State of New Jersey rescinding Executive Order 107 or eliminating social distance regulations; or by further resolution of the Borough, whichever first occurs; and

**BE IT FURTHER RESOLVED** by the Mayor and Borough Council of the Borough of South Plainfield that all Borough officials, employees and agents shall take all necessary actions to in order to effectuate the within Resolution; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of South Plainfield that should any section, paragraph, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid for any reason, or not approved by the State of New Jersey, the remaining portions of this Resolution shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Resolution are hereby declared to be severable.

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

1. John Obryk, Health Officer/TODC
2. Amy Antonides, Municipal Clerk/TODC
3. Richard Wolff, Zoning Officer/TODC
4. James Parker, Police Chief/TODC
5. Len Miller, Borough Engineer/TODC
6. Joe Abbruzzese, Fire Official/TODC

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

**RESOLUTION 20-193**

**AUTHORIZING A 2020 TEMPORARY BUDGET AMENDMENT OF \$305,000.00 IN THE CURRENT FUND, AND \$5,000.00 IN THE POOL UTILITY**

**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 2020 Budget, and

**WHEREAS**, the temporary budget set forth below 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.

<b>CURRENT FUND</b>			<b>AMOUNT</b>
0-01-20-130-000-101	Finance	S&W	<b>5,000</b>
0-01-20-145-000-101	Tax Collection	S&W	<b>3,000</b>
0-01-20-150-000-221	Assessing	O&E	<b>6,000</b>
0-01-20-155-000-221	Legal	O&E	<b>25,000</b>
0-01-22-195-001-101	Code Enforcement	S&W	<b>30,000</b>
0-01-25-250-000-101	911	S&W	<b>25,000</b>
0-01-25-250-000-101	Emergency Management	S&W	<b>5,000</b>
0-01-25-260-000-209	Rescue Squad	O&E	<b>5,000</b>
0-01-25-265-002-101	Fire Official	S&W	<b>20,000</b>
0-01-25-265-003-581	Fire Service Charges	O&E	<b>15,000</b>
0-01-26-290-001-101	Public Works Admin	S&W	<b>10,000</b>
0-01-26-305-003-101	Recycling	S&W	<b>5,000</b>
0-01-26-305-003-235	Recycling	O&E	<b>20,000</b>
0-01-26-310-000-101	Public Buildings & Grounds	S&W	<b>10,000</b>
0-01-26-310-000-415	Public Buildings & Grounds	O&E	<b>15,000</b>
0-01-26-315-000-101	Vehicle Maintenance	S&W	<b>5,000</b>
0-01-26-315-000-401	Vehicle Maintenance	O&E	<b>10,000</b>
0-01-26-330-001-101	Board of Health	S&W	<b>5,000</b>
0-01-27-345-001-101	Public Assistance	S&W	<b>2,000</b>
0-01-28-370-001-101	Recreation	S&W	<b>5,000</b>
0-01-28-370-001-204	Recreation	O&E	<b>1,000</b>
0-01-28-370-002-101	Office on Aging	S&W	<b>10,000</b>
0-01-31-440-001-541	Telephone	O&E	<b>15,000</b>
0-01-32-465-001-545	Landfill	O&E	<b>5,000</b>
0-01-36-472-000-675	SSI	Statutory	<b>23,000</b>
0-01-43-490-000-101	Court	S&W	<b>10,000</b>
0-01-44-901-000-235	Capital Improvement Fund	Cap	<b>15,000</b>
<b>TTOTAL CURRENT FUND</b>			<b>305,000</b>
<b>POOL UTILITY</b>			<b>AMOUNT</b>
0-26-55-520-000-491	Pool Supplies	S&W	<b>5,000</b>

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

**RESOLUTION 20-194  
AUTHORIZING VARIOUS SENIOR CENTER REFUNDS FOR CANCELLED EVENTS  
AND SECURITY DEPOSITS**

**BE IT RESOLVED**, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the following refund(s) to senior(s):

Harry Harris  
1279 11<sup>th</sup> Street  
South Plainfield, NJ 07080  
\$200 hall rental cancelled event

Gerry Diegnan  
25 Gray Drive  
South Plainfield, NJ 07080  
\$550 for cancelled trip

Joanne Stogoski  
614 Delmore Avenue  
South Plainfield, NJ 07080  
\$550 for cancelled trip

Ronnie Tschopp  
2707 Maple Avenue  
South Plainfield, NJ 07080  
\$170 for cancelled trip

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of South Plainfield that the Finance Office hereby has approval to release the aforementioned refund(s).

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

**RESOLUTION: 20-195  
AUTHORIZING A FIRE PERMIT REFUND IN THE AMOUNT OF \$54.00 TO CHRISTINE FERNANDEZ DUE TO  
CANCELLED EVENT**

**WHEREAS**, the Fire Official confirms that the owner of The Empanada Truck had their event with the Riley School cancelled due to COVID-19 and as such the applicant has requested a refund of the \$54.00 fire inspection 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 \$54.00 to the following:

**Christine Fernandez  
207 Hanover Street  
Pemberton, NJ 08068**

**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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		x	X				
Councilwoman Mott			X				
Councilman Smith	x		X				
Councilman White			X				
Councilman Wolak			X				
Council President Faustini			X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 20-196  
AUTHORIZING THE HIRING OF JOSEPH DEMICO AS  
PART-TIME TELECOMMUNICATOR AT THE HOURLY PER DIEM TRAINING RATE  
OF \$21.50 AND UPON COMPLETION OF TRAINING  
TO BE PAID AT THE HOURLY PER DIEM RATE OF \$30.00**

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

It hereby authorizes the hiring of Joseph Demico as part-time Telecommunicator for the South Plainfield Police Department at the hourly per diem training rate of \$21.50 and upon completion of training to be paid at the hourly per diem rate of \$30.00 effective June 16, 2020, and

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

1. Amy Antonides, Municipal Clerk
2. Carmela Miller, Payroll
3. Anne Daley, Benefits
4. Sgt. James McConville, Police Department

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

**RESOLUTION 20-197  
AUTHORIZING CHANGE ORDER NO. 3 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 \$58,816.44**

**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 was increased by \$180,000.00 with Change Order No. 2, to now be increased by \$58,816.44 with Change Order No. 3 for a new contract amount of \$2,630,816.44.

**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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		x	X				
Councilwoman Mott			X				
Councilman Smith	x		X				
Councilman White			X				
Councilman Wolak			X				
Council President Faustini			X				
		<b>VOTE:</b>	<b>6</b>	<b>0</b>			
<b>Mayor Anesh – TIE ONLY</b>							

**RESOLUTION 20-198  
AUTHORIZING THE HIRING OF 2020 COMMUNITY POOL PERSONNEL**

**BE IT RESOLVED** by the Governing Body of the Borough of South Plainfield, New Jersey that at the recommendation of the Director of Recreation, authorization is hereby given for employing the following people for seasonal work at the South Plainfield Community Pool Utility at rates pursuant to Salary Ordinance 2178:

# Pool Employees 2020

Position	Last Name	First Name
<b>Head Manager</b>		
	Nickel	William
<b>Assistant Manager</b>		
	Wahlers	Bridgette
	McLaughlin	Kate
	Gurrieri	Nicolas
<b>Lifeguard - Tier 1</b>		
	Blouin	Nadia
	Glynn	Olivia
	Jaramillo	Isaac
	Manta	Lesly
	Valdeiglesias	Bianca
<b>Lifeguard - Tier 2</b>		
	Wahlers	Brendan
	Moffitt	Alyssa
	Arieno	Isabella
	Robertson	Nick
	Walters	Imagen
<b>Lifeguard - Tier 3</b>		
	Barry	Trevor
	Faustini	Dominic
	Galati	Mia

Olsen	Haley
Shaw	Kristina
Strassberg	Maxwell

**Lifeguard - Tier 1 (pending certification)**

Callanan	Maria
Cassio	Joseph (Joey)
Conti	Jessica
Cortes	Emily
Young	Bradley
Dobrynio	Karly
Geis	Madison
Glover	Gianna
Hernandez	Destiny
Kurilew	Michael
Lamberson	Ryan
Leon-Tamara	Melissa
Mackenzie	Jack
Mallqui	Laryssa
Nazarko	Adrianna (Age)
Ng	Joshua (Josh)
Nguyen	Anthony
Noel	Adrianna
O'Brien	Madison
Page	Dylan
Pfeiffer	Everette
Pfeiffer	Madelyn (Maddie)
Pullen	Samantha
Saffold	Isabella
Schwarz	Allison
Strassburger	Samuel
Sutor	Tatianna
Underdue	Jason
Valdes	Megan
Valle	Jaleena
Walters	Keenan
Wells	Brianna

**Pool Attendant (Non-Certified Staff)**

Ardito	Olivia
Blouin	Kurtis
Brown-Smith	Alexander
Callanan	Maria
Cassio	Joseph (Joey)
Conti	Jessica
Cortes	Emily
Dawson	Cole
DeLisa	Deanna

DeLisa	Miranda
Dobrynio	Karly
Donnelly	Jayden
Draper	Janya
Droge	Colin
Edmondson	Keagan
Fontana	Kimberly
Fuschetti	Jules
Geis	Madison
Glover	Gianna
Hernandez	Destiny
Jacobs	Ashlee
Kurilew	Michael
Lamberson	Ryan
Leon-Tamara	Melissa
Mackenzie	Jack
Makoski	Cara
Mallqui	Laryssa
Marks	Cameron
Masset	Jack
Nazarko	Adrianna (Age)
Ng	Joshua (Josh)
Nguyen	Anthony
Nieradka	Kylie
Noel	Adrianna
O'Brien	Madison
Page	Dylan
Pandya	Meeteeka
Pfeiffer	Everette
Pfeiffer	Madelyn (Maddie)
Price	Ace
Pullen	Samantha
Rachwal	Andrew (Drew)
Rokicki	Rachel
Romero	Jessica
Saffold	Isabella
Schwarz	Allison
Strassburger	Samuel
Sutor	Nicolea (Nicky)
Sutor	Heidi
Sutor	Tatianna
Tivald	Madison
Underdue	Jason
Valdes	Megan
Valle	Jaleena
Vitabile	Gabriella (Gabby)
Walters	Keenan

Wells                    Brianna  
 Young                   Bradley  
 Zazzara                Dean  
 Zultowski              Steven

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

**AUTHORIZING THE ACCEPTANCE OF CORRESPONDENCE:**

- Board of Health Monthly Report – May 2020
- Zoning Board Minutes – January 7, 2020 and February 4, 2020
- Sakoutis Disposal – Request to amend hours of operation
- Recreation Commission Minutes – May 12, 2020
- Environmental Monthly Report – May 2020

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

**PAYMENT OF BILLS**

Current Fund	19-01	66,999.16
Current Fund	20-01	258,748.91
Pool Utility	20-26	178.95
Pool Utility	19-26	0.00
Sewer Utility	20-07	880.05
Sewer Utility	19-07	0.00
Sewer Utility Capital	C-08	11,187.00
General Capital	C-04	471,798.52
Pool Capital	C-27	1,634.72
Election Account	E-18	0.00
Grant Fund	G-02	1,125.00
Dog Trust	T-12	270.60
Treasurers Trust	T-13	15,308.46
Recreation Trust	T-14	8,439.36
Senior Citizen Trust	T-16	1,270.00
<b>TOTAL ALL FUNDS</b>		<b>\$837,840.73</b>

COUNCIL	MOTION	2 <sup>ND</sup>	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			
<b>Mayor Anesh – TIE ONLY</b>							

## COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – advised that the 2020 municipal budget public hearing will be held on June 29<sup>th</sup>. Some of the legislation that could affect our budget is still pending. Our revenues are still significantly down though we have made some reductions that has helped. Mr. Cullen said he met with the County last week and went over the CARES Act funding which turned out to be a very productive meeting and we are optimistic we will see some funding. Mr. Cullen thanked the governing body for the outdoor dining resolution approved this evening. The St. Nicholas Avenue Road project bid approved this evening is paid nearly in full by a NJ DOT grant. The most recent update on the pool is that we anticipate a July 10<sup>th</sup> opening, weather permitting. All Summer sports camps have been cancelled for this year.

Engineer Miller – reported that the road projects are being finished up with a punch list. The award for Nicholas Avenue came in well below our estimates and we will be submitting another road project to the NJ DOT later this week.

Clerk Antonides – reported progress.

Councilman Wolak – expressed how nice it is to be here for this evenings meeting and went on to report progress.

Councilman White – thanked Mr. Cullen, our Clerk, Zoning Officer, Health Officer, Police Chief and Fire Marshall for all their help with the outdoor dining resolution that was approved this evening.

Councilman Smith – thanked the Mayor and Council for their support in approving tonight’s Green Team and sustainable resolutions. This will help with our grant funding. We work hard to keep our town in a green state.

Councilwoman Mott – advised that she has been working with Soltera for methods to improve our recycling services. Trucks are out until 6:00 p.m. everyday. If your pickup was missed call Soltera directly and provided their phone number.

Councilman Bengivenga – Congratulated the graduating class of 2020. Four students graduating this year are children of this governing body. Councilman Bengivenga further congratulated the council parents.

Council President Faustini – reminded everyone that updates pertaining to Recreation can be found on both the Recreation website as well as the Borough’s and through social media. Tomorrow evening there will be a Senior Step-Out and Make Some Noise at 6:00 p.m. where all residents are encouraged to show their support for the 2020 graduating class. They will be having two outdoor graduation ceremonies on the morning of July 8<sup>th</sup>.

Mayor Anesh – Advised that in accordance with the Governor’s Executive Orders the Library may begin curbside pick-ups on July 1<sup>st</sup>. Face masks must be worn at all times. Further to the Executive Orders bike shops, hair salons, barbers, spas, can also open with some restrictions in place. Clerk Antonides confirmed that yard sales also began effective today. On another note, the Zoning and Planning Boards will begin holding hybrid meetings similar to ours. Mayor Anesh concluded by discussing the pool pass availability saying that the pool will be the jewel of our community.

**COMMENTS FROM THE PUBLIC:**

Mayor Anesh opened the floor for public comment.

Debbie Boyle of Van Fleet mentioned that the BLM voices definitely had their voices heard last week.

Without any further comment from the public, Mayor Anesh closed the floor.

**ADJOURNMENT**

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Councilman White made a motion to adjourn at 7:45 p.m., seconded by Councilman Smith and unanimously carried. The meeting was adjourned.

Submitted By:

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Amy Antonides, RMC/CMC/CMR  
Municipal Clerk