

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
FEBRUARY 1, 2021 7:00 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 7:02 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 remote meeting having been provided to the Borough's two official newspapers and also published on the Borough's website. Instructions for accessing the remote public meeting are found on the Borough's website next to the agendas. Documentation pertaining to the remote meeting can be found electronically on the Borough's website.

The roll call was administered by Clerk Antonides as follows:

COUNCIL	Present	Absent	Late
Councilman Bengivenga	X		
Councilwoman Faustini	X		
Councilwoman Mott	X		
Councilman Smith	X		
Councilman Wolak	X		
Council President White	X		
Mayor Anesh	X		
ALSO PRESENT			
Administrator Cullen	X		
Clerk Antonides	X		
Attorney Paul Rizzo	X		
Engineer Miller		X	

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

Mayor Anesh again reviewed some basic rules for conducting the virtual meeting this evening. All lines will be muted until such time that the floor is open for public comment. Each phone call or virtual hand raise will be taken one at a time. To unmute the microphone, just click on the red microphone picture that has a line through it. It will then turn green indicating you have been unmuted and may begin to speak. Callers may dial 1-646-922-2010 followed by the access code of 126 663 1990 #. Using the pound button will mute and unmute the voice feature for any phone callers.

Public Comment: Mayor Anesh opened the floor for public comment on agenda items only. Mayor Anesh awaited virtual hand raises; he then unmuted all microphones. With no comments from the public, Mayor Anesh closed the floor.

Authorizing the Approval of Council Minutes:

- January 11, 2021 – Agenda Meeting
- January 11, 2021 - Public Meeting
- January 11, 2021 – Executive Session

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

PROCLAMATIONS - Mayor Anesh read a proclamation honoring National Black History Month in full. Simone O'Leary and Denell Marsh were virtually present to accept the proclamation.

Mayor Anesh read a proclamation for Lunar New Year 2021 (The Year of the Ox) in full. Yiwen Cheng and Paul Tong were virtually present to accept the proclamation.

The below ordinance 2191 was and read by title by Clerk Antonides on the second reading. Mayor Anesh opened the floor for public comment and with no comments from the public, closed the floor. Mr. Cullen explained the purpose the refunding bonds.

BOND ORDINANCE 2191

REFUNDING BOND ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL IMPROVEMENT BONDS, SERIES 2012A OF THE BOROUGH, APPROPRIATING \$7,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$7,600,000 FOR FINANCING 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 Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), is hereby authorized to refund \$7,185,000 of the Borough's outstanding principal amount of General Improvement Bonds, Series 2012A, originally issued in the aggregate principal amount of \$11,642,000 on June 27, 2012, which outstanding principal amount matures on March 15 in each of the years 2023 through 2032, inclusive (the "Refunded Bonds"), and which are subject to redemption on any date on or after March 15, 2022 at a redemption price equal to 100% of the principal amount of the Refunded Bonds to be redeemed.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof and the costs of issuance associated therewith, negotiable refunding bonds are hereby authorized to be issued in one or more series in the aggregate principal amount not exceeding \$7,600,000 (the "Refunding Bonds") pursuant to the Local Bond Law of the State of New Jersey (the "Local Bond Law").

Section 3. The Borough desires to provide for the refunding of all or a portion of the principal amount of the Refunded Bonds outstanding and the interest and redemption premium, if any, thereon in order to provide for savings in debt service as a result of lower interest rates in the bond market.

Section 4. An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of the Refunding Bonds authorized herein.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal 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 is increased by the authorization of the Refunding Bonds provided in this refunding bond ordinance by \$7,600,000 and that \$7,185,000, representing the principal amount of the Refunded Bonds, will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by law.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted, which consent will be so endorsed in accordance with N.J.A.C. 5:30-2.5.

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

The below ordinance 2192 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for February 16, 2021 at approximately 7:00 p.m.

BOND ORDINANCE #2192

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$700,000, and further including the aggregate sum of \$35,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments

have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$665,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Improvements to Camden Avenue, Clark Lane, Roosevelt Avenue and Redding Avenue, including, but not limited to, reconstruction and milling, and further including all work and materials necessary therefor and incidental thereto.	\$340,000	\$323,000	10 years
b) The acquisition of a roll-off truck for the Department of Public Works and sport utility vehicles for the Fire Department, including all related costs and expenditures incidental thereto.	\$360,000	\$342,000	5 years
Total	<u>\$700,000</u>	<u>\$665,000</u>	

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

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 7.42 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 \$665,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$60,000 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 purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the

obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

The below ordinance 2193 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for February 16, 2021 at approximately 7:00 p.m.

ORDINANCE - 2193

ORDINANCE THAT AMENDS ORDINANCE 2167 THAT PROVIDES FOR THE COMPENSATION OF EMPLOYEES OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2020 THROUGH 2023 FOR NON-UNION PROFESSIONALS AND GOVERNING BODY TO NOW INCLUDE POOL ADMINISTRATOR

BET 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 1st of the years show, except if otherwise noted:

	2.25	2.5	2.5	2.5
Position	2020	2021	2022	2023
Administrator	32,091	32,893	33,715	34,558
Municipal Clerk	88,719	90,936	93,210	95,540
Deputy Clerk	\$225.00 per meeting as needed basis only	\$225.00 per meeting as needed basis only	\$225.00 per meeting as needed basis only	\$225.00 per meeting as needed basis only
Chief Financial Officer	144,624	148,239	151,945	155,744
Confidential Assistant - I	28,520-42,945	28,520-44,019	28,520-45,119	28,520-46,247
Confidential Assistant - II	46,410	47,571	48,760	49,979
OEM Coordinator	15,000	15,000	15,000	15,000
Registrar Vital Statistics	15,000	15,375	15,759	16,153
Social Service Director	10,368-20,382	10,368-20,383	10,368-20,384	10,368-20,385
Municipal Housing Liaison	2,451	2,512	2,575	2,639
Affordable Housing Trust Reporter	2,451	2,512	2,575	2,639
Health Benefits Coordinator	5,470	5,607	5,747	5,891
SIAG Coordinator	3,500	3,500	3,500	3,500
DVRT Coordinator	6,421	6,582	6,747	6,915
Mayor	8,607	8,607	8,607	8,607
Council President	6,885	6,885	6,885	6,885
Council Person	5,738	5,738	5,738	5,738
Municipal Prosecutor	46,018	47,168	48,347	49,556
Public Defender	8,773	8,992	9,217	9,448
PACO Compliance Officer	6,638	6,804	6,974	7,148
Municipal Court Judge	51,621	52,911	54,234	55,590
Deputy Registrar & Alt. Deputy Registrar	1,716	1,759	1,803	1,848
Secretary to Mayor	5,428	5,564	5,703	5,846
Tax Collector	29,469	30,205	30,960	31,735
Tax Assessor	101,210	103,740	106,334	108,992
Environmental Specialist	76,480	78,392	80,352	82,360
Recycling Coordinator	5,994	6,144	6,297	6,455
Fire Official	97,101	99,529	102,017	104,568
Fire Sub Code	7,093	7,270	7,452	7,638
Construction Officer	121,071	124,097	127,200	130,380
Zoning Officer (Full-Time)	70,000-80,000	71,750-82,000	73,544-84,050	75,383-86,151
Zoning Officer (Part-Time)	17,092	17,519	17,957	18,406
Assistant Zoning Officer (Part-Time)	17,092	17,519	17,957	18,406
Court Administrator	77,432	79,368	81,352	83,386
Recreation Director	63,158 - 81,767	64,737 - 83,811	66,355 - 85,907	68,014 - 88,054
Municipal Engineer/Superintendent	170,442	174,703	179,070	183,547
Electrical Sub-Code Official	14,381	14,740	15,109	15,487
Purchasing Agent	\$3,500-\$7,500	\$3,500-\$7,500	\$3,500-\$7,500	\$3,500-\$7,500
Executive Director of the Office on Aging	49,939	51,187	52,467	53,778
Pool Administrator	0	10,589	10,854	11,125

SECTION 2. INCONSISTENCY - All ordinance or parts 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 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilwoman Faustini	x		X				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman Wolak			X				
Council President White		x	X				
		VOTE:	6	0			
Mayor Anesh – TIE ONLY							

RESOLUTIONS

RESOLUTION 21-63

**AUTHORIZING THE SERVICES OF NAJARIAN ASSOCIATES FOR
ENGINEERING SERVICES FOR DURHAM AVENUE IMPROVEMENTS
IN AN AMOUNT NOT TO EXCEED \$57,500.00**

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for Najarian Associates for engineering services for Durham Avenue Road improvements in an amount not to exceed \$57,500.00; and

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

1. Municipal Clerk
2. Chief Financial Officer
3. Najarian Associates
4. Len Miller, DPW Superintendent

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

RESOLUTION 21-64

**AUTHORIZING THE APPOINTMENT OF KYNA FELDER-RUIZ AS FIREFIGHTER FOR THE SOUTH PLAINFIELD
VOLUNTEER FIRE DEPARTMENT**

BE IT RESOLVED by the Borough Council of the Borough of South Plainfield, County of Middlesex, in the State of New Jersey, that it hereby confirms the appointment of:

*Kyna Felder-Ruiz's
1072 Arlington Ave
Plainfield NJ 07060*

for the South Plainfield Volunteer Fire Department as recommended by Fire Chief Scalera.

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

1. Glenn Cullen, CFO
2. Carmela Miller, Payroll
3. Anne Daley, Benefits

4. Amy Antonides, Municipal Clerk
5. Fire Chief Scalera

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

RESOLUTION 21-65

AUTHORIZING THE NJ STATE CONTRACT PURCHASE FROM WINNER FORD FOR A 2021 FORD F450 MASON DUMP TRUCK FOR THE DPW IN AN AMOUNT NOT TO EXCEED \$63,381.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the NJ State Contract purchase from Winner Ford for a 2021 Ford F450 Mason Dump Truck for the DPW in an amount not to exceed \$63,381.00 pursuant to NJ State Contract number #A88215, and

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

6. Glenn Cullen, CFO
7. Amy Antonides, Municipal Clerk
8. Len Miller, DPW Superintendent

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

RESOLUTION 21-66
ACCEPTING THE RESIGNATION OF PAUL GRZENDA
FROM THE PLANNING BOARD

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

It hereby accepts the resignation of Paul Grzenda as Class IV Member of the Planning Board effective January 9, 2021: and

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

1. Amy Antonides, Municipal Clerk
2. Joanne Broderick, Board Secretary

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

RESOLUTION 21-67

AUTHORIZING MAJESTIC TOWING AND TRANSPORT TO BE THE OFFICIAL POLICE TOWING OPERATOR FOR THE 2021 CALENDAR YEAR PURSUANT TO CHAPTER 434-11 OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD

WHEREAS, pursuant to Chapter 434-11 of the Code of the Borough of South Plainfield, the Police Department has sought proposals from various towing operators for the police vehicle towing for the 2021 calendar year and only one bid was received from:

Majestic Towing and Transport

WHEREAS, only one of the operators of towing/wrecking establishments in the Borough of South Plainfield have made application in accordance with Chapter 434-11 of the Code of the Borough of South Plainfield for renewal of the license to operate on the rotation towing/wrecker list for the year 2021; and

WHEREAS, after proper review of the renewal application and inspection of the facilities by the South Plainfield Police Department it was deemed that the proposal that had the lowest towing fees and that also met the requirements of the Code is:

Majestic Towing:

- Towing- \$65.00 for hook-up
- If more than 5 miles away \$3.00 per mile, \$1.50 per mile to vehicle
- Jump Starts - \$65
- Lock Outs - \$65
- Tire Repairs - \$15.00 plus service fee
- Tire Changes: \$65

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the official towing operator for the South Plainfield Police Department be and hereby issued to Majestic Towing and Transport for the year 2021.

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

RESOLUTION 21-68

AUTHORIZING THE SOLE SOURCE PROVIDER PURCHASE OF SUPPORT AND MAINTENANCE CAD/RMS SYSTEM SERVICES FROM LAW SOFT INC. IN AN AMOUNT NOT TO EXCEED \$23,215.00

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the sole source provider purchase of support and maintenance of CAD/RMS system services from Law Soft Inc. in an amount not to exceed \$23,215.00; and

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

9. Glenn Cullen, CFO
10. Amy Antonides, Municipal Clerk
11. Captain Peter Papa, Police Department

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

RESOLUTION: 21-69

**AUTHORIZING THE PUBLIC AUCTION BY THE POLICE DEPARTMENT
FOR ABANDONED UNCLAIMED VEHICLE(S)**

WHEREAS, the South Plainfield Police Department in accordance with R.S. 39:10A-1, are in possession of abandoned vehicles due to the failure of the owners claiming such and are now desirous of conducting a public auction on February 12, 2021 at 11:00 a.m. at 2480 Plainfield Avenue, South Plainfield, New Jersey for the following abandoned vehicles:

YEAR	MAKE	MODEL	VIN#	STATUS	MIN. BID
1997	Toyota	4Rn	JT3HN87R5V0084030	FAIR	\$500.00
2002	Chevrolet	Sub	1GNFK16Z72J126991	FAIR	\$500.00
2006	Chevrolet	Col	1GCDDT146668188143	FAIR	\$500.00
2008	Kia	Sed	KNDMB233X86203998	FAIR	\$200.00

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield that the South Plainfield Police Department are hereby authorized to publicly advertise and auction the aforementioned vehicles deemed to be abandoned by their owner(s).

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

RESOLUTION 21-70

**AUTHORIZING THE REFUND OF A TAX APPEAL JUDGMENT IN THE AMOUNT OF \$63,964.95
PERTAINING TO 900 DURHAM AVENUE**

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SOUTH

PLAINFIELD, NEW JERSEY, THAT:

WHEREAS, the following list of taxpayers have filed appeals with the Tax Court of New Jersey and have received judgments reducing their assessments:

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the following appeals be refunded.

<u>OWNER/ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>
Medi-Physics 900 Durham Avenue South Plainfield, NJ 07080	528	46.10	2019	\$63,964.95

Make check payable to:

Medi-Physics and
Garippa, Lotz & Giannuario, P.C.,
As Attorney
66 Park Street
Montclair, NJ 07042

Total **\$63,964.95 ***

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

**RESOLUTION 21-71
AUTHORIZING A 2021 TEMPORARY BUDGET AMENDMENT
OF \$200,000.00 IN THE CURRENT FUND**

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

WHEREAS, the date of this resolution is prior to the adoption of the FY 2021 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.

CURRENT FUND

			AMOUNT
1-01-21-185-000-101	Zoning	S&W	25,000
1-01-26-290-003-321	Snow	O&E	10,000
1-01-29-390-000-235	Library	O&E	90,000

1-01-36-472-000-675	SSI	Statutory	50,000
1-01-44-901-000-235	Capital Improvement Fund	Capital	25,000

Total CURRENT FUND

200,000

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

**RESOLUTION 21-72
AUTHORIZING 2020 APPROPRIATION TRANSFERS IN THE AMOUNT OF
\$65,000.00 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
0-01-20-140-000-331	Computer		O&E	2,000.00
0-01-23-220-000-601	Health Insurance		O&E	40,000.00
0-01-25-240-003-241	Crossing Guards		O&E	8,000.00
0-01-26-265-002-101	Fire Official		S&W	2,000.00
0-01-26-265-002-611	Fire Official		O&E	2,000.00
0-01-26-290-003-102	Snow		S&W	3,000.00
0-01-31-420-001-555	Electric		O&E	8,000.00
Total FROM:				65,000.00
TO:				AMOUNT
0-01-20-130-000-101	Finance		S&W	1,000.00
0-01-20-155-000-221	Legal		O&E	3,000.00
0-01-25-240-001-101	Police		O&E	5,000.00
0-01-25-265-001-201	Fire Department		O&E	2,000.00
0-01-26-290-002-102	Road Repairs & Maintenance		S&W	4,000.00
0-01-26-305-003-102	Recycling		S&W	2,000.00
0-01-26-310-000-102	Public Buildings & Grounds		S&W	4,000.00
0-01-26-315-000-401	Vehicle Maintenance		O&E	3,000.00
0-01-28-370-001-102	Recreation		S&W	4,000.00
0-01-30-410-001-685	LOSAP		O&E	5,000.00
0-01-30-415-001-101	Accumulated Leave		O&E	5,000.00
0-01-31-435-002-555	Streets Lights		O&E	18,500.00
0-01-31-440-001-541	Telephone		O&E	7,500.00
0-01-31-450-001-555	Telecommunications		O&E	1,000.00
Total TO:				65,000.00

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

RESOLUTION 20-73

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$7,600,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021, OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, OR SUCH OTHER AMOUNT AS DETERMINED BY THE CHIEF FINANCIAL OFFICER TO ACCOMPLISH THE REFUNDING ON THE TERMS REQUIRED BY THE LOCAL FINANCE BOARD PURSUANT TO N.J.A.C. 5:30-2.5 AND PROVIDING FOR THE SALE AND DELIVERY OF SUCH BONDS TO RBC CAPITAL MARKETS, LLC.

BE IT RESOLVED 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. An amount not to exceed \$7,600,000 of General Obligation Refunding Bonds of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "*Borough*"), in specific amounts to be determined as provided herein and as more fully described in a refunding bond ordinance finally adopted by the Borough pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* on February 1, 2021, and entitled, "Refunding

Bond Ordinance of the Borough of South Plainfield, in the County of Middlesex, New Jersey, Providing for the Refunding of All or a Portion of Certain General Improvement Bonds, Series 2012A of the Borough, Appropriating \$7,600,000 Thereof and Authorizing the Issuance by the Borough of General Obligation Refunding Bonds, Series 2021 in the Aggregate Principal Amount of Not Exceeding \$7,600,000 for Financing the Cost Thereof", shall be issued as "General Obligation Refunding Bonds, Series 2021" (the "*Bonds*").

Section 2. The Bonds are hereby authorized to be sold to RBC Capital Markets, LLC (the "*Underwriter*") at a purchase price determined by the parameters set forth below and otherwise consistent with the parameters set by the Local Finance Board in the Division of Local Government Services, Department of Community Affairs, pursuant to N.J.A.C. 5:30-2.5 (the "*LFB Refunding Parameters*"):

- (a) the principal amount of the Bonds does not exceed \$7,600,000;
- (b) the net present value savings is at least three percent of the par amount of the Refunded Bonds (as defined herein);
- (c) the debt service on the Bonds shall be structured such that no annual debt service payment is more than the annual debt service payment on the Refunded Bonds in the same year;
- (d) the final year of maturity of the Bonds does not exceed the final year of maturity of the Refunded Bonds;
- (e) the debt service savings are substantially level in each year across the life of the refunding;
- (f) the true interest cost of the Bonds does not exceed an interest rate that would enable the Borough to complete the refunding within the LFB Refunding Parameters; and
- (g) the Underwriter's discount does not exceed \$5.00 per \$1,000 of Bonds issued.

Section 3. The Mayor and/or the Chief Financial Officer (each, an "*Authorized Officer*") are each hereby authorized and directed, without further authorization, to enter into and execute a bond purchase contract (the "*Purchase Contract*") on behalf of the Borough with the Underwriter in the form satisfactory to Bond Counsel (as defined herein) and upon terms consistent with the LFB Refunding Parameters. Upon execution of the Purchase Contract, the signature of such Authorized Officer shall be conclusively presumed to evidence any necessary approvals for the sale of the Bonds. If the Chief Financial Officer, after consultation with the Underwriter, determines that the LFB Refunding Parameters cannot be satisfied in the present market, the Bonds shall not be sold until such time as said parameters may be amended, in whole or in part, or a sale on different terms is otherwise approved by resolution of this Borough Council.

Section 4.(a) The Bonds shall be issued in the par amounts consistent with the LFB Refunding Parameters and determined by the Chief Financial Officer to be necessary to pay the costs of issuance of the Bonds and to provide an escrow fund that, when invested, will be sufficient to provide for the timely payment of the redemption price of and interest on the \$7,185,000 outstanding principal amount of the Borough's General Improvement Bonds, Series 2012A, originally issued in the aggregate principal amount of \$11,642,000, dated June 27, 2012, which outstanding principal amount matures on March 15 in each of the years 2023 to 2032, inclusive (the "*Refunded Bonds*").

- (b) The Bonds shall be dated and shall bear interest at the interest rates per annum as the Chief Financial Officer shall determine.
- (c) The Bonds shall be numbered and have such prefix or prefixes as determined necessary by the Chief Financial Officer and be sold and issued with such serial maturities or with such term bond maturities payable from mandatory sinking fund payments made by the Borough as determined in the Purchase Contract.

(d) The Bonds shall mature in each of the years 2022 to 2032, inclusive, or in such other years and in the principal amounts as may be determined by the Chief Financial Officer and shall bear interest on the dates as may be determined by the Chief Financial Officer.

(e) The Bonds may be subject to optional redemption prior to their stated maturities as determined by the Chief Financial Officer and set forth in the Purchase Contract.

(f) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of the Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, which will act as securities depository (the "*Securities Depository*"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 or any integral multiple in excess thereof through book-entries made on the books and records of the Securities Depository and its participants.

(g) The principal of and interest due on the Bonds will be paid to the Securities Depository by the Borough on the respective principal and interest payment dates and will be credited on the respective principal and interest payment dates to the participants of the Securities Depository as listed on the records of the Securities Depository 15 days prior to such principal and interest payment dates (the "*Record Dates*" for the Bonds). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal of the Borough (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 5. The Mayor and/or the Chief Financial Officer are each hereby authorized and directed to pay all costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Mayor and/or the Chief Financial Officer to be executed upon delivery of the Bonds, each such cost in an amount not to exceed the amount set forth in Exhibit A attached hereto or, if in any greater amount, only upon the prior approval of the Borough in accordance with the customary procedure for approval and payment of bills.

Section 6. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds:

[FORM OF BOND]

REGISTERED

REGISTERED

NUMBER R. - ____

\$ _____

UNITED STATES OF AMERICA

STATE OF NEW JERSEY

COUNTY OF MIDDLESEX

BOROUGH OF SOUTH PLAINFIELD

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021

PRINCIPAL AMOUNT:

DATED DATE:

MATURITY DATE:

INTEREST PAYMENT DATES:

INITIAL INTEREST PAYMENT DATE:

RATE OF INTEREST PER ANNUM:

CUSIP NUMBER:

BOROUGH OF SOUTH PLAINFIELD, in the County of Middlesex, New Jersey (the "*Borough*"), hereby acknowledges itself indebted and for value received promises to pay to Cede & Co., as nominee for The Depository Trust Company, which will act as Securities Depository, on the MATURITY DATE, the PRINCIPAL AMOUNT and to pay interest on such sum from the DATED DATE of this bond until the MATURITY DATE at the RATE OF INTEREST PER ANNUM semiannually on the INTEREST PAYMENT DATES in each year until maturity, commencing on the INITIAL INTEREST PAYMENT DATE. Interest on this bond will be paid to the Securities Depository by the Borough and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the 1st day of the month immediately preceding each INTEREST PAYMENT DATE (the "*Record Dates*" for such payments). Principal of this bond, upon presentation and surrender to the Borough, will be paid to the Securities Depository by the Borough and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest. The participants are responsible for maintaining the records regarding the beneficial ownership interest in the bonds on behalf of the individual purchasers except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants.

[Insert redemption provisions of Bonds].

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, a refunding bond ordinance of the Borough finally adopted on February 1, 2021, and entitled, "Refunding Bond Ordinance of the Borough of South Plainfield, in the County of Middlesex, New Jersey, Providing for the Refunding of All or a Portion of Certain General Improvement Bonds, Series 2012A of the Borough, Appropriating \$7,600,000 Therefor and Authorizing the Issuance by the Borough of General Obligation Refunding Bonds, Series 2021 in the Aggregate Principal Amount of Not Exceeding \$7,600,000 for Financing the Cost Thereof", and a resolution of the Borough duly adopted on February 1, 2021.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the Borough of South Plainfield has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk and this bond to be dated the Dated Date specified above.

ATTEST:

BOROUGH OF SOUTH PLAINFIELD

By: [executed at delivery of bonds]

Borough Clerk

By: [executed at delivery of bonds]

Mayor

By: [executed at delivery of bonds]

Chief Financial Officer

[END OF FORM OF BOND]

Section 7. The law firm of McManimon, Scotland & Baumann, LLC ("*Bond Counsel*") is hereby authorized to arrange for the printing of the Bonds. The proper officials of the Borough are hereby authorized and directed to execute the Bonds and to deliver them to the Underwriter upon receipt of payment therefor.

Section 8. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by Bond Counsel, complete except for omission of its date. The Borough Clerk is hereby authorized and directed to certify the truth and correctness of the copy of such opinion by executing on each of the Bonds by facsimile signature a certificate in form satisfactory to that law firm and to file a signed duplicate of such written opinion in the Borough Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 9. The Bonds are being issued to refund the Refunded Bonds. The Chief Financial Officer shall take all steps necessary to redeem the Refunded Bonds on the first available redemption date at the applicable redemption price, deposit the proceeds of the Bonds with a bank for the purpose of defeasing the Refunded Bonds, invest the proceeds of the Bonds for this purpose and assist with the redemption of the Refunded Bonds. The Chief Financial Officer is hereby authorized to enter into an escrow deposit agreement with a bank to effectuate the purpose of this Section 9.

Section 10. The Borough hereby covenants that, in the event the interest payable on the Bonds are eligible to be exempt from taxation pursuant to the Internal Revenue Code of 1986, as amended (the "*Code*"), it will comply with any conditions subsequent imposed by the Code, in order to preserve such exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect such tax exemption of the Bonds under the Code.

Section 11. The Borough hereby approves the preparation and distribution of the Official Statement on behalf of the Borough in the form approved or to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Borough by the Mayor or the Chief Financial Officer. The Official Statement shall be prepared in final form in connection with the issuance of the Bonds and the Authorized Officers are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the Underwriter's confirmations that request payment for the Bonds.

Section 12. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with the Securities Depository, as may be necessary in order to provide that the Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

Section 13. In the event that the Securities Depository may determine to discontinue providing its service with respect to the Bonds or is removed by the Borough and if no successor securities depository is appointed, the Bonds that were previously issued in book-entry form shall be converted to registered bonds (the "*Registered Bonds*") in denominations of \$5,000 or any integral multiple in excess thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in such beneficial owner's name, will become the registered owner of such Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 14. (a) Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "*Rule*"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(i) on or prior to September 30 of each year, beginning September 30, 2021, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("*EMMA*") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Borough consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Borough and certain financial information and operating data consisting of (i) the Borough and overlapping indebtedness including a schedule of outstanding debt issued by the Borough, (ii) property valuation information and (iii) tax rate, levy and collection data. The audited financial information will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of such event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Borough;
- (13) The consummation of a merger, consolidation or acquisition involving the Borough or the sale of all or substantially all of the assets of the Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Borough, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Bonds, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Borough, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); *provided, however*, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

(c) Notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such Chief Financial Officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(f) In the event that the Borough fails to comply with the Rule requirements, or the written contracts or undertakings specified in this resolution, the Borough shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 15. The Mayor, the Borough Administrator, the Chief Financial Officer, the Borough Clerk and other appropriate representatives of the Borough are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the refunding of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Borough, satisfying in full the requirements of notice of redemption of the Refunded Bonds and taking all steps necessary or desirable to implement this resolution and such agreements and documents as may be necessary and appropriate for the transactions contemplated hereby and thereby.

Section 16. This resolution shall take effect immediately.

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

RESOLUTION 2021-74

A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT WITH ROBERT WOOD JOHNSON HEALTH NETWORK INC. FOR BASIC LIFE SUPPORT AND EMERGENCY MEDICAL SERVICES.

WHEREAS, the Borough of South Plainfield has a need for emergency medical ambulance services to exist and supplement the Borough Rescue Squad; and

WHEREAS, Robert Wood Johnson Health Network Inc. (hereinafter “RWJ”) is a hospital duly licensed and certified to provide such services; and

WHEREAS, the Borough Rescue Squad, is a volunteer, non-profit organization that provides first aid services to the Borough when such service is not provided by RWJ; and

WHEREAS, the Borough advertised and received proposals for said services on December 21, 2020; and

WHEREAS, the proposals and Agreement for Services were reviewed and approved by the Borough Attorney and the Borough Council’s Public Safety Committee.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute an Agreement for basic life support and emergency medical services with Robert Wood Johnson Health Network Inc. for a period to commence effective the date of this Resolution for two years to expire on 1/31/2023 with the option of awarding a one year extension of services from 2/1/2023 through 1/31/2024.

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

CORRESPONDENCE

- Environmental Commission Minutes – November 11, 2020
- Board of Health Monthly Report – December 2020
- Environmental Commission Monthly Report – December 2020

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

PAYMENT OF BILLS

Current Fund	0-01	272,444.28
Current Fund	1-01	295,629.93
Pool Utility	0-26	0.00
Pool Utility	1-26	0.00
Sewer Utility	0-07	6,955.16
Sewer Utility	1-07	4,940.62
Sewer Utility Capital	C-08	207,826.33
General Capital	C-04	39,182.35
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	16,120.47
Dog Trust	T-12	1.20
Treasurers Trust	T-13	78,505.61
Recreation Trust	T-14	1,410.00
Senior Citizen Trust	T-16	0.00
TOTAL ALL FUNDS		\$923,015.95

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

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reminded everyone it is a New Jersey law to make sure all snow is cleared off your vehicles including the roof top.

Administrator Cullen – thanked the Police and DPW who have been working on plowing since around 3 p.m. on Sunday afternoon. We had around 20” of snow. The Recycling Center and PAL will be closed tomorrow. DPW will continue to work on plowing the snow all night. We are still assessing if we will get much more snow overnight into tomorrow morning. The County Health Department has only been receiving 2,000 vaccinations per week and have administered around 8,000 so far. They are hopeful to have more in the coming days.

Engineer Miller – was absent this evening due to working with DPW on the snowstorm.

Clerk Antonides – reported progress.

Councilman Wolak – gave a shout out to the DPW who is doing a great job with the snow removal and went on to advise everyone to be careful with the snow shoveling.

Councilman Smith – echoed the thank you's to DPW with the snow plowing saying they are doing their jobs. Councilman Smith said it is nice to see the diversity in our community. Councilman Smith concluded by saying that Alice Tempel and the Environmental Commission are working on the stormwater grant application and the bamboo ordinance.

Councilman Bengivenga – thanked everyone for the well wishes regarding the birth of his new daughter who is attending her very first council meeting tonight – virtually. Councilman Bengivenga concluded by advising everyone to stay safe out there.

Councilwoman Mott – congratulated Kyna Ruiz on their appointment to the Fire Department this evening. Councilwoman Mott thanked the DPW with the snow plowing saying it is a lot to keep up with. Councilwoman Mott thanked Darlene Cullen and Anne Daley who made homemade meatball sandwiches and cookies for the DPW.

Councilwoman Faustini – thanked everyone for all their hard work with this storm and thanked all guests for joining us virtually this evening. Councilwoman Faustini expressed her appreciation for all residents being patient with us to get through this storm together.

Council President White – thanked everyone for their help with this snowstorm and went on to report progress.

Mayor Anesh – reported that the covid virus seven-day average is now sitting around ten. We are hopeful we will start to see more vaccination sites open up. On another note, South Plainfield schools will all hold virtual sessions tomorrow.

COMMENTS FROM THE PUBLIC:

Mayor Anesh opened the floor for public comment reiterating the aforementioned remote directions for making remote public comment.

Debbie Boyle of Van Fleet said Mayor Anesh runs a good meeting. Mrs. Boyle congratulated Councilman Bengivenga and his wife on the birth of their new baby. Mrs. Boyle went on to mention several forthcoming events around town.

Darlene Cullen clarified that Anne Daley made the dessert for the DPW today during the storm. Mrs. Cullen cautioned citizens to be careful of scammers who set out to scam the elderly. In her TAPinto edition she has an article regarding an elderly couple in South Plainfield that scammers were trying to get money from, however, thanks to their courage, they had the Police Department set-up and sting and the scammers were caught. Mayor Anesh concurred with warning citizens to be very careful because these scammers seem to be getting more and more creative at what they do.

Nancy Grennier from The Observer asked if the contract with RWJ is a new one or a renewal. Mr. Cullen said it's a renewal. Mrs. Grennier complained about a how long it took to get help for her husband who took a bad fall. He laid on the ground for a very long time. Mayor Anesh explained the situation that occurred that night with an abundance of calls that particular day. The EMS Captain has been informed of this situation. Mr. Cullen said he will be meeting with RWJ next week and will discuss this. Mrs. Grennier then inquired if there will be a synopsis of the full costs of the pool. Mr. Cullen said yes, however, they are still working on some punch list items at this time .

Denell Marsh encouraged everyone to participate in the upcoming Black History Trivia Night. Mrs. Grennier asked Ms. Marsh to please contact her at The Observer so she can do an article on upcoming events like this.

Without further comment from the public, Mayor Anesh closed the floor at 7:50 p.m.

ADJOURNMENT

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Council President White made a motion to adjourn at 7:50 p.m., seconded by Councilman Smith and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk