

**SOUTH PLAINFIELD BOROUGH
BOROUGH COUNCIL MEETING MINUTES
APRIL 5, 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 7:12 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 Councilman Bengivenga 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 un-muted all microphones. With no comments from the public, Mayor Anesh closed the floor.

Authorizing the Approval of Council Minutes:

March 15, 2021 – Agenda Meeting

March 15, 2021 - Public Meeting

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		X	X				
Councilwoman Faustini	X		X				
Councilwoman Mott			X				
Councilman Smith							X
Councilman Wolak			X				
Council President White						X	
		VOTE:	4	0			
Mayor Anesh – TIE ONLY							

Proclamation –

Child Abuse Prevention Month proclamation was read in full by Mayor Anesh. Debbie Boyle accepted this proclamation on behalf of Suburban Women's Club.

Volunteer Litter Clean-up Week proclamation was read in full by Mayor Anesh.

Autism Awareness proclamation was read in full by Mayor Anesh. John Bentivenga accepted this proclamation. Debbie Boyle interjected that she will also accept this proclamation on behalf of the Mayor’s Wellness Committee.

National Library Week proclamation was read in full by Mayor Anesh. Linda Hansen and Cheryl Nagel-Smiley were present to accept this proclamation.

The below ordinance 2196 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. Councilman Bengivenga thanked the Superior Officers and the PBA for all that they do as well as a smooth negotiation. They are fantastic group to work with.

ORDINANCE 2196

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF EMPLOYEES OF THE BOROUGH OF SOUTH PLAINFIELD AND THE METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2021 THROUGH 2024 FOR SUPERIOR OFFICERS

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 1st of the years shown.

**Borough of South Plainfield
Salary Ordinance
PBA 100
Superior Officers & Police Chief**

	2021	2022	2023	2024
Sergeant	\$138,552	\$142,015	\$145,566	\$149,205
Lieutenant	\$155,177	\$159,057	\$163,033	\$167,109
Captain	\$173,798	\$178,142	\$182,596	\$187,161
Chief	\$194,674	\$199,541	\$204,530	\$209,643

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	2ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		x	X				
Councilwoman Faustini							X
Councilwoman Mott			X				
Councilman Smith			X				
Councilman Wolak	x		X				
Council President White						X	
		VOTE:	4	0			
Mayor Anesh – TIE ONLY							

The below ordinance 2197 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. Councilman Smith inquired if this ordinance pertains to the basketball courts. Mr. Cullen said yes, it does. Councilman Bengivenga expressed how important the pathway for Leeds Drive is as it is a cut through that many children and adults use to get to Plainfield Avenue. We have a ton of park renovations taking place now. Councilman Bengivenga thanked the Administration/Finance Committee as well as the Recreation Commission for their work on this.

BOND ORDINANCE #2197

BOND ORDINANCE AMENDING THE TITLE AND SECTION 3(a) OF BOND ORDINANCE NUMBERED 2181 OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, FINALLY ADOPTED SEPTEMBER 21, 2020, IN ORDER TO INCLUDE IMPROVEMENTS TO THE COMMUNITY POOL COMPLEX, LEEDS DRIVE WALKWAY AND PUTNAM PATHWAYS

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 One. The Title of Bond Ordinance numbered 2181 of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), finally adopted September 21, 2020 ("Bond Ordinance #2181") is hereby amended to include improvements to the Community Pool Complex and Leeds Drive walkway and to read as follows:

"BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO COTTON STREET PARK, PUTNAM PARK, SHADYSIDE PARK, THE COMMUNITY POOL COMPLEX AND LEEDS DRIVE WALKWAY IN AND BY THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF."

Section Two. Section 3(a) of Bond Ordinance #2181 is hereby amended to include improvements to the Community Pool Complex, Leeds Drive walkway and Putnam Park pathways and to read as follows:

"The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various improvements to Cotton Street Park, Putnam Park, Shadyside Park, the Community Pool Complex and Leeds Drive walkway, including, but not limited to, new basketball courts, basketball court improvements and other improvements to the Community Pool Complex, a new walking path at Cotton Street Park, improvements to Putnam Park pathways and a new pavilion area at Shadyside Park and further including all work and materials necessary therefor and incidental thereto."

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

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

The below ordinance 2198 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for April 19, 2021 at approximately 7:00 p.m.

**ORDINANCE 2198
AN ORDINANCE AMENDING CHAPTER 187 OF THE CODE OF THE
BOROUGH OF SOUTH PLAINFIELD, TITLED VEHICLES AND TRAFFIC.**

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 187 of the Code of the Borough titled Vehicles and Traffic, Article II, Section 187-9, Section 187-10, and Section 187-23 be amended as follows:

Article II. Parking, Stopping and Standing.

Section 187-9. No Parking, Both Sides, Entire Roadway. Shall be amended to delete Cady Lane from Subsection A;

Section 187-10. No Parking, Certain Sections of Roadway. Shall be amended in Subsection A to add as paragraph 4, Cady Lane:

- a. Entire west side.
- b. From the southernmost point of the parking lot to the intersection of Avon Avenue.

All other numbered provisions in this Section shall be adjusted accordingly.

Section 187-23. No Parking Within 30 Feet of Commercial Building, Commercial Store or Public School in Designated Fire Zones.

- A(35) - Delete "Aldi" so that said provision reads "1620 Park Avenue";
- A(36) - Delete "Walgreens" so that said provision reads "140 South Plainfield Avenue";
- A(37) - Delete "Sky Zone Trampoline Park" so that said provision reads "600 Hadley Road";

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

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

The below ordinance 2199 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for April 19, 2021 at approximately 7:00 p.m.

ORDINANCE 2199

AN ORDINANCE AMENDING ORDINANCE 2143 THAT AMENDS CHAPTER 510, SECTION 510-3 TITLED "FEES" OF THE CODE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 510 of the Code of the Borough titled "Construction Codes, Uniform", §510-3 "Fees", Sub-Section "B" (4) "Electrical." be amended as follows:

§510-3 "Fees"

B. Subcode fees established pursuant to N.J.A.C. 5:23-2.25

(4) Electrical: *Residential Minimum Fee:\$75.00, Commercial Minimum Fee:\$100.00*

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

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

The below ordinance 2200 was and read by title by Clerk Antonides on the first reading. Mayor Anesh set the public hearing for April 19, 2021 at approximately 7:00 p.m.

Councilman Wolak expressed concerns that this ordinance is overbearing. It's prosperous that you would put people in jail for not following this ordinance. Making people responsible for other people's property isn't right. You will never be certain where the bamboo originated from. The idea of this is too much. Mayor Anesh asked Mr. Rizzo Esq. if it is standard to impose fines within ordinances. Mr. Rizzo Esq. said yes, and the likelihood of ever sending one to prison is slim to none, however, it provides a judge with tools necessary if ever faced with a difficult person in court.

ORDINANCE 2200

AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY ADOPTING REGULATIONS FOR THE PLANTING, GROWING AND/OR CONTAINMENT OF BAMBOO.

WHEREAS, it has been found that certain types of bamboo spread rapidly underground through the root systems and underground rhizomes, thereby damaging and infesting nearby property, and that they are not native to the Borough, but nevertheless, there presently exists within the Borough running bamboo that has expanded beyond the borders of properties upon which it was originally grown, and is causing damage to adjoining property; and

WHEREAS, such invasive forms of bamboo will, by their nature, invade, infest and damage other plants, roads, sidewalks, buildings and structures in nearby properties and areas; and

WHEREAS, it is found that invasive forms of bamboo are not readily controlled by customary or readily available agricultural measures;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that the Code of the Borough shall be amended to add a new Chapter 334 to be entitled "PLANTING, GROWING, AND/OR CONTAINMENT OF BAMBOO", as follows:

334-1. PURPOSE AND INTENT.

The purpose of this Ordinance is to control the planting, growing, maintenance and/or containment of bamboo in the Borough of South Plainfield, and to preserve and protect private and public property from the damaging spread of running bamboo.

334-2. DEFINITIONS.

A. Buffer Zone – A distance of at least ten (10) feet from any lane, street, or road, whether public or private, or such distance from any neighboring property, whether private or public, whichever is more restrictive for the bamboo owner.

B. Running Bamboo – Any monopodial (running) woody grass from the genera of bamboos, including, but not limited to, *Bambusa*, *Phyllostachys* and *Pseudosasa*, as well as common bamboo, golden bamboo and arrow bamboo.

C. Clumping Bamboo – Any sympodial (clumping) woody grass from the genera of bamboos, including, but not limited to, *Fargesia* and *Bambusa*, as well as other non-running species.

D. Bamboo Owner(s) – Any property owner(s) who, or which, have bamboo on their property, whether such bamboo was planted by the property owner, by prior property owner, or has spread onto the property from an adjoining property.

E. Borough – The Borough of South Plainfield, Middlesex County, New Jersey.

F. Notice – Any written notice by, from or on behalf of the Borough, notifying the Running Bamboo Property Owner(s) that they are in violation of this Ordinance and directing them to fix the violation. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current real property tax list on file with the Borough. A copy may also be posted on the property in question.

G. Root Barrier – An underground barrier used to contain the root system of Running Bamboo.

334-3. BAMBOO PLANTING PROHIBITED, CONTAINMENT AND REMOVAL.

A. Prohibition – No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install, cause or permit the planting or installation of running bamboo upon any property located within the Borough.

B. Duty to Confine – In the event any running bamboo is located upon any property within the Borough prior to the effective date of this Ordinance, the owner and occupant of said property shall jointly and severally be responsible to confine such running bamboo to prevent the encroachment, spread, invasion or intrusion of same onto any buffer zone, or any other private or public property. The root system may be contained within an above-ground planter or within an underground Root Barrier. The Root Barrier shall be constructed in accordance with the following specifications:

a. The barrier shall be composed of high-density polypropylene or polyethylene, with a minimum thickness of 40 mm.

b. Each portion of the barrier shall be joined together by the use of stainless-steel strips or clamps.

c. The barrier shall be a minimum of 30 inches deep, with 2-3 inches of the barrier above grade the entire perimeter of the bamboo area.

d. When installed, the barrier shall slant outward from the bottom to the top.

In lieu of confining running bamboo, the property owner or occupant may elect to totally remove the bamboo from the property and all affected properties. Failure to properly confine running bamboo shall require removal. The cost of such removal shall be at the running bamboo owner's expense.

C. Removal – In cases where running bamboo has spread onto an adjoining property, the owner of the property in which the running bamboo originated shall be responsible for any removal, containment, and/or penalties, as defined within this Ordinance. In the event running bamboo is present on the effective date of this Ordinance, and a complaint is received by the Borough regarding an encroachment of any running bamboo, and the Property Maintenance Official of the Borough, after observation and/or inspection determines that there is an encroachment or invasion on any

adjoining/neighboring private or public property, or public right-of-way, or in any buffer zone, or in the event such determination is made by the Property Maintenance Official regardless of the receipt of a complaint, the Borough shall serve notice to the running bamboo owner(s) in writing that the running bamboo has invaded other private or public property, buffer zone or public right-of-way, and demand remediation of the encroachment of the running bamboo from the affected property, and demand approved confinement against future encroachment. The notice shall be provided to the running bamboo owner(s), as well as to the owner of any affected property, by certified mail, return receipt requested, and regular mail. Within thirty (30) days of receipt of such notice, the running bamboo owner(s) shall submit to the Property Maintenance Official a plan for remediation of the encroachment of the running bamboo from the affected property, which plan shall include restoration of the affected property after remediation of the encroachment. A copy of such plan must also be provided to the owner of the affected property. Within ninety (90) days of receipt of approval of a plan of remediation and restoration by the Property Maintenance Official, the remediation and restoration shall be completed to the satisfaction of the Property Maintenance Official.

334-4. EXEMPTIONS.

Planting and maintaining of non-running bamboo plants shall be permitted here the root system of such clumping plants is entirely contained within an above-ground level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container in which it is planted.

334-5. RESERVATION OF RIGHTS, VIOLATIONS AND PENALTIES.

This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of running bamboo on their own property caused by the spread of running bamboo from another property owner.

Any property owner, whether a person, firm, corporation or other legal entity, or occupant of property, violating any provision of this Ordinance shall be subject to the following penalties upon conviction of such violation:

- A. A fine not to exceed One Hundred (\$100.00) Dollars for each day on which a violation has occurred or imprisonment in the County Jail for a term of not more than Thirty (30) days, or both.
- B. Each day on which a violation occurs shall constitute a separate offense under this Ordinance.
- C. When an encroachment is upon public property or a public right-of-way, and the running bamboo owner(s) and/or occupant(s) has not complied with the written Notice provided as set forth above, the Borough, at its discretion, may remove or contract for the removal of such running bamboo from the public property or public right-of-way. The cost of such removal shall be the responsibility of the running bamboo owner(s) and occupant(s), jointly and severally, and shall be paid or assessed as a lien as against the property on which the running bamboo originated. The cost of such removal from Borough-owned property and/or public right-of-way shall include the installation of an appropriate Root Barrier to prevent future spread of running bamboo.

334-6. SEVERABILITY.

If any part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality or invalidity shall not affect any of the remaining provisions or parts of this Ordinance, and those remaining provisions shall remain in full force and effect.

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

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilwoman Faustini			X				
Councilwoman Mott		x	X				
Councilman Smith	x		X				
Councilman Wolak				X			
Council President White						X	
		VOTE:	4	1			
Mayor Anesh – TIE ONLY							

RESOLUTIONS

**RESOLUTION 21-128
AUTHORIZING THE APPOINTMENT OF ALISON GIBSON TO THE MAYOR’S WELLNESS COMMITTEE FOR THE
UNEXPIRED TERM OF 12/31/2022**

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

It hereby authorizes the appointment of Alison Gibson to the Mayor’s Wellness Committee to fill the unexpired term of Joan Dickason to 12/31/2022; and

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

1. Amy Antonides, Municipal Clerk

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

**RESOLUTION 21-129
AUTHORIZING THE APPOINTMENTS OF FRANK McCARTHY, STEVE DRUGA AND ROGER WINKLE TO THE
CONSTRUCTION BOARD OF APPEALS
TO FILL UNEXPIRED TERMS**

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

It hereby authorizes the following appointments to the Construction Board of Appeals at the recommendation of the Construction Official:

1. **Frank McCarthy** appointed as Alternate Plumbing to fill the unexpired term to 12/31/2022
2. **Steve Druga** appointed as Alternate Architect to fill the unexpired term to 12/31/2022
3. **Roger Winkle** appointed as Member Architect to fill the unexpired term to 12/31/2023

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

1. Amy Antonides, Municipal Clerk x
2. Dominic Demico, Construction Official

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	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 21-130
ACCEPTING THE RESIGNATION OF AMBER LEIBOLD AS PART-TIME PER DIEM TELECOMMUNICATOR IN
TRAINING
FOR THE SOUTH PLAINFIELD POLICE DEPARTMENT**

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

It hereby accepts the resignation of Amber Leibold from the position of Part-Time Per Diem Telecommunicator in training for the South Plainfield Police Department effective March 22, 2021, and
{A1298313.1 }

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 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilwoman Faustini	X		X				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman Wolak		X	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 21-131

AUTHORIZING THE MAYORAL APPOINTMENT OF DIVON PENDER AS ALTERNATE II ON THE PLANNING BOARD FOR A TERM TO EXPIRE 12/31/2021

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

It hereby authorizes the Mayoral appointment of Divon Pender as Alternate II on the Planning Board for a term to expire 12/31/21; and

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

1. Amy Antonides, Municipal Clerk

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

RESOLUTION 21-132

AUTHORIZING A PERSON TO PERSON TRANSFER TO PERSPECTIVA LLC, FROM BRINEL LLC

LOCATED AT 2341 PLAINFIELD AVENUE IN SOUTH PLAINFIELD (KNOWN AS PAULO’S BARBECUE)

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License 1222-33-019-006 heretofore issued to Brinel LLC for premises located at 2341 Plainfield Avenue in South Plainfield, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed, and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, in response to inquiries of the Mayor and the Council pertaining to the October 2, 2007 hearing for the Place to Place Transfer to the present location of 2341 Plainfield Avenue in South Plainfield whereby in accordance with Resolution 2007-230, Brinel LLC agreed as a condition of said license that 1) it would be open for business to serve alcohol between the hours of 11:00 a.m. to 11:00 p.m., 2) that it shall operate a family oriented restaurant and not a sports bar, lounge or nightclub, and 3) that it will not sell {A1298313.1 }

any packaged goods.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of South Plainfield does hereby approve effective April 5, 2021, the transfer of the aforesaid Plenary Retail Consumption License to Perspectiva LLC and does hereby direct the Municipal Clerk to enforce the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Perspectiva LLC with the same conditions held by Brinel LLC, effective April 5, 2021.

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	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 21-133
AUTHORIZING THE NJ STATE CONTRACT PURCHASE OF AMMUNITION
FOR THE POLICE DEPARTMENT FROM EAGLE POINT GUN/T.J. MORRIS & SON
IN AN AMOUNT NOT TO EXCEED \$28,000.00**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the NJ State Contract purchase of ammunition for the Police Department from Eagle Point Gun/T.J. Morris & Son in an amount not to exceed \$28,000.00 pursuant to state contract number #17-FLEET-0721, T#T0106, Line#3; 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. Captain Papa, SPPD

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	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2021-134
ENDORING THE SUBMISSION OF THE 2020 RECYCLING TONNAGE GRANT APPLICATION**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2020 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield that the Borough of South Plainfield hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Alice S. Tempel, C.R.P. to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 21-136
AUTHORIZING THE PURCHASE OF SYNTHETIC TURF FOR THE POOL
FROM NEW IMAGE LANDSCAPING
IN AN AMOUNT NOT TO EXCEED \$19,000.00**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the purchase of synthetic turf for the pool from New Image Landscaping in an amount not to exceed \$19,000.00: 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. Len Miller, DPW Superintendent

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	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

The following resolution was amended to show the “screening” of soil opposed to the “purchase” of soil.

**RESOLUTION 21-137
AUTHORIZING THE OF SCREENING OF TOPSOIL FOR THE POOL
FROM NEW IMAGE LANDSCAPING
IN AN AMOUNT NOT TO EXCEED \$20,000.00**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes the screening of topsoil for the pool from New Image Landscaping in an amount not to exceed \$20,000.00: 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. Len Miller, DPW Superintendent

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	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 21-138
AUTHORIZING TWIN CITY PHARMACY TO PROVIDE COVID-19 VACCINATIONS
AT THE SOUTH PLAINFIELD SENIOR CENTER**

BE IT RESOLVED, by the Borough Council of the Borough of South Plainfield that it hereby authorizes Twin City Pharmacy to provide Covid-19 vaccinations at the South Plainfield Center located at 90 Maple Avenue in South Plainfield, New Jersey; 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. Tree Olano, Senior Center Director

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	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**RESOLUTION 2021-139
AUTHORIZING THE SALE OF CERTAIN PROPERTY NO LONGER
NEEDED FOR PUBLIC USE.**

WHEREAS, the Borough of South Plainfield is the owner of certain land within the Borough identified as follows:

- Block 273, Lot 4
- Block 273, Lot 5
- Block 539, Lot 6; and

WHEREAS, the Mayor and Council of the Borough of South Plainfield have determined that the property referenced above is no longer needed for public use; and

WHEREAS, the Borough desires to make available for public sale said property pursuant to the provisions of N.J.S.A. 40A:12-13(a);

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

The Mayor and Council of the Borough of South Plainfield hereby declares that the land identified above is no longer needed for public use and should be sold in accordance with the laws of the State of New Jersey and Ordinance of the Borough;

The Mayor and Council hereby authorize the Borough Administrator, Borough Clerk and Borough Attorney to take such steps as necessary to offer for sale to the highest bidder for sealed bid at auction the property referenced above;

The opening of sealed bids shall take place on May 3, 2021 at 10:00 a.m. at the Borough's Senior Center, 90 Maple Avenue, South Plainfield, New Jersey. All interested parties may participate by video conference at that time or as soon thereafter as the matter may be heard and publicly announced, provided the sale is not canceled;

Any successful bidder shall make payment by check or money order for a deposit of ten percent (10%) of a successful bid at the conclusion of the auction and shall execute an Agreement of Sale to be provided by the Borough. The Agreement of Sale shall be binding upon the high bidder until such time that the Borough either rejects the bid, in which case the deposit will be returned, or accepts the bid and executes the Agreement of Sale, and thereafter both parties will be bound by the terms and conditions contained therein. The balance of the purchase price shall be paid at closing which shall occur not later than 45 days following acceptance of the bid by the Borough. The purchaser shall be entitled to possession immediately following closing of title;

There shall be a minimum bid for each property as listed above as follows:

Lot 4, Block 273 - \$116,100.00
Lot 5, Block 273 - \$335,700.00
Lot 6, Block 539 - \$104,100.00

In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will return to the bidder any and all deposit funds previously submitted by the bidder, and neither party shall have any further rights against the other. The acceptance of a deed by the bidder from the Borough shall extinguish any claims that the bidder may have against the Borough in connection with the quality of title conveyed;

The property herein sold may be subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal, and any present or future assessments for the construction of improvements benefitting said property. The bidder shall be responsible to determine the existence and extent of any such encumbrances, liens, easements, zoning ordinances or other restrictions of record prior to the auction. The Borough makes no representations as to the presence or absence of wetlands or any other environmental conditions on the property, and the bidder assumes the risk of any such condition, all property being sold "as is";

All conveyances by the Borough shall be made by bargain and sale deed with covenants against grantor's acts;

The Borough reserves the right to waive any and all defects and informalities in any bid and to accept or reject any and all bids at the public sale and to not award to the highest bidder. No bid shall be considered finally accepted until final passage of a resolution by the Borough Council as set forth hereinafter;

Acceptable bids shall be confirmed by resolution of the Borough Council no later than the first regular meeting of the Borough Council following the date of the auction;

This Resolution shall constitute and serve as the public notice to be published in a newspaper circulating in the Borough at least once a week for two consecutive weeks, the last publication being not earlier than seven (7) days prior to the date set forth for the public sale;

In the event the successful bidder fails to close on the property, he or she shall forfeit their deposit and the Borough may again offer the property for sale;

The successful bidder(s) shall bear the cost of recording the deed(s) and agree that the deed(s) shall be the responsibility of the purchaser to record such deed(s). A successful bidder may not assign his or her bid, nor any right, title or interest in the property on which the bid is made prior to closing of title;

The burden is on all successful bidders to obtain from the appropriate municipal agency of the Borough of South Plainfield any and all variances or approvals from the Land Use and Development Ordinance of the Borough;

Title is to close within 45 calendar days of confirmation of the bid by the Borough Council at Borough Hall, unless otherwise extended in the sole discretion of the Borough Council, but if the last day for closing of title falls on a Saturday/Sunday, or legal holiday, then closing shall occur on the following day. Time shall be of the essence;

The sale price as may result from this auction sale may not be used before any County Board of Taxation, State Tax Court, or in any other Court of this State to challenge the assessment with respect to the subject property nor may it be used as a comparable sale to challenge assessments with regard to other properties;

All successful bidders are required to conduct all desired title searches at their expense prior to the date of closing. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to repayment to the purchaser of the amount of the deposit and any portion of the purchase price paid without any further cost, expense, damage or claim. Notice of any alleged defect in title or claim of unmarketability shall be given to the Borough in writing no later than 30 days after the date of confirmation of the sale by the Borough Council. Failure to give such notice shall be deemed conclusive evidence that the purchaser accepts title in its then present condition;

All prospective bidders and purchasers are put on notice that no employee, agent or officer of the Borough has authority to waive, modify or amend any of the conditions of sale;

It shall be conclusively presumed that a bidder, prior to making their bid, has done the following:

- A. Check the exact location, including the correct street address and lot size of the property on the Official Tax Maps of the Borough that are available at the Borough's Tax Assessor's office;
- B. Check the zoning restrictions to ascertain the legal use of the property, such information being available from the Borough's Zoning office;
- C. Made a personal inspection of the property prior to the bidding;

A failure by the bidder or purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Borough, as a material breach of the conditions of sale whereupon the Borough may declare the contract or purchase terminated and at an end. All monies paid on behalf of the purchase price by way of deposit or otherwise may be retained by the Borough as liquidated damages and it may thereafter resell the property or pursue any such other and further legal or equitable remedies as it may have and the defaulting bidder or purchaser shall continue to remain liable for all damages and losses sustained by the Borough by reason of such default;

No representations of any kind are made by the Borough as to the condition of the property, said premises being sold in their present condition and in "as is";

Successful bidders agree to the following:

- A. To pay prorated property taxes for the balance of the current year as of the date of closing
- B. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that the sale will not be used as grounds to support a challenge of existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge the assessments with regard to other properties;
- C. That the failure to close title as agreed shall forfeit to the Borough any and all money deposited with the Borough;

If any section or provision of this Resolution shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except as far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

This Resolution shall take effect immediately.

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	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 21-140
AUTHORIZING AWARD OF BID TO AMERICAN ASPHALT AND MILLING
FOR 2021 ROAD IMPROVEMENTS
IN AN AMOUNT NOT TO EXCEED \$263,830.70
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 2021 road improvements are necessary: and

WHEREAS bids were solicited and opened on Thursday, April 1, 2021 at 10:00 a.m. and the following picked-up bid packages from the Borough Engineer and submitted base bids as follows:

American Asphalt & Milling	\$263,830.70
DLS Contracting	\$268,282.50
Stilo Excavation Inc.	\$269,626.07
Fischer Contracting	\$293,531.80
Topline Construction	\$304,996.29
J.A. Alexander, Inc.	No Bid
Apco Paving	No Bid

WHEREAS, the bids have been reviewed by the Borough’s Engineer and Attorney and as such it has been determined that American Asphalt & Milling is the lowest bidder and it is recommended they be awarded said bid in the base bid amount of \$263,830.70 and that the bid be accepted, and a contract be awarded to American Asphalt & Milling; and

WHEREAS, funds for said purpose have been certified by the Chief Financial Officer and are available through capital funding.

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 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga			X				
Councilwoman Faustini	x		X				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman Wolak		x	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

RESOLUTION 21-141
AUTHORIZING THE SERVICES OF NAJARIAN ASSOCIATES FOR
ENGINEERING ADMINISTRATION OF THE DESIGN FOR
THE METUCHEN ROAD PROJECT IN AN AMOUNT NOT TO EXCEED \$19,000.00

BE IT RESOLVED that authorization by the Governing Body of the Borough of South Plainfield is hereby granted for Najarian Associates to perform engineering administration of the design for the Metuchen Road Project in the Borough of South Plainfield in an amount not to exceed \$19,000.00.

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		X				
Councilwoman Mott			X				
Councilman Smith			X				
Councilman Wolak		x	X				
Council President White						X	
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

CORRESPONDENCE

- Recreation Commission Minutes – February 9, 2021
- Certificate of Award for General Improvement Bonds

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

PAYMENT OF BILLS

Current Fund	0-01	16,641.30
Current Fund	1-01	456,457.26
Pool Utility	0-26	0.00
Pool Utility	1-26	610.00
Sewer Utility	0-07	4,500.00
Sewer Utility	1-07	43.43
Sewer Utility Capital	C-08	0.00
General Capital	C-04	24,012.32
Pool Capital	C-27	0.00
Election Account	E-18	0.00
Grant Fund	G-02	30,340.21
Dog Trust	T-12	3,750.00
Treasurers Trust	T-13	175.00
Recreation Trust	T-14	95.00
Senior Citizen Trust	T-16	0.00
TOTAL ALL FUNDS		\$536,624.52

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:	5	0			
Mayor Anesh – TIE ONLY							

COUNCIL REPORTS:

Borough Attorney Paul Rizzo – reported progress.

Administrator Cullen – pointed out that the Certificate of Bond Sale Notes are for our long-term debt and we did it as an attempt to expedite some of the pay downs and benefit from some historic interest rates. We received 4 bidders and with the winning bidder we are looking at an interest rate of 1.09% which will be over the duration taking us out till 2030. This is something we are very happy with. We also recently sold some short-term notes which those BANS have a maturity of only one year. We had six bidders on it and were pleased with the results.

Engineer Miller – The contractor started work with the Cotton Street Park project. Cady Lane and the two parking lots at the Pal and the pool are scheduled to begin next Monday. We awarded a project tonight for the continuation of Clark Lane, and we'll also do Camden Avenue and some other miscellaneous repairs. We are working now on the forthcoming project for Durham Avenue by finalizing the plans. We also received a grant for Metuchen Road. Avenue which tonight we awarded the engineering design to Najarian Associates. Between Durham Avenue and Metuchen Road we received over \$1 million for this year for these projects.

Clerk Antonides – reported progress.

Councilman Wolak – reported progress.

Councilman Smith – thanked the dedication of the Environmental Commission for working so hard on the bamboo ordinance, and also thanked Mr. Rizzo Esq. for his assistance as well. Councilman Thanked the Environmental Commission for their work with Clean-Up week as well as all the volunteers. Councilman Smith thanked all the first responders for their work during this pandemic. Councilman Smith thanked the Mayor and Council, Mr. Cullen, DPW, and the staff for continuing to strive for our residents. Councilman Smith thanked our Library staff and Trustees for their work in bringing such a diverse learning center to our community.

Councilman Bengivenga – reported progress

Councilwoman Mott – reported progress.

Councilwoman Faustini – thanked all who came out to the bunny hop last weekend and thanked all the volunteers who helped put this event together as it had a lot of moving parts. Everyone did a tremendous job on this event. Councilwoman Faustini reminded everyone now that the weather is getting nicer that early bird registration for the newly renovated community pool is taking place.

Council President White – was absent this evening.

Mayor Anesh – advised that County Deputy Director Kenneth Armwood just passed away and our thoughts and prayers are with his family. On another note it is a comfort to see more availability with vaccinations, though the Covid numbers are higher than normal over the past several weeks. The daily average is around seven now. Mayor Anesh concluded by reminding everyone to continue to wear masks, social distance, keep your hands clean and don't touch your face.

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 advised that CPack and Cultural Arts will be hosting a virtual talent show this year. Also they have collected over twenty piece of fabric for their virtual quilt.

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Without further comment from the public, Mayor Anesh closed the floor and announced that at this time, 7:52 p.m. we will be going into a virtual breakout executive session. Everyone is welcome to remain in the virtual meeting room until our return.

ADJOURNMENT

Without further comment and no more action necessary for this evening Mayor Anesh called for a motion to adjourn. Councilman Smith made a motion to adjourn at 8:07 p.m., seconded by Councilwoman Faustini and unanimously carried. The meeting was adjourned.

Submitted By:

Amy Antonides, RMC/CMC/CMR
Municipal Clerk