

**SOUTH PLAINFIELD BOROUGH  
BOROUGH COUNCIL MEETING MINUTES  
AUGUST 2, 2021, 7:00 P.M.  
SPECIAL MEETING**

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

**CALL TO ORDER:** Mayor Anesh called the meeting to order at 7:00 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 hybrid 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 Amy 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, Esq.	X		
Engineer Miller	X		

Mayor Anesh reviewed some basic rules for conducting this virtual hybrid 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 \*6 button will mute and unmute the voice feature for any phone callers.

Mayor Anesh led the flag salute and the invocation by performed by Council President White.

**BOND ORDINANCE #2209**

**BOND ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$649,000 FOR IMPROVEMENTS TO VARIOUS ROADS, INCLUDING \$250,000 OF AN AMOUNT NOT NEEDED FOR ITS ORIGINAL PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$380,000 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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$250,000 of the proceeds of obligations originally made available pursuant to the following bond ordinance of the Borough of South Plainfield, in the County of Middlesex, New Jersey (the "Borough"), is no longer necessary for the purpose for which the obligations previously were authorized:

Ordinance Number	Improvement Description and Date of <u>Adoption</u>	Amount to be <u>Reappropriated</u>
2187	Improvements to Durham Avenue, including, but not limited to, milling, paving and storm sewer improvements, and further including all work and materials necessary therefor and incidental thereto, finally adopted December 21, 2020.	\$250,000
Total:		\$250,000

Section 2. The amount described in Section 1 hereof and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to the purpose described in Section 5(a) below.

Section 3. The improvement described in Section 5(a) of this bond ordinance is hereby authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 5(a), there is hereby appropriated the sum of \$649,000, including the \$250,000 reappropriated pursuant to Section 2 hereof and further including \$19,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 4. In order to finance the cost of the improvement or purpose not covered by application of the reappropriated amount and the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$380,000 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 5. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to various roads, including, but not limited to, milling and paving, all as set forth on a list on file in the Office of the Clerk, and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 4 hereof.

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

Section 6. 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 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 7. 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 8. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 5(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$380,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 9. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 4 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described in Section 5(a) of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 10. Any grant moneys received for the purpose described in Section 5(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 11. 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 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 12. 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 13. 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 <sup>ND</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Bengivenga		X	X				
Councilwoman Faustini						X	
Councilwoman Mott			X				
Councilman Smith			X				
Councilman Wolak			X				
Council President White	X		X				
		VOTE:	5	0			
Mayor Anesh – TIE ONLY							

**PUBLIC COMMENT ON AGENDA ITEMS ONLY:** Mayor Anesh opened the floor for public comment reiterating the aforementioned directions for making remote public comments.

Debbie Boyle of Van Fleet thanked all those who helped with the Christmas in July event saying that it was an amazing evening and the change of time from 5pm to 9pm worked out very well.

Mr. Cullen thanked the Governing Body for their support of the Hamm Tandem Roller for the DPW as they were in dire need of this new equipment.

Nancy Grennier said there has been no water in the Shady Side section of town for over 12 hours now and asked if the Council has any status updates on the water main break. Council President White said that NJ American Water is working on it and updates will be provided when known. In the meantime, OEM is working on staging pallets of water bottles on Hadley Road and checking in with Arista Care.

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

**ADJOURN AGENDA MEETING:** With no further comments, Mayor Anesh asked for a motion to adjourn from the Special Meeting. Council President White made a motion to adjourn from the Agenda Meeting at 7:14 p.m., seconded by Councilman Bengivenga and unanimously carried by an all-in favor.

Respectfully Submitted By:

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Amy Antonides, RMC/CMC/CMR