

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
APRIL 11, 2016**

MEETING CALLED TO ORDER: 6:30 P.M.

MEETING ADJOURNED: 7:23 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, April 11, 2016 commencing at 6:30 p.m. at the Borough Hall with Mayor Zappariello presiding. Mayor Zappariello led the flag salute and announced that this meeting was being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided to the Press of Atlantic City, the Daily Journal and the Atlantic County Record as well as having been posted on the bulletin board at Borough Hall.

PRESENT: Councilpersons Marolda, Walker, Baker, and James, Mancuso, McAvaddy, Richard Tonetta, Solicitor and Gail Knott, Deputy Clerk

ABSENT: Dr. Paul Trivellini

ROLL CALL OF ATTENDANCE:

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

SUNSHINE LAW: This meeting is being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided to The Press of Atlantic City, The Daily Journal and The Atlantic County Record, as well as having been posted on the bulletin board at Borough Hall.

MAYOR'S REPORT: **First order of business.**
Mayor Zappariello thanked all Council Members who are busy working with committees and the budget.

ORDINANCE NO. 636 PUBLIC HEARING OPENED ON:

AN ORDINANCE AMENDING ORDINANCE NO. 446 AND CHAPTER 82-9 OF THE CODE OF THE BOROUGH OF BUENA BY INCREASING REGISTRATION FEES AND INSPECTION FEES FOR OCCUPANCY PERMITS. m/Baker s/Walker

BE IT ORDAINED by the Council of the Borough of Buena that:

This Ordinance shall take effect immediately after final passage and publication as required by law. Any Ordinances inconsistent with this Ordinance are hereby repealed.

1: The provisions of Ordinance 446 relating to registration fees and inspection fees for occupancy permits, as codified under Chapter 82-9 of the Code of the Borough of Buena shall be deleted in its Entirety and written and amended and supplemented to read as follows:

A. Each rental unit shall be registered annually with the Borough Clerk on or before February 28 of each calendar year. Upon registration of each rental unit, the owner/applicant shall pay a registration fee of

seventy-five dollars (\$75.00) for each rental unit and includes one inspection.

- B. Prior to the re-renting to a subsequent tenant of any rental unit, the owner/applicant shall pay a new inspection fee of seventy-five dollars (\$75.00) per unit for the inspection.
- C. In the event that subsequent inspections are necessary because of the failure of a rental unit to comply with the requirements of this chapter, the owner/applicant shall pay a re-inspection fee of fifty dollars (\$50.00) for each inspection after the first inspection.
- D. Notwithstanding anything herein to the contrary, in the event that the unit is a rental unit which was not tenant occupied or registered in the previous year as required by this Chapter and is thereafter registered subsequent to February 28 of the year in which it is registered as required by this Chapter, the initial registration and inspection fee shall be \$75.00 which shall be prorated to December 31st of the year registered.

2: Fees listed above shall take effect January 1, 2017 and shall be increased annually, beginning January 1, 2018 by 2.5% and rounded normally (.49 or less rounded down, .50 and greater rounded up to the nearest dollar).

3. All other provisions of Ordinance No. 446 and Chapter 82 of the Code of the Borough of Buena shall remain in full force and effect.

4. This Ordinance shall take effect immediately after final passage and publication as required by law. Any Ordinances inconsistent with this Ordinance are hereby repealed.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO		X		
MCAVADDY	X			

DISCUSSION: none

PUBLIC HEARING CLOSED:m/Baker s/Walker

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO		X		
MCAVADDY	X			

ORDINANCE NO. 636 ADOPTED:

m/Baker s/McAvaddy

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			

MANCUSO		X		
MCAVADDY	X			

ORDINANCE NO. 637 PUBLIC HEARING OPENED ON:

AN ORDINANCE SUPPLEMENTING CERTAIN PROVISIONS OF CHAPTER 99 OF THE MUNICIPAL CODE OF THE BOROUGH OF BUENA ENTITLED "ANIMALS". m/Baker s/McAvaddy

BE IT ORDAINED by the Council of the Borough of Buena, in the County of Atlantic and State of New Jersey, that the following shall be added to the code of the Borough of Buena.

No person shall keep, harbor, raise, or permit to be harbored, raised or maintained in excess of four domestic pets at or upon any residential property consisting of three acres or less. For purposes of this ordinance, domestic pets apply to dogs and cats only.

This section shall not apply to any duly licensed business, organization or facility that is a veterinary establishment, kennel, breeder, pet shop, animal shelter, animal rescue or animal adoption agency or operating farm.

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

DISCUSSION: none

PUBLIC HEARING CLOSED:

m/Baker s/Walker

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

ORDINANCE NO. 637 ADOPTED:

m/Baker s/McAvaddy

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

ORDINANCE NO. 638 PUBLIC HEARING OPENED ON:

**CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)
m/Baker s/McAvaddy**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Buena in the County of Atlantic finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$119,735.84 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Buena, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Buena shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$119,735.84, and that the CY 2016 municipal budget for the Borough of Buena be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO		X		
MCAVADDY	X			

DISCUSSION:

PUBLIC HEARING CLOSED:

m/Baker s/McAvaddy

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO		X		
MCAVADDY	X			

ORDINANCE NO. 638 ADOPTED:

m/Baker s/McAvaddy

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES				
MANCUSO		X		
MCAVADDY	X			

ORDINANCE NO. 639: (TABLED)

NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

AN ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF VACANT PROPERTIES.

m/ s/

WHEREAS, the Borough of Buena (the "Borough") contains structures which are vacant in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them or are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Borough incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls, and property inspections and maintenance; and

WHEREAS, it is in the public interest for the Borough to establish minimum standards of accountability on the owners, creditors or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Borough; and

WHEREAS, it is in the public interest for the Borough to impose a fee in conjunction with registration of vacant and abandoned structures and to require creditors to be responsible for the maintenance of abandoned residential structures under certain circumstances in light of the disproportionate costs imposed upon the Borough by the presence of these structures.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BUENA, AS FOLLOWS:

SECTION 1. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

CREDITOR

Shall mean any creditor including but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under a mortgage agreement.

INITIATION OF THE FORECLOSURE PROCESS

Shall mean any of the following actions taken by a lienholder or mortgage holder or mortgagee

- (A) taking possession of the Property
- (B) delivering a Creditors or mortgagee's notice of intention to foreclose to the borrower
- (C) commencing a foreclosure action or filing a lis pendens in the Superior Court of New Jersey

OWNER

Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Borough Clerk pursuant to the provisions of N.J.S.A. 46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296), or any other entity determined by the Borough to have authority to act with respect to the property.

PROPERTY

Shall mean any real estate, residential property, or portion thereof, located in the Borough, including buildings or structures situated on the Property. Property does not include property owned or subject to the control of the Borough or any of its governmental bodies or agencies.

PUBLIC OFFICER

The Director, Department of Public Works, or his designee, is hereby designated as the Public Officer of the Borough and shall exercise the powers prescribed by this Ordinance.

RESIDENTIAL PROPERTY

Shall mean any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes

SECURING

Shall mean taking measures that assist in making the property and accessible to unauthorized persons

VACANT PROPERTY

Any building or structure which is not legally occupied or at which all lawful business or construction operations or renovation work or residential occupancy have substantially ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in a habitable condition, and where the building is being actively marketed by its Owner for sale or rental, shall not be deemed a vacant property for purposes of this Ordinance.

SECTION 2 . Registration Requirements.

Effective October 1, 2014, the Owner of any Vacant Property as defined herein shall, within 30 calendar days after the building becomes Vacant Property or within 30 calendar days after assuming ownership of the Vacant Property, whichever is later; or within 10 calendar days of receipt of notice by the Borough, file a registration statement for such Vacant Property with the Code Enforcement Office on forms provided by the Borough for such purposes. Failure to receive notice by the Borough shall not constitute grounds for failing to register the property.

- A. Each Property having a separate block and lot number as designated in official records of the Borough shall be registered separately.
- B. The registration statement shall include the name, street address, telephone number, and e-mail address (if applicable) of a person 21 years of age or older, designated by the Owner or Owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Owner or Owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and e-mail address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four-hour per day, seven-day-per-week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- C. The registration shall remain valid for one year from the date of registration except for the initial registration time which shall be prorated through 2014. The Owner shall be required to renew the registration annually as long as the building remains a Vacant Property and shall pay a registration or renewal fee in the amount prescribed in Section 8 of this Ordinance for each Vacant Property registered.
- D. The annual renewal shall be completed by January 1st of each year. The initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.
- E. The Owner shall notify the Code Enforcement Office within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough for such purpose.
- F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Owner or Owners of the building.
- G. The Owner shall maintain insurance in accordance with Section 6 of this ordinance.
- H. The registration statement may include any additional information that the Public Officer may reasonably require.

SECTION 3. Restoration.

Any Owner of Vacant Property who plans to restore the property to productive use and occupancy during the twelve-month period following the date of the initial registration of the property shall file a sufficiently detailed statement of the Owner's plans for restoration of the property with the registration statement. Any Owner who within the initial registration period completes restoration of the property whereby the property no longer is defined as a Vacant Property may request a pro-rated refund of the Vacant Property registration fee from the Code Enforcement Office upon presentation of a certificate of occupancy who shall forward the request to the Public Officer for approval.

SECTION 4. Access.

The Owner of any Vacant Property registered under this Ordinance shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property Owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the Owner and the Borough.

SECTION 5. Responsible owner or agent.

- A. An Owner who meets the requirements of this Ordinance with respect to the location of his or her residence or workplace in the State of New Jersey may designate himself or herself as agent or as the individual responsible for maintaining the property.
- B. By designating an authorized agent under the provisions of this section the Owner consents to receive any and all notices of code violations concerning the registered Vacant Property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any Owner who has designated an authorized agent under the

provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the Owner notifies the Borough in writing of a change of authorized agent or until the Owner files a new annual registration statement.

C. Any Owner who fails to register a Vacant Property under the provisions of this Ordinance shall further be deemed to consent to receive, by posting on the building, in plain view, and by service notice at the last known address of the Owner of the property on record with the Borough by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

SECTION 6. Owner and/or Creditor requirements.

The Owner and /or Creditor of any structure that has become Vacant Property, and any person responsible for maintaining any such building that has become vacant shall, within 30 calendar days of the structure becoming vacant or within 30 calendar days of the Owner taking title to the property, do the following:

A. Board and secure the structure and all unattached accessory structures, garages or similar structures as provided for in the applicable codes of the Borough or as set forth in rules and regulations promulgated by the Construction Code Official.

B. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter, and grass and weed overgrowth.

C. Post a sign, affixed and protected from the elements, to the structure indicating the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process, and the name, address and telephone number of the entity responsible for maintenance of the property, which may be the same as the owner or authorized agent. The sign shall include the words "No Trespassing" and "to report problems with this building, call...", shall be of sufficient size and shall be placed in a location where it is clearly visible from the nearest public street or sidewalk, whichever is nearer. The sign shall be no smaller than eight (8) inches by ten (10) inches.

D. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

E. A Creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the Borough shall, within 10 days of serving the summons and complaint notify the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against the property. The notice shall contain the name and contact information for the representative of the Creditor who is responsible for receiving complaints of property, maintenance and code violations and shall be provided by mail, or electronic communication at the discretion of the Borough clerk. The Borough clerk shall forward a copy of the notice to the public officer to or shall otherwise provide to any other local official responsible for administration of any property maintenance or public nuisance code. In the event that the property being foreclosed upon is an affordable unit pursuant to the Fair Housing Act, N.J.S.A. 52:27. D - 301 et seq., then the creditor shall identify that the property is subject to the Fair Housing Act. The notice shall also include the Street address, lot and block number of the property and the full name and contact information of an individual located within the State who was authorized to accept service on behalf of the Creditor. The notice shall be provided to the Borough clerk within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property. The Notice shall also provide the name and contact information of an in-state representative or agent who shall be responsible for the care, maintenance, security and upkeep of the exterior of the property if it becomes vacant and/or abandoned.

F. The Owner of any Vacant Property shall acquire and otherwise maintain liability insurance, in an amount of not less than \$300,000 for buildings designed primarily for residential use, and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building or property subject to the provisions of this ordinance. Said insurance shall provide a rider for payment of all demolition costs should the vacant building become abandoned and require the Borough to demolish the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Public Officer within 30 calendar days of any lapse, cancellation or change in coverage. The Owner shall attach evidence of the insurance to the Owner's registration statement. Any registration statement submitted that does not include such evidence shall be deemed to be an invalid registration. Insurance must name Borough of Buena as party or payee for demolition costs should the Borough deem demolition is required.

G. In the event the Owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated as defined herein or if a residential property becomes vacant at any point subsequent to a Creditor filing the Summons and Complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the Creditor or any Third Party, and/or the property is found by the Public Officer or other authorized Borough Official to be a nuisance, in violation of any applicable State or Local Code regarding the care, maintenance, security or insurance requirements of this Ordinance, then the Public Officer or other authorized Borough Official shall cause a notice to be sent by certified and regular mail notifying the Creditor of the violation and directing the Creditor to correct the same. The Creditor shall be obligated to abate the nuisance or correct the violations in the same manner and to the same extent as the title Owner of the property, to such standards or specifications as may be required by State Law or Borough Code. The notice shall advise the Creditor that the nuisance or violations must be abated or corrected within thirty (30) days of the receipt of the notice or within ten (10) days of the receipt of said notice if the violation presents an imminent threat to public health and safety. The issuance of a notice pursuant to this paragraph shall constitute proof that the property is "vacant and abandoned" for the purposes of N.J.S.A. 2A:50-73.

SECTION 7. Rules and Regulations issued by Public Officer.

The Public Officer may issue rules and regulations for the administration of the provisions of this Ordinance. Such administratively promulgated rules and regulations shall be in writing and shall be provided to the Owners and/or Creditors of properties registered under this Ordinance or their designated agents within 30 calendar days of their effective date.

SECTION 8. Fees.

The registration and renewal fee for each building shall be as follows:

- A. Initial registration: \$500.00 or prorated amount per Section 2 of this ordinance.
- B. First renewal: \$1,500.00
- C. Second renewal: \$3,000.00
- D. Subsequent renewal: \$5,000.00

SECTION 9. Violations and penalties.

A. An out-of-state Creditor found by the Buena Borough Municipal Court or any other Court of Competent Jurisdiction to be in violation of the requirement to appoint an in-state representative or agent pursuant to Section 6 E of the Ordinance shall be subject to a fine of \$2,500.00 for each day of the violation. Any fines imposed on a Creditor in accordance with this Paragraph shall commence on the day after the ten (10) day period set forth in Section 6 E of this Ordinance.

B. Any Creditor found by the Buena Borough Municipal Court or any other Court of Competent Jurisdiction to be in violation of the requirement to correct a nuisance, care, maintenance, security, insurance or upkeep violation listed in a notice issued pursuant hereto shall be subject to a fine of \$1,500.00 per day for each day the violation remains unabated.

Any fines imposed in accordance with this Paragraph shall be subject to a fine of \$1,500.00 for each day the violation remains unabated. Any fines imposed in accordance with this paragraph shall commence thirty-one (31) days following receipt of the notice except if the violation present an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.

BE IT FURTHER ORDAINED that if any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED this Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
WALKER				
BAKER				
JAMES				
MANCUSO				
MCAVADDY				

**RESOLUTION 48-16
OF**

**A RESOLUTION TO ENDORSE THE SUBMISSION BY THE BOROUGH
BUENA OF THE 2015 MUNICIPAL RECYCLING TONNAGE GRANT
APPLICATION TO THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION, OFFICE OF RECYCLING AND TO
DESIGNATE WILLIAM NIMOHAY TO ENSURE THAT THE SAID
APPLICATION IS PROPERLY FILED.
m/Baker s/Marolda**

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

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

WHEREAS, the New Jersey Department of Environmental Protection has promulgating recycling regulations to implement the Mandatory 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 such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Council of the Borough of Buena 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 that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Borough of Buena hereby endorses the submission of a 2015 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office and Recycling and designates William Nimohay to ensure that the said application is properly filed.

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.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

RESOLUTION 49-16 A RESOLUTION ACCEPTING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S FISCAL YEAR 2016 MUNICIPAL AID PROGRAM FOR THE RECONSTRUCTION OF FOREST GROVE ROAD. m/Baker s/Marolda

BE IT RESOLVED by the Council of the Borough of Buena that the New Jersey Department of Transportation's Fiscal Year 2016 Municipal Aid Program Grant is hereby accepted in the amount of \$196,000.00 for the Reconstruction of Forest Grove Road.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

**RESOLUTION 50-16 BOROUGH OF BUENA
2016 EMERGENCY TEMPORARY BUDGET
m/Baker s/Marolda**

WHEREAS, an emergent condition has arisen with respect to providing appropriation for expenditures and no adequate provision has been made in the 2016 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.40A:4-20) including this resolution total \$1,668,971.80:

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for the attached list of line items.
2. That said emergency temporary appropriations will be provided for in 2016 municipal budget as adopted.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

2016

General Government:

Governing Body

Salary & Wages \$ 5,000.00

Audit Services

Other Expenses \$ 5,000.00

Land Use Board

Salary & Wages \$ 10,000.00

Insurance

Workers Compensations \$ 50,000.00

EMS

Salary & Wages \$ 70,000.00

Other Expenses \$ 10,000.00

Construction

Salary & Wages \$ 10,000.00

Other Expenses \$ 1,000.00

Unclassified

Gas Heat/Heating Fuel \$ 9,000.00

Street Lighting \$ 20,000.00

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

RESOLUTION 51-16 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND AN OVERPAYMENT FOR BLOCK 173, LOT 42.01 IN THE AMOUNT OF \$1,545.42. m/Baker s/Walker

WHEREAS, there exists a tax overpayment; and

WHEREAS, it has been determined by the tax collector that the overpayment should be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, in the County of Atlantic, State of New Jersey that the overpayment be refunded as indicated.

BLOCK	LOT	NAME AND ADDRESS	REFUND
173	42.01	SUSAN ROMANO	\$1,545.42

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

PERSONNEL :

ENGINEER' S REPORT :

Kimberly Lane Storm Drain Pipe

Our office is working on project close-out.

FY2013 and FY2014 NJDOT Municipal Aid Project – Reconstruction of Flower Street

Our office is working on project close-out.

Resurfacing of Forsythe Street

Our office is working on project close-out.

FY2015 NJDOT Municipal Aid Project - Reconstruction of Plymouth Road

The NJDEP permit application for the culvert replacement is ready for submission. It will be hand delivered on Tuesday, April 12, 2016.

FY2016 NJDOT Municipal Aid Project - Reconstruction of Forest Grove Road

The Borough received \$196,000.00 in FY 2016 NJDOT funding. Our office will be preparing and submitting a proposal for engineering services.

SOLICITOR'S REPORT:

The Solicitor reported reviewing the Borough's noise ordinance and determined the ordinance is clear; nothing more is needed to enhance it at this time.

COMMITTEE REPORTS:

RECYCLING: (COUNCILMAN MAROLDA)

Councilman Marolda provided those present with the road department itinerary.

RECREATION: (COUNCILMAN WALKER)

Councilman Walker provided upcoming events including the Milanesi Elementary School PTO Art Show event being held April 22nd from 6:00 p.m. to 8:00 p.m.

FINANCE: (COUNCILWOMAN BAKER) No report

PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN JAMES)

The Police and EMS Departments performance reports were given.

ECONOMIC DEVELOPMENT: (COUNCILMAN MANCUSO) No report

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)

Councilman McAvaddy reported the Boiler Room is almost finished. Work on park fences is being done. The Joe Dale Pavilion was vandalized recently.

PUBLIC PORTION OF MEETING:

Brian Fatcher, 102 Kimberly Lane, thanked the Police Department for the enforcement being done on Kimberly Lane.

CLERK'S REPORT:

**Minutes of the special meeting of March 28, 2016 were approved
m/Baker s/Walker**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

**Minutes of the regular meeting of March 28, 2016 were approved
m/Baker s/McAvaddy**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

UNFINISHED BUSINESS: none

NEW BUSINESS: none

BILLS PAID AS LISTED: m/Baker s/Marolda

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

NEXT MEETING: April 25, 2016

MEETING ADJOURNED: m/Baker s/Walker

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
JAMES	X			
MANCUSO	X			
MCAVADDY	X			

Gail Knott, Deputy Clerk

