

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
APRIL 13, 2015**

MEETING CALLED TO ORDER: 6:35 P.M.

MEETING ADJOURNED: 7:25 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, April 13, 2015 commencing at 6:30 p.m. at the Borough Hall with Mayor Baruffi presiding. Mayor Baruffi 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, James, Baker, Zappariello, Cugini, and McAvaddy, Richard Tonetta, Solicitor and Gail Knott, Deputy Clerk Michael Garcia, Auditor and Cindi LoGuidice, Acting Chief Finance Officer

ABSENT: all present

MAYOR'S REPORT:

PUBLIC HEARING 2015 MUNICIPAL BUDGET

**PUBLIC HEARING OPENED:
m/Baker s/James**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

DISCUSSION: The Auditor gave a brief review of the budget to date.

**PUBLIC HEARING CLOSED:
m/Baker s/McAvaddy**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

**RESOLUTION 40-15 SELF-EXAMINATION OF BUDGET
m/Baker s/Zappariello**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Buena has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2014 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Buena that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

**RESOLUTION 34a-15 RESOLUTION TO ADOPT 2015 MUNICIPAL BUDGET
m/Baker s/James**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

RESOLUTION 35-15 A RESOLUTION ACCEPTING THE RESIGNATION OF JAMES M. HEISLER FROM THE POSITION OF RECREATION COMMITTEE MEMBER. m/Baker s/Zappariello

WHEREAS, James M. Heisler served as an Recreation Committee Member; and

WHEREAS, during his tenure, James M. Heisler performed his duties in an efficient and professional manner; and

WHEREAS, James M. Heisler has decided to resign effective immediately.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the resignation of James M. Heisler be regretfully accepted effective immediately.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

RESOLUTION 36-15 TO AMEND ADOPTED BUDGET (CHAPTER 159) SPECIAL ITEMS OF REVENUE AND APPROPRIATIONS (N.J.S.A. 40A: 4-87). m/Baker s/James

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Buena, County of Atlantic, has been awarded \$49720.00 from the Community Development Block Grant.

NOW, THEREFORE, BE IT RESOLVED that the council of the Borough of Buena, County of Atlantic, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2015 in the sum of \$49,720.00 which is now available as a revenue as follows:

CDBG Disaster Recovery: \$49,720.00

BE IT FURTHER RESOLVED that a like sum of \$218,801.00 and the same is hereby appropriated under the caption of:

CDBG Disaster Recovery: \$49,720.00

BE IT FURTHER RESOLVED that the Chief Financial Officer will forward one copy of this resolution to the Director of the Local Government Services.

ROLL CALL:

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

RESOLUTION 37-15 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE ISSUANCE OF AN AMENDATORY SUPPLEMENTAL CHANGE ORDER NO.1 TO A CONTRACT ISSUED TO BLUE DIAMOND DISPOSAL INC. NOW GOLDMEDAL ENVIRONMENTAL OF NJ INC FOR SOLID WASTE COLLECTION. m/Baker s/Zappariello

WHEREAS, the Borough Council of the Borough of Buena adopted Resolution 43-10, a resolution awarding a contract for solid waste collection to Blue Diamond Disposal, Inc., now Gold Medal Environmental of NJ Inc., for a three-year period with an additional two-year option, which was exercised by Resolution 43-13 commencing on June 1, 2010, and expiring on May 31, 2015; and

WHEREAS, the contract for solid waste collection shall expire prior to providing the statutory time period required for submission of bids for solid waste and recyclable collection; and

WHEREAS, Gold Medal Environmental of NJ Inc. provides a necessary service to the Borough which, without said service, would present a health hazard to the residents of the Borough; and

WHEREAS, N.J.S.A. 40 A: 11-6 authorizes the execution of a contract, notwithstanding that the contract price will exceed the bid threshold when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services exists or may exist and the award of the contract may be necessary to respond to the emergent needs; and

WHEREAS, in order to provide the essential services necessary, it is in the best interest of the Borough of Buena to amend and supplement the existing contract issued to Blue Diamond Disposal, Inc., Now Gold Medal Environmental of NJ Inc. until a new contract may be awarded in accordance with New Jersey Statutes

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Mayor and Clerk are authorized to execute an amendment to a contract issued to Blue Diamond Disposal, Inc., now Gold Medal Environmental of NJ Inc., so as to extend the existing contract and its terms until July 1, 2015 or until the award of a new solid waste and recycling agreement, whichever shall first occur.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

RESOLUTION 38-15 A RESOLUTION AUTHORIZING THE RECEIPT OF BIDS FOR SOLID WASTE COLLECTION AND DISPOSAL. m/Baker s/Marolda

BE IT RESOLVED by the Council of the Borough of Buena that Municipal Clerk is hereby authorized and directed to advertise for sealed bids for solid waste collection service within the Borough of Buena.

BE IT FURTHER RESOLVED, that the Borough Attorney is hereby authorized and directed to prepare bid specifications for solid waste collection service within the Borough of Buena.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY				

RESOLUTION 39-15 A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT FOR FY2013 AND FY2014 RECONSTRUCTION OF FLOWER STREET TO PERNA CONSTRUCTION, LLC IN THE AMOUNT OF \$469,134.60. m/Zappariello s/James

WHEREAS, Flower Street is in disrepair; and

WHEREAS, Engineer has sought bids on two separate occasions for said services and has recommended the contract be awarded to Perna Construction, LLC the lowest responsible bidder, in the amount of \$469,134.60 .

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena provided the CFO has certified the availability of funds, that the Mayor and Clerk are authorized to execute an Agreement with Perna Construcion LLC for the reconstruction of Flower Street in the amount of 469,134.60.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

PUBLIC SAFETY DIRECTOR'S REPORT: none

ADMINISTRATORS'S REPORT: none

SOLICITOR'S REPORT: none

ENGINEER'S REPORT:

Kimberly Lane Storm Drain Pipe:

The final change order has been approved by the Borough. Our office is working on closing out the project.

FY2013 and FY2014 NJDOT Municipal Aid Project - Reconstruction of Flower Street:

Bids were received on March 10, 2015 at 11:00 am. Perna Construction, LLC was the low bidder. The contract is scheduled to be awarded at the April 13, 2015 Borough Council meeting.

Louis Drive Drainage:

Our office is currently evaluating alternatives to address the drainage issue. Our survey crew performed additional field survey of the area and our office has prepared a base map.

Resurfacing of Forsythe Street:

Paving of the roadway is complete. Stop bars are left to be installed.

RESOLUTION 41-15

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO REMMINGTON & VERNICK, FOR ALL ENGINEERING SERVICES IN CONNECTION WITH THE PROJECT KNOWN AS FY2013 AND FY2014 NJDOT MUNICIPAL AID PROJECT RECONSTRUCTION OF FLOWER STREET ROUTE 40 TO WILLOW STREET.
m/James s/Marolda**

BE IT RESOLVED by the Borough of Buena that a Professional Services Contract be and the same is hereby awarded to REMMINGTON & VERNICK, of 845 N. Main Street, Pleasantville, NJ, in an amount NOT TO EXCEED \$27,500,00 inclusive of all costs and expenses, for all engineering and inspection services in connection with the project referenced above.

BE IT FURTHER RESOLVED that the Council President and Borough Clerk are hereby authorized to enter into a Professional Services Contract with REMMINGTON & VERNICK, on behalf of the Borough.

BE IT FURTHER RESOLVED that this award is subject to certification of availability of funds by the Chief Financial Officer.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

COMMITTEE REPORTS:

RECYCLING: (COUNCILMAN MAROLDA)

Councilman Marolda reported the Tonnage Grant information was received. The Councilman reported that they are getting ready for the May 2nd spring cleaning day.

STREETS/ROADS: (COUNCILMAN JAMES)

Councilman James commended the Road Department for getting the park ready for opening day. The road department itinerary was provided.

FINANCE: (COUNCILWOMAN BAKER)

Council President Baker reported working on budget.

RECREATION: (COUNCILMAN ZAPPARIELLO)

Councilman Zappariello reported that the Baseball Opening Day went well. The Councilman is working on updating the recreation ordinance. It was also reported that there will be no Recreation Meeting for the month of May.

PUBLIC SAFETY/STREET LIGHTS: (COUNCILMAN CUGINI) none

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY) none

PUBLIC PORTION OF MEETING:

There was no one wishing to address Mayor and Council.

CLERK'S REPORT:

Minutes of the meeting of March 23, 2015 were approved m/Baker s/Zappariello

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA			X	
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI			X	
MCAVADDY	X			

CORRESPONDENCE:

1. Italian Cultural Foundation of South Jersey, Inc. request for a Bingo License dated for September 25, 2015. m/Baker s/Cugini

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

Need Motion to File Correspondence: m/Baker s/Cugini

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

UNFINISHED BUSINESS: none

NEW BUSINESS: none

BILLS PAID AS LISTED: m/Baker s/Marolda

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

NEXT MEETING: April 27, 2015

MEETING ADJOURNED: m/Baker s/James RCVU

GAIL KNOTT
DEPUTY CLERK