

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
April 9, 2018**

MEETING CALLED TO ORDER: 6:37 P.M.
MEETING ADJOURNED: 7:01 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, April 9, 2018 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, via email, to the Press of Atlantic City, the Daily Journal and the Atlantic County Record on November 16, 2017, as well as having been posted on the bulletin board at Borough Hall.

PRESENT: Councilpersons Walker, Baker, Alvarez and McAvaddy, Richard Tonetta, Solicitor and Jill McCrea, Administrator, Brianna Pace, Deputy Clerk

ROLL CALL OF ATTENDANCE:

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

PUBLIC PORTION OF MEETING: No one wished to address Mayor and Council

MAYOR'S REPORT:

ORDINANCE NO. 666 NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**CALENDAR YEAR 2018
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/Walker**

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 2.5% 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 2018 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 1.0% increase in the budget for said year, amounting to \$29,277.26 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 2018 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 \$102,470.41, and that the CY 2018 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			
MANCUSO				X
ALVAREZ	X			
MCAVADDY	X			

DISCUSSION: None

NEED MOTION TO CLOSE THE PUBLIC HEARING:
m/Baker s/Walker

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

ORDINANCE NO. 666 ADOPTED:
m/Baker s/Walker

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

RESOLUTION 44-18

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BUENA AUTHORIZING TRIAD ASSOCIATES TO PREPARE AND PROCESS A USDA RURAL BUSINESS DEVELOPMENT GRANT APPLICATION.

m/Baker s/Walker

WHEREAS, the Borough desires to apply to the U.S. Department of Agriculture Rural Development for funding to prepare a planning study that will examine areas of the Borough that are eligible for special designation as "Areas in Need of Rehabilitation" and/or "Redevelopment Areas".

NOW, THEREFORE, BE IT RESOLVED, Triad Associates is hereby authorized to prepare and process said U.S. Department of Agriculture Rural Business Development Grant Application for an amount not to exceed \$5,400.00 which will be invoiced upon submission of the application. Award is contingent upon a Certification of Availability of Funds from the Chief Financial Officer.

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

RESOLUTION 45-18

A RESOLUTION AUTHORIZING THE CLERK TO EXECUTE AN INCIDENTAL MODIFICATION TO PROJECT SCOPE/LIMITS/FUNDING FOR THE RESURFACING OF FOREST GROVE ROAD.

m/Baker s/Walker

WHEREAS, the Engineer applied for Municipal Aid FY2016 funding for the resurfacing of Forest Grove Road; and

WHEREAS, it was determined by the Council to modify said project to resurface the section from Central Avenue to Brewster Road.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Buena that the Clerk is hereby authorized to execute the Incidental Modification to Project Scope/Limits/Funding in accordance with the NJDOT requirements.

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

RESOLUTION 46-18

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, BOROUGH CLERK AND STAFF, BUSINESS ADMINISTRATOR AND STAFF, BOROUGH SOLICITOR AND STAFF, AND TIFFANY CUVIELLO CONCERNING MATTERS REGARDING PENDING OR ANTICIPATED LITIGATION IN WHICH THE PUBLIC BODY IS OR MAY BECOME A PARTY AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN
m/Baker s/Walker**

WHEREAS, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting of a public body where the subject matter of that meeting involves pending or anticipated litigation in which the public body is or may become a party; and

WHEREAS, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff and Tiffany CuvIELLO concerning (COAH Litigation)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that:

1. The public shall be excluded from a meeting of the Council of the Borough of Buena, on April 9, 2018 in the Council Chambers immediately following the regular session of Borough Council.
2. The general nature of the subject matter of the closed meeting shall pertain to pending or anticipated litigation in which the public body is or may become a party, as set forth hereinabove.
3. Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff and Tiffany CuvIELLO shall be made following a final decision and determination of said matter excepting information which must remain private.
4. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 180 days, however, any personal confidential information may not be released.

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

RESOLUTION 47-18

**RESOLUTION AUTHORIZING HIRING OF EMERGENCY MEDICAL TECHNICIANS
m/Baker s/Alvarez**

WHEREAS, the Buena Borough Department of Emergency Medical Services operates 24 hours a day, 365 days a year; and

WHEREAS, appropriate staffing is required for the department to operate effectively and efficiently; and

WHEREAS, the Emergency Medical Service Chief of Buena Borough requests the authorization from Council to approve the hiring of the following candidates to replace the numerous Emergency Service Technicians who have left the department:

- Miguel Hernandez Jr.
- Rachel Toffenetti
- Lynda Romero
- Tiffany Durham

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Buena, County of Atlantic, State of New Jersey, hereby approves the hiring of aforementioned candidates as Emergency Service Technicians based on their qualifications and conditioned upon the successful completions of the hiring phases set forth in the Policy and Procedures of the Borough of Buena.

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

ADMINISTRATORS' S REPORT:

RESOLUTION 48-18 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, BOROUGH CLERK AND STAFF, BUSINESS ADMINISTRATOR AND STAFF, BOROUGH SOLICITOR AND STAFF, CONCERNING MATTERS REGARDING SHARED SERVICE AGREEMENT NEGOTIATIONS AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN m/Baker s/Walker

WHEREAS, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting of a public body where the subject matter of that meeting involves pending or anticipated litigation in which the public body is or may become a party; and

WHEREAS, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff concerning negotiations

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that:

1. The public shall be excluded from a meeting of the Council of the Borough of Buena, on April 9, 2018 in the Council Chambers immediately following the regular session of Borough Council.
2. The general nature of the subject matter of the closed meeting shall pertain to pending or anticipated litigation in which the public body is or may become a party, as set forth hereinabove.
3. Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff following a final decision and determination of said matter excepting information which must remain private.
4. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 180 days, however, any personal confidential information may not be released.

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

Administrator McCrea reminded Mayor and Council that they will lose some CBDG money if no decision is made soon.

She will be sending an email with a link for the yearly assessment elected officials need to do by May 1st. The Borough receives \$250 for each one done.

Also, FDS needs to be filed by April 30th.

ENGINEER' S REPORT

Replacement of the Plymouth Street Culverts

We are still awaiting word from The Pinelands Commission to determine if the project can proceed under the County's Memorandum of Agreement with The Commission. The contracts for the culvert replacement have been fully executed and an executed copy was sent to the contractor. A pre-construction meeting took place on January 3, 2018. Due to NJDEP permit conditions, construction cannot commence until July 1, 2018.

FY2015 NJDOT Municipal Aid Project - Resurfacing of Plymouth Street

The contracts for the resurfacing have been fully executed and an executed copy was sent to the contractor. A pre-construction meeting took place on January 3, 2018. The resurfacing component of the project will proceed once the culvert replacement is complete.

Master Plan Re-Examination

A meeting was held on February 13, 2018 to discuss the project. A proposed Zoning Map has been prepared for review by the Borough.

FY2016 NJDOT Municipal Aid Project - Resurfacing of Forest Grove Road

The plans and specifications were sent to the NJDOT for authorization to advertise for public bid. We are currently responding to the NJDOT comments.

FY2018 NJDOT Municipal Aid Application – Reconstruction/Resurfacing of Forest Grove Road

The Borough was awarded \$264,130.00 for this project. Our office will be submitting a proposal for engineering services.

Councilman Walker asked when Plymouth Street should be completed. Bob Smith advised at the latest September.

Bob Smith also followed up from a previous resident's concern over the Black Water Pond driveway. He reported the road department has redone the driveway.

SOLICITOR'S REPORT: We received the resolution from the Land Use Board regarding permits and time limits.

Also, still waiting for Land Use regulation for mobile home parks.

COMMITTEE REPORTS:

ROADS/RECYCLING: (COUNCILMAN MAROLDA) No report

ECONOMIC DEVELOPMENT: (COUNCILMAN WALKER) No report

Administrator McCrea advised there was a budget meeting prior to this meeting. The budget needs to be adjusted because we don't have the \$30,000 from the MUA as anticipated.

Mayor Zappariello thanked Mike Garcia, Auditor, Cindi LoGuidice, CFO, Jill McCrea, Administrator and the Clerk's Office for all the work being put in. He commended Council for working hard on the budget but unfortunately without the money they will need to look into cutting services, future improvements and personnel. On April 23rd, action will be needed for the budget.

RECREATION: (COUNCILWOMAN BAKER)

Council President Baker reported the Easter Egg Hunt was very successful. The Easter Bunny did a wonderful job.

BBSA Opening Day Parade and exercises will be held this Saturday, April 14th and 9am.

Pictures of teams and coaches were taken last Saturday at the Senior Center.

Upcoming activity - Sunday, April 23rd Landisville Fire Company Breakfast Fundraiser 7am-11am \$10 donation.

FINANCE: (COUNCILMAN MANCUSO) No report

PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN ALVAREZ) Councilman Alvarez advised reports from the police department will be done at the 2nd meeting of the month as well as future EMS reports.

EMS March report had 70 calls with 15% outside of the Borough which is up from last year's calls.

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY) Councilman McAvaddy advised the Occupancy Inspector took 2 people to court and enforced fines, 3 new property violations, 68 community champions properties, 1 yard sale permit and 21 unpaid rental registrations.

CLERK'S REPORT:

Minutes of the regular meeting of March 26, 2018 were approved m/Baker s/Walker

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

CORRESPONDENCE:

1. Land Use Board recommendation to add new sections to the Code.

Need motion to file correspondence m/Baker s/Walker

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

UNFINISHED BUSINESS: None

NEW BUSINESS: None

BILLS PAID AS LISTED: m/Baker s/Alvarez

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

NEXT MEETING: April 23, 2018

Pam Grenier of 348 Wheat Road stated she had an issue with the color of the fence going up with the mobile home park property.

Bob Smith advised since she had reached out previously he did look into it and received a letter from Mr. Carpino's engineer stating the color is a shade of white. He said he will discuss it further with the Land Use Solicitor.

MEETING ADJOURNED: m/Baker s/Alvarez

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

BRIANNA PACE
DEPUTY CLERK