0BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
DECEMBER 14, 2015

MEETING CALLED TO ORDER: 6:30 P.M.
MEETING ADJOURNED: 7:25 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, December 14, 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 Dr. Paul Trivellini, Administrator, Gail Knott, Deputy Clerk

ABSENT: all present

ORDINANCE NO. 634 NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE REAPPROPRIATING $54,543.61 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR OTHER PURPOSES IN AND BY THE BOROUGH OF BUENA. m/Baker s/Cugini

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BUENA (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 Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that $31,636.35 of the proceeds of obligations originally made available pursuant to Bond Ordinance
No. 597 of the Borough of Buena, a municipal corporation of the State of New Jersey (the "Borough") finally adopted on October 9, 2012, as amended by Bond Ordinance No. 606 of the Borough finally adopted on February 25, 2013; and $22,907.26 of the proceeds of obligations originally made available pursuant to Bond Ordinance No. 610 of the Borough finally adopted on June 24, 2013, are no longer necessary for the their original purposes. The $54,543.61 aggregate proceeds are hereby reappropriated as follows: $54,543.61 to provide for various road and drainage improvements to various streets throughout the Borough (including, but not limited to, Plymouth Road, Louis Drive and Forest Grove Road), including all work and materials necessary therefor or incidental thereto.

Section 2. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 3. This ordinance shall take effect 10 days after the first publication thereof after final adoption.

DISCUSSION: none

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

PUBLIC HEARING CLOSED:
m/Baker s/Zappariello

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

ORDINANCE 634 ADOPTED:
m/Baker s/Cugini

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

RESOLUTION 122-15 **A RESOLUTION AUTHORIZING AND DIRECTING THE COUNCIL OF THE BOROUGH OF BUENA TO POST AND FILE A SCHEDULE OF ALL MEETINGS OF THE COUNCIL AS REQUIRED BY THE OPEN PUBLIC MEETINGS ACT OF 1975; AND DESIGNATING CERTAIN NEWSPAPERS TO RECEIVE SAID NOTICES AS REQUIRED UNDER THE OPEN PUBLIC MEETINGS ACT FOR THE YEAR 2016.**
m/Baker s/Cugini

WHEREAS, the Open Public Meetings Act of 1975 requires that a schedule of regular meetings of the Council of the Borough of Buena be annually posted and maintained in one public place reserved for public announcements, and requires that the annual notice be filed and maintained by the Clerk of the Borough of Buena; and

WHEREAS, Section III of the Open Public Meetings Act of 1975 requires certain notices of meetings to be submitted to at least two newspapers, one of which shall be the official newspaper, and the second a newspaper which has the greatest likelihood of informing the citizens of the Borough of Buena; and

WHEREAS, the Open Public Meetings Act of 1975 requires that notice of any meetings of the Borough of Buena not provided for in the annual schedule must be (1) posted in at least one public place reserved for public announcements; (2) mailed, telephoned, telegrammed or hand delivered to at least two newspapers designated by the public body; and (3) filed with the Clerk of the municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA THAT:

The Clerk of the Borough of Buena is hereby authorized and directed to post and maintain posted on the official bulletin board located in the

Municipal Building, Borough of Buena, New Jersey, a copy of the attached schedule of regular meetings of the Council of the Borough of Buena for the year 2016 and to file a copy of said notice in the Office of the Borough Clerk.

2. Written notice of the date, time, place and agenda of any special meeting, rescheduling meeting, hearing or any other meeting of the Borough Council not provided for in the attached schedule as required by the Open Public Meeting Act of 1975, shall be posted by the Borough of Buena on the official bulletin board and filed; and maintained in the Office of the Borough Clerk.

3. The Atlantic County Record is hereby designated as the official newspaper of the Borough of Buena and said newspaper, together with the Press and Daily Journal are hereby designated to receive all notices of meetings required under the Open Meetings Act of 1975. The Clerk of the Borough of Buena is hereby authorized and directed to mail the attached schedule to the offices of the Atlantic County Record, the Press and the Daily Journal and to provide notices of all other meetings of the Borough of Buena to said newspapers in accordance with the provisions of the Open Meetings Act.

4. It is the opinion of this body that the Atlantic County Record, the Press and the Daily Journal have the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

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

THE REGULAR MEETINGS OF THE COUNCIL OF THE BOROUGH OF BUENA SHALL BE HELD ON THE FOLLOWING DATES AT 6:30 P.M., AT THE BOROUGH HALL, CENTRAL AVENUE, MINOTOLA, NEW JERSEY, EXCEPT FOR THE REORGANIZATIONAL MEETING WHICH WILL BE HELD AT 6:00 P.M. AT THE BOROUGH HALL, CENTRAL AVENUE, MINOTOLA, NEW JERSEY.

REORGANIZATION MEETING: JANUARY 4, 2016

JANUARY 25, 2016

FEBRUARY 08, and 22, 2016

MARCH 14, and 28, 2016

APRIL 11, and 25, 2016

MAY 09, and 23, 2016

JUNE 13, and 27, 2016

JULY 11, 2016

AUGUST 15, 2016

SEPTEMBER 12, and 26, 2016

OCTOBER 11,* and 24, 2016

NOVEMBER 14, and 28, 2016

DECEMBER 12, 2016

January 03,* 2017

*Tuesday Meeting

RESOLUTION 124-15 **A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO A CONTRACT WITH A RISK MANAGEMENT CONSULTANT AS REQUIRED BY THE BY-LAWS OF THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**
m/Baker s/Zappariello

WHEREAS, the Borough of Buena has resolved to join the Atlantic County Municipal Joint Insurance Fund, a self insurance pooling fund, following a detailed analysis; and

WHEREAS, the by-laws of said fund require that each Municipality appoint a Risk Management Consultant to perform various professional services as detailed by the by-laws; and

WHEREAS, the by-laws indicate that the Risk Management Consultant shall be paid a minimum fee equal to six percent (6%) of the municipal assessment, which expenditure represents reasonable compensation for the services required of the Risk Management Consultant, and was included in the cost considered by the Council and;

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders competitive bidding impractical and;

WHEREAS, the Council has determined that it may enter into a professional services contract with a Risk Management Consultant pursuant to N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Buena does hereby appoint Michael D. Donato/Insurance Agencies Inc. as its Risk Management Consultant pursuant to the provisions of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause of notice of this decision to be published in accordance with N.J.S.A. 40A:11-5(1)(a)(i).

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

RESOLUTION 126-15 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL OR APPLY OVERPAYMENTS AND UNDERPAYMENTS. m/Baker s/Cugini

WHEREAS, there exists a number of tax overpayments and underpayments; and

WHEREAS, it has been determined by the tax assessor and collection that the overpayments and underpayments should be canceled or applied.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, in the County of Atlantic, State of New Jersey that the attached list be canceled or applied.

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

RESOLUTION 127-15 A RESOLUTION ACCEPTING CHANGE ORDER NO. 2 AMENDING A CONTRACT WITH DECOTIIS, FITZPATRICK & COLE, LLP FOR AFFORDABLE HOUSING LITIGATION IN THE AMOUNT OF $6,703.07. m/Baker s/Cugini

WHEREAS, as a result of the failure of the Council on Affordable Housing (COAH) to enact Round 3 Rules upon which municipalities may base their application for fair share plans, the Supreme Court requires all municipalities within the jurisdiction of COAH to file a Declaratory judgment action and Motion for Immunity in the Superior Court; and

WHEREAS, the Law Firm of DeCotiis, Fitzpatrick & Cole, Teaneck, New Jersey, (Law Firm) have attorneys who specialize in this field of law and are capable of representing the Borough of Buena in this litigation and has agreed to charge an hourly rate of $175.00 per hour with an amount not to exceed $10,000.00 for a period of one year beginning June 23, 2015; and

WHEREAS, additional legal preparation has arisen as a result of circumstances unforeseen at the time of the execution of the original contract and the services are necessary as certified by the Borough Solicitor.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that the change order submitted by Law Firm of DeCotiis, Fitzpatrick & Cole, Teaneck, New Jersey increasing the original contract by $6,703.07.

BE IT FURTHER RESOLVED that the Temporary Chief Financial Officer will provide a Certificate of Availability of Funds.

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

BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

PERSONNEL:

RESOLUTION 123-15 A RESOLUTION ACCEPTING THE RESIGNATION OF MELISSA COMPARRI FROM THE POSITION OF RECREATION COMMISSION MEMBER ALTERNATE II. m/Zappariello s/Cugini

WHEREAS, Melissa Comparri served as a member of the Recreation Commission; and

WHEREAS, Melissa Comparri has decided to resign effective December 14, 2015.

WHEREAS, Mayor and Council would like to extend their gratitude to Melissa Comparri for her dedicated service to the Borough of Buena and our community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the resignation of Melissa Comparri be regretfully accepted effective December 14, 2015.

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

RESOLUTION 125-15 A RESOLUTION APPOINTING JOSEPH SANTAGATA, FUND COMMISSIONER AND VALERIE SANTAGATA, ALTERNATE FUND COMMISSIONER FOR THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND EFFECTIVE JANUARY 1, 2016 AND EXPIRING DECEMBER 31, 2017. m/Cugini s/Baker

WHEREAS, the Borough of Buena, is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "FUND"; and

WHEREAS, the Bylaws of the FUND require that in the manner generally prescribed by law, each member shall appoint one (1) Fund Commissioner and may appoint one (1) Alternate Fund Commissioner to the Fund. Each Fund Commissioner shall be either a member of the local unit's governing body, or one of its employees and that no individual may serve as Fund Commissioner for more than one (1) member; and

WHEREAS, N.J.A.C. 11:15-2.6 states that a Fund Commissioner who is a member of the appointing local unit's governing body, shall hold office for two years or for the remainder of his/her term of office as a member of the local unit's governing body, whichever shall be less; and

WHEREAS, N.J.A.C. 11:15-2.6 states that a Fund Commissioner who is an employee of the appointing member shall hold office at the pleasure of the member and can be removed by the member at any time without cause; and

WHEREAS, The Borough of Buena recommends the appointment of Joseph Santagata to serve as Fund Commissioner and the appointment of Valerie Santagata as Alternate Fund Commissioner in accordance with the FUND Bylaws.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Buena that it does hereby appoint Joseph Santagata as Fund Commissioner and Valerie Santagata as Alternate Fund Commissioner to the Atlantic County Municipal Joint Insurance Fund, effective January 1, 2016.

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

ADMINISTRATORS'S REPORT:

RESOLUTION 128-15 **RESOLUTION TO TRANSFER APPROPRIATION BALANCES TRANSFER RESOLUTION #2. m/Baker s/James**

Whereas, N.J.S. 40A:4-58 permitting the transfer to appropriate balances where needed for purposes specified in the budget in an amount in excess of the sum appropriated therefore from an appropriation balance deemed to be in excess of the amount necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be made in the Borough of Buena Budget:

TRANSFER FROM

Health Benefits	$ 29,135.00
TOTAL TRANSFER	$ 29,135.00

TRANSFER TO

Clerk O/E	$ 3,500.00
Computer O/E	$ 90.00
Tax Collector O/E	$ 1,100.00
Legal O/E	$ 1,700.00
Public Bldgs & Grounds O/E	$ 1,000.00
Police S/W	$ 18,625.00
Police O/E	$ 3,000.00
Unemployment	$ 120.00
TOTAL TRANSFER	$ 29,135.00

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

ENGINEER'S REPORT:

Kimberly Lane Storm Drain Pipe
The contractor returned on December 7, 2015 to complete the outstanding punchlist items. The only item remaining is re-setting of two (2) property corners.

FY2013 and FY2014 NJDOT Municipal Aid Project – Reconstruction of Flower Street
The project is essentially complete. We will begin working on project close-out.

Louis Drive Drainage
Our office completed and submitted the legal descriptions for the proposed storm drain easements.

Resurfacing of Forsythe Street
The project is complete. We are working on project close-out.

FY2015 NJDOT Municipal Aid Project - Reconstruction of Plymouth Road
Design of the culvert replacement and roadway resurfacing is on-going.

SOLICITOR'S REPORT:

RESOLUTION 129-15 **A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE COUNTY OF GLOUCESTER, NJ FOR EMERGENCY DISPATCH SERVICES. m/Cugini s/Zappariello**

WHEREAS, Gloucester County is a body politic as defined as a local unit in N.J.S.A. 40A:65-1 et seq., with its main office located at Two South Broad Street, Woodbury NJ and operates dispatch facilities for emergency services including police, fire and EMS, which is capable of servicing areas including Buena Borough; and

WHEREAS, Buena Borough is in need of emergency dispatch for its police, fire and EMS, and is familiar with the County service having utilized the same in prior years; and

WHEREAS, N.J.S.A. 40-A:65-1 et seq., authorizes shared service agreements by and between municipalities and counties as a technique to reduce local expenses funded by property taxes; and

WHEREAS, the Council of the Borough of Buena finds that there are substantial cost savings to the Borough tax payers to share dispatch services rather than provide for its own and that the County can provide such services as good as those that have previously been provided for locally; and

WHEREAS, the proposed agreement is for a period of 10 years commencing December 1, 2015 and ending November 30, 2025 at a cost of $134,088.00 for the first year and an annual increase thereafter based upon the Consumer Price Index-Urban Wage Earners (CPI-U) for the Philadelphia Region as published by the United States Department of Labor, with payments to be made quarterly as specified in the agreement

WHEREAS, the CMFO of Buena Borough has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Mayor and Clerk are authorized to execute an agreement to provide emergency dispatch services for the Borough of Buena for police, fire, EMS and such other emergency dispatch provided by Gloucester County and required by the Borough.

BE IT FURTHER RESOLVED that the Shared Service Agreement shall be in the form substantially similar to the proposed agreement attached hereto, subject to modification by the Borough Solicitor, which shall be incorporated herein by reference.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			

JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

COMMITTEE REPORTS:
RECYCLING: (COUNCILMAN MAROLDA) none

STREETS/ROADS: (COUNCILMAN JAMES)
An update on road department activities was given.

FINANCE: (COUNCILWOMAN BAKER)
Councilwoman Baker reported that Cindi LoGuidice, Acting Chief Finance Officer has passed her test and is now our Chief Financial Officer. Congratulations to her!

Councilwoman Baker attended the Transportation meeting about the coming shuttle on December 9th and the Community Meeting on December 12th at the Dr. Martin Luther King Center. New brochures will be available. The shuttle will begin on January 4, 2016.

Flyers about the shuttle have been sent to Landisville, Minotola, Buena and Vineland residents in the Borough. Thanks was given to Pam Johnson for spearheading this project. The problem is we need a Buena Borough address to encompass all our residents.

Reminder on January 15, 2016 the Atlantic County League of Municipalities will be having the meeting at 7:00 p.m. at Smithville Inn.

RECREATION: (COUNCILMAN ZAPPARIELLO)
Councilman Zappariello thanked the Recreation Committee and all who attended the Borough Christmas Parade. It was also reported that the Councilman attended the Cross County meeting.

PUBLIC SAFETY/STREET LIGHTS: (COUNCILMAN CUGINI) none

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY) none

PUBLIC PORTION OF MEETING:
Adam Irick, re; concerns with traffic and crime in the Borough.

Pam Grenier, 102 Fiocchi Street, passed out information regarding senior freeze on tax.

Mike Conte, Conte’s Pasta, presented the Recreation Commission with a donation of $500.00.

Family and friends of Mayor Baruffi were present to wish him well on his retirement.

CLERK'S REPORT:
Minutes of the regular meeting of November 23, 015 were approved m/Cugini s/Baker

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

Minutes of the special meeting of December 3, 2015 were approved m/Cugini s/Baker

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

CORRESPONDENCE:
Mayor Baruffi extended his gratitude to his family and residents of the Borough. With many emotions he thanked the Council Members and Borough Employee's for all their support.

Need motion to file correspondence m/Cugini s/Baker

	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/McAvaddy

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

NEXT MEETING: REORGANIZATION MEETING – JANUARY 4, 2016 AT 6:00 P.M.
REGULAR MEETING - JANUARY 25, 2016 AT 6:30 P.M.

MEETING ADJOURNED: m/Zappariello s/McAvaddy RCVU

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GAIL KNOTT
DEPUTY CLERK