

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING MINUTES  
December 12, 2016**

MEETING CALLED TO ORDER: 6:31 P.M.  
MEETING ADJOURNED: 9:42 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, December 12, 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 Walker, Baker, and Mancuso, Alvarez, McAvaddy, Richard Tonetta, Solicitor and Dr. Paul Trivellini, Cindi LoGuidice, CFO and Brianna Pace, Deputy Clerk

**ROLL CALL OF ATTENDANCE:**

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

**MAYOR'S REPORT:**

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

**PRESENTATION:** William Flanagan representing Verizon Wireless gave information on right-of-ways. They are asking to operate not construct anything and the goal is to improve service and data capacity. Within the next month or so they should have an agreement finalized with Atlantic City Electric.

**RESOLUTION 125-16** 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/Walker

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
WALKER	X			
BAKER	X			
MANCUSO	X			
ALVAREZ	X			
MCAVADDY	X			

**RESOLUTION 126-16      A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, MEMBERS OF BOROUGH COUNCIL, BOROUGH CLERK AND STAFF, BOROUGH SOLICITOR AND STAFF CONCERNING MATTERS THAT FALL WITHIN THE ATTORNEY-CLIENT PRIVILEGE**  
**m/Baker s/Alvarez**

WHEREAS, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from the meeting of a public body where the subject matter of that meeting involves matters that fall within the attorney - client privilege; and

WHEREAS, the Borough Council desires to meet with the Mayor, Members of Borough Council, Borough Clerk and Staff, and Borough Solicitor and Staff concerning matters that fall within the attorney - client privilege.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena as follows:

1. The public shall be excluded from a meeting of the Mayor, Members of Borough Council, Borough Clerk and Staff, and Borough Solicitor and Staff immediately following the adjournment of the regular Borough Council meeting on December 12, 2016.

2. The general nature of the subject matter of the closed meeting shall pertain to discussions regarding the establishment of Bylaws of the Borough Council of the Borough of Buena.

3. Disclosure of the minutes of the closed meeting authorized above between the Mayor, members of Borough Council, Borough Clerk and Staff, Borough Solicitor and Staff shall be made following the final decision and determination of said matter which is estimated to be 30 days.

4. The Borough Clerk at the present public meeting shall read the title of the said Resolution allowed so that members of the public in

attendance can understand as precisely as possible the nature of the matter that will be privately discussed.

5. This Resolution shall take effect immediately.

6. The Borough Clerk on the next business day following this meeting shall furnish a copy of the Resolution to any member of the public who requests one at the fees allowed by N.J.S.A. 47:1A-1 et seq.

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

**RESOLUTION 127-16      A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, MEMBERS OF BOROUGH COUNCIL, BOROUGH CLERK AND STAFF, BOROUGH SOLICITOR AND STAFF, BUSINESS ADMINISTRATOR, CHIEF FINANCIAL OFFICER AND STAFF CONCERNING THE NEGOTIATIONS OF AN EMPLOYMENT CONTRACT IN WHICH THE PUBLIC BODY IS A PARTY AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN.**  
**m/Baker s/Mancuso**

WHEREAS, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from the meeting of a public body where the subject matter of that meeting involves the negotiation of a contract of employment in which the public body is a party and matters falling within the attorney client privilege in which the public body is or may become a party; and

WHEREAS, the Council of the Borough of Buena desires to meet with the Mayor, members of Borough Council, Borough Clerk and Staff, Borough Solicitor and Staff, Business Administrator, Chief Financial Officer and Staff concerning negotiations of an employment contract in which the public body is a party.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena as follows:

1. The public shall be excluded from a meeting of the Mayor, Members of Borough Council, Borough Clerk and Staff, Borough Solicitor and Staff, Business Administrator, Chief Financial Officer and Staff on Monday, December 12, 2016 at the Buena Borough Municipal Building immediately following the adjournment of the regular meeting of Borough Council.

2. The general nature of the subject matter of the closed meeting shall pertain to negotiations of an employment contract.

3. Disclosure of the Minutes of the Closed Meeting Authorized above between the Mayor, Members of Borough Council, Borough Clerk and Staff, Borough Solicitor and Staff, Business Administrator, Chief Financial Officer and Staff shall be made following the final decision and determination of said matter which is estimated to be 60 days.

4. The Borough Clerk at the present public meeting shall read the title of said Resolution allowed so that members of the public in attendance can understand as precisely as possible the nature of the matter that will be privately discussed.

5. The Resolution shall take effect immediately.

6. The Borough Clerk on the next business day following this meeting shall furnish a copy of the Resolution to any member of the public who requests one at the fees allowed by N.J.S.A. 47:1A-1 et seq.

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

**RESOLUTION 128-16     A RESOLUTION AUTHORIZING THE RELEASE OF MAINTENANCE BOND NO. 0189733M POSTED BY ARAWAK PAVING CO., INC. m/Baker s/Alvarez**

WHEREAS, applicant posted surety in the form of a Maintenance Bond for the resurfacing of Forsythe Street.

WHEREAS, the Engineer has performed a site inspection and confirmed that the improvements have been completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Maintenance Bond posted by Arawak Paving Co. Inc., is hereby approved to be released.

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

**RESOLUTION 129-16     A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A CONTRACT WITH SHORE VETERINARIAN ANIMAL CONTROL SERVICES LLC FOR ANIMAL CONTROL SERVICES IN THE BOROUGH OF BUENA. m/Baker s/Walker**

WHEREAS, Shore Veterinarian Animal Control Services, LLC has submitted a proposal for animal control services; and

WHEREAS, the Borough wishes to accept said proposal and to authorize the execution of a contract with Shore Animal Control Services, LLC; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Borough Clerk and available for public inspection; and

WHEREAS; Shore Veterinary Animal Control Services LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Shore Veterinarian Animal Control Services LLC has not made any contributions to a political or candidate committee in the Borough that would bar the award of this contract and that the contract will prohibit Shore Veterinarian Animal Control Services LLC from making any contributions through the term of the contract; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Buena as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Clerk are hereby authorized, directed and empowered to execute a contract with Shore Veterinarian Animal Control Services, LLC to provide animal control services within the Borough commencing January 1, 2017.
3. Shore Veterinarian Animal Control Services, LLC has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Borough of Buena
4. This Contract is awarded without competitive bidding as a "professional service" in accordance with NJSA 40A:11-5(1)(a) of the New Jersey Local Public Contracts Law because Shore Veterinarian Animal Control Services LLC has professional knowledge as to animal control services.
5. The Borough Council has award the contract without competitive bidding as a professional service pursuant to 40A:11-5(1)(a) to Shore Veterinarian Animal Control Services LLC for animal control services. This contract and resolution authorizing same shall be available for public inspection in the office of the Municipal Clerk, Borough of Buena.
6. Contract award is contingent upon a Certificate of Availability of Funds certified by the Chief Financial Officer.
7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Borough of Buena.
8. The Mayor and Clerk are hereby authorized and directed to execute, on behalf of the Borough, a Professional Contract with Shore Veterinarian Animal Control Services LLC, subject to and in accordance with the limitations imposed herein.
9. A notice of this contract award shall be published in the official newspaper of the Borough of Buena within 10 days from the date of adoption.
10. This Resolution shall be effective as of adoption.

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

**RESOLUTION 130-16 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL OR APPLY OVERPAYMENTS AND UNDERPAYMENTS.  
m/Baker s/Walker**

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

WHEREAS, it has been determined by the tax assessor and collector 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
WALKER	X			
BAKER	X			
MANCUSO	X			
ALVAREZ	X			
MCAVADDY	X			

**RESOLUTION 134-16 RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES  
TRANSFER RESOLUTION #3  
m/Baker s/Walker**

**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**

Computer Operations	\$ 2,000.00
Administrator O/E	\$ 1,500.00
Group Health Benefits	\$ 18,500.00
Police O/E	\$ 8,400.00
Construction Code Facility	\$ 9,800.00
Gasoline/Diesel	\$ 500.00

**TOTAL TRANSFER \$40,700.00**

**TRANSFER TO**

Legal O/E	\$ 5,000.00
Emergency Mgmt O/E	\$ 1,000.00
Police S/W	\$ 34,600.00
Construction O/E	\$ 100.00

**TOTAL TRANSFER \$40,700.00**

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

**RESOLUTION 135-16      RESOLUTION AMENDING MILEAGE REIMBURSEMENT RATE FOR  
BOROUGH EMPLOYEES  
m/Baker s/Walker**

**WHEREAS**, Borough employees who, through necessity, must use their private automobiles for Borough business are eligible for gas mileage reimbursement; and

**WHEREAS**, the Borough's Chief Financial Officer monitors and reviews all modifications and amendments to the standard mileage rate for transportation expenses for business purposes as determined by the United States Internal Revenue Services.

**WHEREAS**, the Internal Revenue Service permits fifty-four (.54) cents per mile as an allowance for mileage reimbursement for business purposes;

**NOW THEREFORE, IT BE RESOLVED** by the Borough Council of the Borough of Buena, that authorization is hereby given for employee mileage allowance of fifty-four (.54) cents per mile, with mileage as calculated for approved trips effective immediately.

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

**PERSONNEL:**

**RESOLUTION 131-16      A RESOLUTION APPOINTING PART-TIME EMERGENCY MEDICAL  
SERVICE EMPLOYEES OF THE BOROUGH OF BUENA EFFECTIVE  
DECEMBER 12, 2016.  
m/Baker s/Alvarez**

**BE IT RESOLVED** by the Council of the Borough of Buena that:

The following individuals are hereby appointed and employed, effective December 12, 2016 as part time Emergency Medical Technicians who shall regularly work 20 hours or under per week and shall be paid in accordance with the current salary resolution:

**Brian Hendricks                  Jamie Lavigna                  Brandon Lipschutz**

**David Massey                      Laura Sibert                      Brooke Surran**

**Katelyn Sutton                      Storm Yusko                      Greg Reed**

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

**RESOLUTION 132-16      A RESOLUTION ACCEPTING THE RESIGNATION OF PAUL PANCHESINE FROM THE POSITION OF POLICE OFFICER IN THE BOROUGH OF BUENA, AND AUTHORIZING AN INTERGOVERNMENTAL TRANSFER AS OUTLINED BY THE NEW JERSEY CIVIL SERVICE COMMISSION EFFECTIVE JANUARY 1, 2017.  
m/Mancuso s/Alvarez**

WHEREAS, Paul Panchesine served as a member of the Police Department of the Borough of Buena; and

WHEREAS, Paul Panchesine has served our community faithfully and professionally; and

WHEREAS, Paul Panchesine has decided to resign effective January 1, 2017; and

WHEREAS, Mayor and Council would like to extend their gratitude to Paul Panchesine for 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 and intergovernmental transfer of Paul Panchesine be regretfully accepted and authorized effective January 1, 2017.

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

**RESOLUTION 133-16      A RESOLUTION APPOINTING THEODORE PETERS AS PART-TIME EMERGENCY MANAGEMENT DIRECTOR IN THE BOROUGH OF BUENA EFFECTIVE DECEMBER 12, 2016.  
m/Baker s/Walker**

WHEREAS, there exists a need for a Part-Time Emergency Management Director in the Borough of Buena; and

WHEREAS, Theodore Peters is duly qualified to serve in this position; and

WHEREAS, Theodore Peters has agreed to serve as the Part-Time Emergency Management Director for an annual salary of \$492.00.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that Theodore Peters be and is hereby appointed to the position of Part-Time Emergency Management Director in the Borough of Buena effective



December 12, 2016 for an annual salary of \$492.00.

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

**ADMINISTRATORS' S REPORT:** Dr. Paul Trivellini had a message from Bill Niomhay to thank Mayor and Council for the projects that were done this year and to have a Happy Holiday.

**SOLICITOR'S REPORT:** Solicitor Tonetta just wanted to follow up on the Verizon presentation. He said there are a lot of unknowns at this time.

**COMMITTEE REPORTS:**

**ROADS/RECYCLING: (COUNCILMAN MAROLDA)** No report

**BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN WALKER)** Letters/forms for rental properties are ready to be mailed December 15, 2016 and one light pole in the park was fixed as well as some other items. Mayor Zappariello asked if Councilman Walker could look into adding a light or two from the baseball fields to the parking lot.

**FINANCE: (COUNCILWOMAN BAKER)** Councilwoman Baker stated her report was the transfer resolution.

**ECONOMIC DEVELOPMENT: (COUNCILMAN MANCUSO)** No report

**RECREATION: (COUNCILMAN ALVAREZ)** Councilman Alvarez met with Buena Baseball Softball Association regarding upcoming plans. They requested more involvement from Council.

**PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN MCAVADDY)** Councilman McAvaddy reported the following represents activity in our Police Department for the month of November.

* Total Calls for Service:	1474
* Total Car Stops Made by Patrol	195
* Total Summonses Issued for the Month	104
* Total Motor Vehicle Crash	14
* Total DWI Arrests	1
* Total Arrests for the Month (Warrants, Etc.)	16
* Total Property Checks Made by Patrol for the Month	671
* Total Community Policing CADS Hit by Patrol	94

**CLERK'S REPORT:**

Minutes of the meeting of November 28, 2016 were approved m/Baker s/Walker

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

**CORRESPONDENCE:**

- 1. Our Lady of the Blessed Sacrament request for the annual Raffle License and Bingo License for the 2017 calendar year.  
m/Baker s/Walker**

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

**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:** Nothing

**NEW BUSINESS:** Nothing

**BILLS PAID AS LISTED:** m/Baker s/Mancuso

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

**MOMENT OF SILENCE:** Mayor Zappariello requested a moment of silence for Trooper Frankie Williams and Lloyd Rudley who were tragically killed in a motor vehicle accident.

**NEXT MEETING:** January 3, 2017 - Reorganization at 6:00 pm  
January 23, 2017 - Regular Meeting

Mayor Zappariello called the meeting to recess.

Open the meeting to the public m/Walker s/Baker

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

**RESOLUTION 136-16 A RESOLUTION SUBMITTING MOA SALARY RECOMMENDATIONS FOR RHONDA CIRAOLO.  
m/Baker s/ Mancuso**

NOW, THEREFORE, BE IT AS RESOLVED by Mayor and Council of the Borough of Buena, attached is the memorandum for the Borough of Buena and Rhonda Ciruolo, which is hereby accepted.

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

**RESOLUTION 137-16 A RESOLUTION TO ADOPT THE REVISION OF THE BY-LAWS.  
m/Baker s/ Mancuso**

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

**MEETING ADJOURNED:** m/Baker s/Alvarez

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

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**BRIANNA PACE**  
**DEPUTY CLERK**