

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
DECEMBER 14, 2015**

**MEETING CALLED TO ORDER: P.M.
MEETING ADJOURNED: P.M.**

CALL MEETING TO ORDER: Flag Salute

ROLL CALL OF ATTENDANCE:

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.

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 _____ S _____**

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 Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$31,636.35 of the proceeds of obligations originally made available pursuant to Bond Ordinance No. 597 of the Borough of Buena, a municipal corporation of the State of New Jersey (the "Borough") finally adopted on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Ordinance No. 606 of the Borough finally adopted on February 25, 2013; and \$22,907.26 of the proceeds of obligations originally made available pursuant to Bond Ordinance No. 610 of the Borough finally adopted on June 24, 2013, are no longer necessary for the their original purposes.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:

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
BAKER				

ZAPPARIELLO				
CUGINI				
MCAVADDY				

PUBLIC HEARING CLOSED:

M _____ S _____

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

ORDINANCE 634 ADOPTED:

M _____ S _____

	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 SCHEDULE OF ALL MEETINGS OF THE COUNCIL 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. FILE A AS

M _____ S _____

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, telegraphed or hand delivered to at least two newspapers designated by the public body; and (3) filed with the

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_____S_____**

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				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

**RESOLUTION 126-15 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO
CANCEL OR APPLY OVERPAYMENTS AND UNDERPAYMENTS.
M _____ S _____**

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				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

**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 _____ S _____**

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				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

PERSONNEL:

RESOLUTION 123-15 A RESOLUTION ACCEPTING THE RESIGNATION OF MELISSA COMPARRI FROM THE POSITION OF RECREATION COMMISSION MEMBER ALTERNATE II.

M _____ S _____

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				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

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 _____ S _____

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				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

ADMINISTRATORS' S REPORT:

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:

COMMITTEE REPORTS:

RECYCLING.....CHAIRMAN JEFFREY MAROLDA
 DAVID ZAPPARIELLO, EDWARD CUGINI

STREETS/ROADS.....CHAIRMAN ROBERT JAMES
 JEFFREY MAROLDA, GREG MCAVADDY

FINANCE.....CHAIRWOMAN ROSALIE M. BAKER
 ROBERT JAMES, DAVID ZAPPARIELLO

RECREATION.....CHAIRMAN DAVID ZAPPARIELLO
 ROSALIE M. BAKER, GREG MCAVADDY

PUBLIC SAFETY/STREET LIGHTS..... CHAIRMAN EDWARD CUGINI
 ROBERT JAMES, JEFF MAROLDA

BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRMAN GREG MCAVADDY
 ROSALIE M. BAKER, EDWARD CUGINI

PUBLIC PORTION OF MEETING:

Anyone wishing to address Mayor and Council only, please step forward and give your name and address for the record.

CLERK'S REPORT:

Minutes of the regular meeting of November 23, 2015. If no corrections or additions, entertain a motion to approve M_____S_____

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

Minutes of the special meeting of December 3, 2015. If no corrections or additions, entertain a motion to approve M_____S_____

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

CORRESPONDENCE:

1. Mayor Baruffi's final report.

Need motion to file correspondence M_____S_____

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

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED: M_____S_____

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

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_____S_____RCV