

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
MINUTES  
JANUARY 22, 2019**

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**MEETING CALLED TO ORDER: 7:00 P.M.  
MEETING ADJOURNED: 7:27 P.M.**

**CALL MEETING TO ORDER: Flag Salute**

**ROLL CALL OF ATTENDANCE:**

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

**COUNCILMAN ALVAREZ ARRIVED AT 7:02**

**SUNSHINE LAW:** The regular meeting of Mayor and Council of the Borough of Buena was held Monday, 2019 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 December 19, 2018, as well as having been posted on the bulletin board at Borough Hall.

**MAYOR'S REPORT: First order of business.**

**PUBLIC PORTION OF THE MEETING:**

**Brian Fatcher of Kimberly Lane questioned the new recycling guidelines. Road Supervisor Nimohay stated that a flyer is being prepared for dissemination to all residents.**

**In response to Mr. Fatcher's question regarding the resurfacing of Central Avenue, Mayor Zappariello stated that it is actively being planned however, no start date is available at this time.**

**Mayor Zappariello will follow up with the farmers on Central Avenue regarding ongoing flooding issues.**

**PUBLIC HEARING OPENED:**

**ORDINANCE NO. 673 AN ORDINANCE AMENDING ORDINANCE 635 THE SALARIES AND WAGES RANGES OF MUNICIPAL OFFICIALS AND EMPLOYEES OF THE BOROUGH OF BUENA FOR THE YEAR 2019  
m/Baker s/Walker**

**BE IT ORDAINED** by the Council of the Borough of Buena, in the County of Atlantic and State of New Jersey, that the following salary and wage ranges are hereby established for municipal officials and employees in the Borough of Buena,

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Mayor	\$ 8,112.00 – \$ 8,800.00
Council	\$ 4,161.00 – \$ 4,525.00
Administrator	\$20,000.00 – \$55,000.00
Municipal Clerk	\$30,000.00 – \$50,000.00
Tax Collector	\$30,000.00 – \$50,000.00
Deputy Municipal Clerk	\$27,000.00 – \$39,000.00
Chief Financial Officer	\$40,000.00 – \$60,000.00
Qualified Purchasing Agent	\$ 1,000.00 – \$ 5,000.00
Tax Assessor	\$10,000.00 – \$20,000.00
Zoning Officer	\$ 4,500.00 – \$ 7,210.00
Enforcement Officer	\$ 6,500.00 – \$ 9,200.00
Construction Code	\$ 1,800.00 – \$ 3,500.00
Building Sub-Code Official	\$ 9,000.00 – \$11,000.00
Plumbing Sub-Code Official	\$ 6,500.00 – \$ 9,500.00
Electrical Sub-Code Official	\$ 6,500.00 – \$ 9,500.00
Fire Sub-Code Official	\$ 1,500.00 – \$ 5,000.00
Fire Official	\$ 4,000.00 – \$ 6,000.00
Occupancy Inspector	\$ 3,000.00 – \$ 4,300.00
Road Supervisor	\$50,000.00 – \$75,000.00
EMS Chief	\$40,000.00 – \$63,672.00
EMS Captain	\$63,673.00 – \$69,000.00
Director Emergency Management	\$490.00 – \$ 550.00
Clerk 1- Full Time	\$20,000.00 – \$29,999.00
Clerk 2 - Full Time	\$30,000.00 – \$39,999.00
Clerk 3 - Full Time	\$40,000.00 – \$52,000.00
Clerk 1 - Part Time	\$ 12.50 – \$ 16.00
Clerk 1 (Per Meeting)	\$ 100.00 – \$ 125.00

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Land Use Secretary (Per Meeting)	\$ 100.00 – \$	125.00
Land Use Board Chairman	\$ 30.00 – \$	33.00
Land Use Board Members	\$ 25.00 – \$	28.00
Senior Part-Time EMS	\$ 14.57 – \$	17.00
EMS – Part Time	\$ 12.48 – \$	15.00
Substitute Fire Official	\$ 25.00 – \$	35.00
Streets & Roads Laborer 1	\$ 16.00 – \$	19.00
Streets & Roads Laborer 2	\$ 19.01 – \$	25.00
Streets & Roads Laborer 3	\$ 25.01 - \$	28.00
Part-Time Road Laborers	\$ 10.00 – \$	15.00

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

**DISCUSSION: none**

**NEED MOTION TO CLOSE PUBLIC HEARING:**

**m/Baker s/Walker**

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

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**ORDINANCE NO. 676 ADOPTED:  
m/Baker s/Walker**

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

**RESOLUTION 21-19      A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING A CONTINUING DISCLOSURE AGENT SERVICES AND INDEPENDENT REGISTERED MUNICIPAL ADVISOR OF RECORD WITH PHOENIX ADVISORS, LLC.  
m/Baker s/Walker**

WHEREAS, the Securities and Exchange Commission ("SEC") implemented its Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative") on March 10, 2014 to address alleged widespread violations of federal securities laws by municipal and local authority issuers (the "Issuers"), and underwriters of an Issuer's securities, in connection with certain representations about timely continuing disclosures in bond offering documents;

WHEREAS, the MCDC Initiative aims to correct past failures to timely post information required by the Municipal Securities Rulemaking Board ("MSRB"), which Issuers agree to post through the execution of a secondary market disclosure undertaking, on the Electronic Municipal Market Access system ("EMMA");

WHEREAS, under the MCDC Initiative, the SEC will recommend favorable settlement terms to Issuers if they self-report to the SEC possible violations involving materially inaccurate statements relating to prior compliance with the continuing disclosure obligations specified in Rule 15c2-12 under the Securities Exchange Act of 1934; and

WHEREAS, the Borough of Buena, a municipal corporation of the State of New Jersey (the "Borough") desires to determine if its participation in the MCDC Initiative is necessary and advisable; now therefore,

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BUENA as follows:

Section 1.      The Borough hereby authorizes the Chief Financial Officer to engage the services of Phoenix Advisors, LLC to conduct an audit of the Borough's continuing disclosure obligations and filings as related to the MCDC Initiative (the "Disclosure Audit").

Section 2.      The Borough hereby authorizes and directs the Chief Financial Officer to participate in the MCDC Initiative if, after

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reviewing the findings of the Disclosure Audit and consulting with the Borough's Bond Counsel, the Chief Financial Officer determines that it is advisable for the Borough to participate in the MCDC

Section 3. The Borough hereby authorizes payment to Phoenix Advisors in the amount of \$1050.00 for up to three outstanding issues, plus \$100.00 for each additional outstanding issue, if any, for which filings are required and \$200.00 for a one-time initial setup fee due at the time of a new issue.

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

**RESOLUTION 22-19      ENDORSEMENT IN SUPPORT OF THE STATE OF NEW JERSEY  
DEPARTMENT OF TRANSPORTATION ROUTE 54, ROUTE 40 TO  
ROUTE 30 LIMITED SCOPE ROADWAY RESURFACING PROJECT  
m/Baker s/Walker**

WHEREAS, a meeting was held on November 14, 2018 between the New Jersey Department of Transportation and representatives of the Boroughs of Buena and Folsom, Buena Vista Township, Town of Hammonton in Atlantic County regarding the Route 54, Route 40 to Route 30 Improvements specifically the limited scope resurfacing project; and

WHEREAS, the Borough of Buena Engineering Firm of Remington and Vernick attended the meeting on behalf of the Borough and fully participated; and

WHEREAS, the project location, purpose and need. existing conditions and structures within the project limits were evaluated and discussed at the meeting of November 14,2018: and

WHEREAS, Remington and Vernick concurred and recommended support of the proposed project and;

WHEREAS, the representatives of the Boroughs of Buena and Folsom, Buena Vista Township, Town of Hammonton in Atlantic County were all in agreement with the need for a limited scope roadway resurfacing of Routes 54, 40 to 30 and support moving forward with the project; and

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

1. The Mayor and Council authorizes and directs the Municipal Clerk to forward a letter to the New Jersey Department of Transportation indicating support for the limited scope roadway resurfacing of Route 54, Route 40 to Route 30.

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2. A copy of the letter to New Jersey Department of Transportation be attached to this resolution expressing the Borough's support for this project.

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

**RESOLUTION 23-19      A RESOLUTION APPROVING THE APPLICATION OF THE MINOTOLA  
FIRE DEPARTMENT FOR CONDUCTING COIN DROPS AT THE  
INTERSECTION OF ROUTE 40 AND NORTH EAST BOULEVARD  
m/Baker s/Alvarez**

WHEREAS, the Minotola Volunteer Fire Department has applied to the Borough of Buena for approval to conduct coin drops at the intersection of Route 40 and North East Boulevard in accordance with the Borough of Buena coin drop guidelines; and

NOW THEREFORE, BE IT RESOLVED, that the Council of the Borough of Buena, Atlantic County, does hereby grant approval to the Minotola Volunteer Fire Department to conduct coin drops in the Borough Buena at the intersection of Route 40 and North East Boulevard on the following dates:

<u>Date:</u>	<u>Time:</u>
May 23, 2019	4:00 PM - 8:00 PM
May 24, 2019	4:00 PM - 8:00 PM
May 25, 2019	8:00 AM - 2:00 PM
August 29, 2019	4:00 PM - 8:00 PM
August 30, 2019	4:00 PM - 8:00 PM
August 31, 2019	8:00 AM - 2:00 PM

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

**RESOLUTION 24-19      A    RESOLUTION    APPOINTING    WILLIAM    NIMOHAY,    FUND  
COMMISSIONER AND VALERIE SANTAGATA-JONES, ALTERNATE FUND  
COMMISSIONER FOR THE ATLANTIC COUNTY MUNICIPAL JOINT  
INSURANCE FUND RETROACTIVE TO JANUARY 1, 2019 AND  
EXPIRING DECEMBER 31, 2020.  
m/Baker s/Walker**

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 William Nimohay to serve as Fund Commissioner and the appointment of Valerie Santagata-Jones 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 William Nimohay as Fund Commissioner and Valerie Santagata-Jones as Alternate Fund Commissioner to the Atlantic County Municipal Joint

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Insurance Fund, retroactive to January 1, 2019.

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

**RESOLUTION 25-19      A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO REFUND A PERMIT FEE, IN THE AMOUNT OF \$423.00, TO CHRISTINE FERRUCCI.  
m/Baker s/Walker**

**THIS RESOLUTION CONTAINS A TYPOGRAPHICAL ERROR IN THE AMOUNT BECAUSE IT INCLUDES FUNDS PAID TO THE DCA WHICH ARE NON-REFUNDABLE**

WHEREAS, Christine Ferrucci of 558 Piney Hollow Road applied for a permit for the installation of an inground pool; and

WHEREAS, Ms. Ferrucci sent a letter to Valerie Jones, Permits and Inspections Secretary, informing her that she will not be moving forward with the installation of the pool; and

WHEREAS, Ms. has requested the permit fee, \$423.00, be refunded.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Chief Financial Officer is hereby authorized to refund the amount of \$423.00 to Christine Ferrucci as requested.

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



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**RESOLUTION 26-19      RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES  
TRANSFER RESOLUTION #5  
m/Baker s/Walker**

**THIS RESOLUTION CONTAINED AN INCORRECT LINE ITEM  
"COMPUTER OPERATIONS."**

**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**

Group Health Insurance	\$20,000.00
Streets & Roads S/W	\$15,087.76
<b>TOTAL TRANSFER</b>	<b><u>\$35,087.76</u></b>

**TRANSFER TO**

Engineer O/E	\$ 1,000.00
Grant Administration O/E	\$ 1,000.00
Computer Operations	\$33,087.76
<b>TOTAL TRANSFER</b>	<b><u>\$35,087.76</u></b>

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

**RESOLUTION 27-19      A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF  
ATLANTIC, AWARDING A PROFESSIONAL SERVICES CONTRACT TO  
REMINGTON, VERNICK AND WALBERG, ENGINEERS, FOR  
PRELIMINARY INVESTIGATION AND DETERMINATION OF AREA IN  
NEED OF REDEVELOPMENT: EXPANSION OF COMMERCE CENTER  
REDEVELOPMENT AREA  
m/Marolda s/Walker**

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**WHEREAS**, the Borough of Buena has directed the Land Use Board to study and provide a recommendation as to the eligibility for redevelopment declaration; and

**WHEREAS**, the Borough Engineer submitted a proposal to perform services as part of the investigation; and

**WHEREAS**, the Borough Engineer has agreed to complete said services as outlined in the attached proposal, for an amount not to exceed \$5,500.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the Borough of Buena award a professional services contract to Remington, Vernick and Walberg Engineers, for the work outlined in the attached proposal dated January 17, 2019, in an amount not to exceed \$5,500.00, contingent upon a Certificate of Availability of Funds from the Chief Financial Officer.

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

**SOLICITOR'S REPORT:**

Madison Estates discussions with bond counsel.

Councilman Walker would like the matter resolved by the end of the month.

Routes 54, 40 to 30-Limited Roadway Resurfacing Resolution and Letter to New Jersey Department of Transportation.

U.S. Bank Trust Building 7 v. Borough of Buena-Withdrawal of Application for Judgment.

**COMMITTEE REPORTS:**

**ROADS/RECYCLING: (COUNCILMAN MAROLDA)**

Road Supervisor Nimohay will contact Atlantic City Electric to have a street light installed in the vicinity of Weymouth Road and Marlyn Avenue.

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**RESOLUTION 28-19      A RESOLUTION AWARDING A CONTRACT TO AMERICAN DEMOLITION  
IN AN AMOUNT NOT TO EXCEED \$34,500.00 FOR THE DEMOLITION  
OF THE BAKERY LOCATED ON WHEAT ROAD.  
m/Marolda s/Walker**

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

**ROADS/RECYCLING: (Councilman Marolda)** reported that the landfill closure meeting went better than expected. The Councilman is confident that the Pinelands Commission will be making a recommendation to the DEP to close without the capping requirement.

**ECONOMIC DEVELOPMENT: (COUNCILMAN WALKER)** none

**RECREATION: (COUNCILWOMAN BAKER)**

On December 6, 2018, Council President Baker attended the JIF Elected Officials Liability Seminar. By attending the Seminar, a \$250.00 credit is applied toward Buena Borough's 2019 MEL Assessment.

On December 29, 2018, Council President Baker and Recreation Commissioner Helen Cigala delivered prizes for best Christmas Decorated Houses in the Borough. The winners are; 1<sup>st</sup> Place- Denise and Scott Fields- Harding Highway, 2<sup>nd</sup> Place, Leslie and Justin Cresci-Summer Road and 3<sup>rd</sup> Place- Mary and Ross Ennis- South Central Avenue.

On January 3, 2019, Council President Baker attended the Buena Alliance Meeting. Discussions of upcoming assemblies in the Buena Schools was held.

On January 10, 2019, Council President Baker attended the BBSA Meeting. Baseball and Softball Signups will be in February. Opening Day will be April 6<sup>th</sup> with a rain date of April 27<sup>th</sup>.

Council President Baker and her husband Richard donated a 30"x72" table to the senior center.

**FINANCE: (COUNCILMAN MANCUSO)** none

**PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN ALVAREZ)**

Director Alvarez reported on an issue with the paging system that occurred over the weekend. The issue has been resolved.

**BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)**

Councilman McAvaddy reported that a new server and computer equipment has been purchased.

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**CLERK'S REPORT:**

**Minutes of the reorganization meeting of January 3, 2019 were approved  
m/Baker s/Marolda**

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

**CORRESPONDENCE:**

1. Joe Janetta, Special Events Coordinator, Letter of Resignation effective immediately was accepted with regrets.  
m/Baker s/Alvarez

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

2. Discussion on letter from James Brinkerhoff of Emergent Direct regarding a suitable location cannabis cultivation facility.

Correspondence Filed m/Baker s/Marolda

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

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**UNFINISHED BUSINESS: none**

**NEW BUSINESS: none**

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

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

**NEXT MEETING: WORKSHOP ONLY-FEBRUARY 11, 2019 7:00 P.M.**

**MEETING ADJOURNED: m/Baker s/Marolda RCVU**

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**MARYANN CORALUZZO  
BOROUGH CLERK**