

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
JULY 11, 2016**

MEETING CALLED TO ORDER: 6:30 P.M.

MEETING ADJOURNED: 7:14 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, July 11, 2016 commencing at 6:30 p.m. at the Borough Hall with Council President Baker presiding. Council President Baker 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, Walker, Baker, and James, Mancuso, McAvaddy, Dr. Paul Trivellini and Maryann Coraluzzo, Borough Clerk

ROLL CALL OF ATTENDANCE:

ABSENT: MAYOR ZAPPARIELLO and SOLICITOR TONETTA

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

MAYOR'S REPORT:

Council President Baker called for a moment of silence for the five police officers killed in Texas.

PRESENTATION: MIKE DONATO AND PAUL MIOLA, ATLANTIC COUNTY JOINT MUNICIPAL INSURANCE FUND UPDATE

**RESOLUTION 87-16: A RESOLUTION AUTHORIZING THE ROLLOVER OF AN EXISTING \$400,000 BOND ANTICIPATION NOTE OF THE BOROUGH OF BUENA, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, WHICH NOTE WAS ORIGINALLY ISSUED TO PROVIDE FUNDS FOR GENERAL CAPITAL IMPROVEMENT PROJECTS; AWARDING ISSUANCE OF THE NOTE TO NEWFIELD NATIONAL BANK; AND MAKING CERTAIN ADDITIONAL DETERMINATIONS IN CONNECTION THEREWITH
m/James s/Walker**

WHEREAS, in July, 2015, the Borough of Buena, County of Atlantic, New Jersey (the "**Borough**") issued that certain bond anticipation note in the original principal amount of \$400,000 (the "**2015 Note**") pursuant to Bond Ordinance No. 621 for the purpose of funding the costs associated with several general capital improvement projects in the Borough; and

WHEREAS, in accordance with the Section 8 of the Local Bond Law (N.J.S.A. 40A:2-1 *et seq.*), the Borough may renew the 2015 Note from time to time for periods not exceeding one (1) year; and

WHEREAS, in conjunction with the rollover of the 2015 Note, the Borough also desires to designate the Note as being "a qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue

Code of 1986, as amended (the "**Code**").

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BUENA, IN THE COUNTY OF ATLANTIC, NEW JERSEY (with the affirmative concurrence of not less than two-thirds of all the members thereof), **AS FOLLOWS:**

Section 1. Authorization of Rollover of 2015 Note.

(a) In accordance with Bond Ordinance No. 621, the Borough hereby authorizes the issuance and sale of a bond anticipation note in the aggregate principal amount of \$400,000 (the "**2016 Note**"), the proceeds of which shall be used, in conjunction with other funds available to the Borough under either the Borough's temporary or permanent budget, to currently refund the 2015 Note. The 2016 Note shall be executed on behalf of the Borough by the signatures of the Mayor and the Chief Financial Officer, under the affixed, imprinted or reproduced seal of the Borough and shall be dated the date of delivery thereof. The Chief Financial Officer is hereby authorized to sell and award the 2016 Note for a one (1) year period at not less than par by negotiated private sale to **Newfield National Bank** at an interest rate of 0.95% per annum.

(b) The Mayor and the Chief Financial Officer of the Borough are hereby severally authorized and directed to determine all matters in connection with the 2016 Note not determined by this, a prior or a subsequent resolution and their signatures upon any document reflecting any such determination, including the 2016 Note, shall be conclusive as to such determinations.

Section 2. "Bank Qualification" Designation. The Borough hereby designates the 2016 Note as a "qualified tax-exempt obligation" for purposes of Section 265 of the Code. The Borough reasonably anticipates that it and all entities subordinate to it will not issue in excess of \$10,000,000 aggregate principal amount of tax-exempt obligations in calendar year 2016.

Section 3. Tax Covenant. The Borough covenants that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on any obligations issued hereunder under Section 103 of the Internal Revenue Code of 1986, as amended ("**Code**"). The Borough will not directly or indirectly use or permit the use of any proceeds of any obligations issued hereunder or any other funds of the Borough, or take or omit to take any action, that would cause such obligations issued hereunder to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the Borough will comply with all requirements of Section 148 of the Code to the extent applicable to any obligations issued hereunder. In the event that at any time the Borough is of the opinion that for purposes of this Section 3 it is necessary to restrict or limit the yield on the investment of any proceeds of any obligations issued hereunder held by or on behalf of the Borough, the Borough shall take such action as may be necessary to effect such restriction.

Without limiting the generality of the foregoing, the Borough shall pay or cause to be paid from time to time all amounts required to be rebated ("**Rebate Amount**") to the United States pursuant to Section 148(f) of the Code and any temporary, proposed or final Treasury Regulations as may be applicable to any obligations issued hereunder and such notes from time to time. This covenant shall survive payment in full or defeasance of any obligations issued hereunder.

Notwithstanding any provision of this Section 3, if the Borough obtains an opinion of nationally recognized bond counsel to the effect that any action required under this Section is no longer required, or to the effect that some further action is required, to maintain the exclusion from gross income of the interest on any obligations issued hereunder pursuant to Section 103 of the Code, the Borough may rely conclusively on

such opinion in complying with the provision hereof, and the covenants

hereunder shall be modified to the extent set forth in such opinion without further action by the Borough.

Section 4. General Obligation Pledge. The 2016 Note is a direct, unlimited obligation of the Borough and full faith, credit and taxing power of the Borough are hereby irrevocably pledged for the payment of principal of and interest on the 2016 Note when due and payable. The Borough shall levy ad valorem taxes upon all the taxable property within the Borough for the payment of principal of and interest on the 2016 Note without limitation of rate or amount.

Section 5. Ratification of Prior Actions; Authorization to Effect Settlement. All actions heretofore taken and documents prepared or executed by or on behalf of the Borough by the Mayor, Members of the Borough Council, the Chief Financial Officer, the Borough Clerk or by the Borough's professional advisors, in connection with the issuance and sale of the 2016 Note including, without limitation, solicitation from financial institutions of proposals to purchase the 2016 Note, are hereby ratified, confirmed, approved and adopted. The Mayor and Chief Financial Officer are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the 2016 Note not determined or otherwise directed to be executed by the Local Bond Law, or by this or any subsequent resolution, and the signatures of either the Mayor or the Chief Financial Officer on any such document or instrument shall be conclusive as to such determinations. Settlement of the sale of the 2016 Note shall be as soon as is practicable, but in no event later than July 22, 2016.

Section 6. Repeal. All resolutions or parts thereof to the extent inconsistent herewith are hereby repealed and rescinded.

Section 7. Effective Date. This Resolution shall take effect immediately upon adoption, this 11th day of July, 2016.

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

**RESOLUTION 89-16: A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE CLERK TO ADVERTISE FOR PROPOSALS FOR EMS BILLING MANAGEMENT SERVICES.
m/James s/Walker**

WHEREAS, the Emergency Management Services (EMS) for the Borough is in need of an experienced collection and billing management services to pursue third party collection for EMS for a period of one year with two one year extensions.

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

1. That the Clerk is authorized to advertise for bids for

2. collection and billing management services to be published on the official website and once in the official newspaper of the Borough of Buena on or before July 14, 2016.

2. Proposals for EMS Billing Management Services will be accepted in the Office of the Municipal Clerk, 616 Central Avenue, Minotola, New Jersey.

3. The deadline for submission of proposals will be August 2, 2016, at 2:00 p.m. No proposals shall be received after the time designated

4. Specifications for said position are on file in the Office of the Municipal Clerk, 616 Central Avenue, Minotola, New Jersey, and on the official website for review and copies are available.

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

RESOLUTION 91-16 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING AN EASEMENT WITH ATLANTIC CITY ELECTRIC m/James s/McAvaddy

WHEREAS, there exists in the Borough of Buena utility poles along the right-of-way of Central Avenue; and

WHEREAS, a remediation project exists at the corner of Central Avenue and Dr. Delmo Mattioli Way; and

WHEREAS, the existing poles, belonging to Atlantic City Electric, on the south side of Central Avenue have never been formally afforded an easement; and

WHEREAS, two temporary utility poles are required for the federal remediation project along Dr. Delmo Mattioli Way until the completion of the remediation;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the two temporary poles, on Block 126, Lots 27 and/or 28, be given a temporary easement and the existing poles that are located on the south side of Central Avenue, between Forest Grove Road and Wheat Road, be given permanent easements the Administrator pursue the sale of the above listed properties in conformance with the law.

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

PERSONNEL:

**RESOLUTION 88-16 A RESOLUTION AUTHORIZING EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR AND BOROUGH COUNCIL, THE BOROUGH CLERK AND THE BOROUGH SOLICITOR CONCERNING PENDING OR ANTICIPATED LITIGATION IN WHICH THE PUBLIC BODY IS OR MAY BECOME A PARTY AND AUTHORIZING DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN.
(Tabled)**

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 pending or anticipated litigation and personnel matters 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 Borough Clerk and Staff and the Borough's Solicitor, concerning the matter of Bonilla vs. Borough of Buena, et als,.

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 Mayor and Council of the Borough of Buena on Monday, July 11, 2016, at 616 Central Avenue, Buena, New Jersey, immediately following adjournment of the regular meeting of the Council of the Borough of Buena.
2. The general nature of the subject matters of the closed meeting shall pertain to pending or anticipated litigation in which the public body is or may become a part regarding as set forth herein above.
3. Disclosure of the minutes of the closed meeting authorized above between the Council of the Borough of Buena, the Borough Clerk and Borough Solicitor shall be made following a final decision and determination of said matter which is estimated to be 180 days.
4. The Clerk at the present public meeting shall read the title of said Resolution aloud so that members of the public in attendance can understand as precisely as possible the nature of the matter that will privately be discussed.

5. This Resolution shall take effect immediately.
- 6.
7. The 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.

ADMINISTRATORS'S REPORT: No report

SOLICITOR'S REPORT: No Report

COMMITTEE REPORTS:

RECYCLING: (COUNCILMAN MAROLDA)

Councilman Marolda reported on the USDA and sampling of farm fields in the Borough.

RECREATION: (COUNCILMAN WALKER)

Councilman Walker gave an update on the concert series.

FINANCE: (COUNCILWOMAN BAKER)

Council President Baker reported that the Finance office has been working on our Bond Anticipation Note. In addition, R.F.P.s have been sent out to Newfield Bank, Capital Bank and BB&T for banking consideration.

PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN JAMES)

Director James reported on flooding issues during the recent rain storm.

Director James reported had a discussion with Mayor Chiarello regarding the over use of our EMS in Buena Vista Township which is leaving the Borough without coverage.

ECONOMIC DEVELOPMENT: (COUNCILMAN MANCUSO) No report

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)

Councilman McAvaddy reported that the next Land Use Board meeting will be held on July 27, 2016.

PUBLIC PORTION OF MEETING:

Brian Fatcher of Kimberly Lane regarding flooding from the recent rain storm.

CLERK'S REPORT:

Minutes of the meeting of June 27, 2016 were approved m/Baker s/James

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

UNFINISHED BUSINESS: None

NEW BUSINESS: None

BILLS PAID AS LISTED: m/James s/Walker

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

NEXT MEETING: August 15, 2016

MEETING ADJOURNED: m/James s/Walker

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

MARYANN CORALUZZO
BOROUGH CLERK