

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING MINUTES  
JUNE 13, 2016**

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

**MEETING ADJOURNED: 7:55 P.M.**

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, June 13, 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 Marolda, Walker, Baker, and James, Richard Tonetta, Solicitor, Dr. Paul Trivellini, Administrator and Maryann Coraluzzo, Borough Clerk

**ROLL CALL OF ATTENDANCE:**

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

**MAYOR'S REPORT:**

**PRESENTATION: CHRISTINE KING, ATLANTIC COUNTY HEALTH EDUCATOR/RISK COMMUNICATOR, COMMUNITY EDUCATION PROGRAM ON MOSQUITO BORNE DISEASES AND PREVENTION.**

**ORDINANCE 639 INTRODUCED AND PASSED ON FRIST READING:**

**AN ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF ABANDONED REAL PROPERTY WITHIN THE MUNICIPALITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.  
m/Baker s/Walker**

**WHEREAS**, the present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties; and

**WHEREAS**, the Borough of Buena (hereinafter referred to as "Municipality") recognizes an increase in the number of vacancies and abandoned properties located throughout the Municipality; and

**WHEREAS**, the Municipality is challenged to identify and locate owners or foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

**WHEREAS**, the Municipality finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetics; and

**WHEREAS**, the Municipality has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

**WHEREAS**, the Municipality desires to amend the Municipality's Code in order to participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by Community Champions Corporation that will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of the foreclosures; and

**WHEREAS**, the Municipality has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned and vacant properties located within the Municipality; and

**WHEREAS**, upon passage, duly noticed public hearings, as required by law will have been held by the Municipality, at which public hearings all residents and interested persons were given an opportunity to be heard;

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

**SECTION 1.** That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof

**SECTION 2.** That the *Borough of Buena* hereby amends The Municipality of Buena Borough Code, Chapter \_\_\_\_, by creating Article \_\_\_\_, entitled "Abandoned Real Property," to read as follows:

**CHAPTER \_\_\_\_. ARTICLE \_\_\_\_. ABANDONED REAL PROPERTY**

**SECTION \_\_-\_\_. PURPOSE AND INTENT**

It is the purpose and intent of the Municipality to establish a process to address the deterioration and blight of Municipality neighborhoods caused by an increasing amount of abandoned,

foreclosed or distressed real property located within the Municipality, and to identify, regulate, limit and reduce the number of abandoned properties located within the Municipality. It is the Municipality's further intent to participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by Community Champions Corporation as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed properties.

**SECTION \_\_-\_\_. DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Abandoned Real Property* - means any real property located in the Municipality, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the Lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the Lender, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

*Accessible Property/Structure* - means a property that is accessible through a comprised/breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

*Applicable Codes* - means to include, but not be limited to, the Municipality's Zoning Code, the Municipality's Code of Ordinances ("Municipality Code"), and the New Jersey Building Code.

*Blighted Property* - means:

- a) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- b) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
- c) Properties cited for a public nuisance pursuant to the Municipality Code; or
- d) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the Municipality and Zoning Codes.

*Enforcement Officer* - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Municipality to enforce the applicable code(s).

*Owner* - means any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

*Property Management Company* - means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

*Vacant* - means any building or structure that is not legally occupied.

**SECTION \_\_\_ - \_\_\_. APPLICABILITY**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Municipality above and beyond any other state, county or local provisions for same.

**SECTION \_\_\_ - \_\_\_. ESTABLISHMENT OF A REGISTRY**

Pursuant to the provisions of Section \_\_\_-\_\_\_, the Municipality or designee shall participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by Community Champions Corporation cataloging each Abandoned Property within the Municipality, containing the information required by this Article.

**SECTION \_\_\_-\_\_\_. REGISTRATION OF ABANDONED REAL PROPERTY**

- (a) Any mortgagee who holds a mortgage on real property located within the Municipality of Buena Borough shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten (10) days of the inspection, register the property with the Division of Code Enforcement, or designee, on forms or website access provided by the Municipality, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- (b) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Municipality.
- (c) Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- (d) A non-refundable annual registration fee in the amount of \$300.00 per property, shall accompany the registration form or website

registration.

(e) All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Municipality and/or its authorized designee.

(f) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

(g) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.

(h) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

(i) Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.

(j) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Municipality may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

**SECTION \_\_-\_\_. MAINTENANCE REQUIREMENTS**

(a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

(b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.

(d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

(f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

(g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation in accordance with Chapter \_\_\_ of the Municipality of Buena's Code of Ordinances.

Pursuant to a finding and determination by the Municipality's Code Enforcement Officer/Board, Hearing Officer/Special Magistrate or a court of competent jurisdiction, the Municipality may take the necessary action to ensure compliance with this section.

(h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s).

**SECTION \_\_\_-\_\_\_. SECURITY REQUIREMENTS**

(a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the

property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

(c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this article, and any other applicable laws.

**SECTION \_\_\_-\_\_\_. PUBLIC NUISANCE.**

All abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Municipality.

**SECTION \_\_\_-\_\_\_ PENALTIES; SCHEDULE OF CIVIL PENALTIES.**

Any person who shall violate the provisions of this article may be cited and fined as provided in Chapter \_\_\_ of the Municipality of Buena Borough's Code of Ordinances and New Jersey Statutes, Chapter \_\_\_. The following table shows violations of these sections, as may be amended from time to time, which may be enforced pursuant to the provisions of this regulation; and the dollar amount of civil penalty for the violation of these sections as it may be amended. The descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the Municipality Code sections, except to the extent that different types of violations of the Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of the section may be enforced by the mechanism provided in this section, regardless of whether all activities prescribed or required are described in the "Description of Violation" column. To determine whether a particular activity is prescribed or required by this Code, the relevant Municipality Code section(s) shall be examined.

Description of Violation	Civil Penalty
Failure to register abandoned real property on annual basis and/or any violation of the sections stated within.	\$500.00

**SECTION \_\_-\_\_. INSPECTIONS FOR VIOLATIONS**

Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with the Municipality's Code Enforcement Division within forty-five (45) days for a final courtesy inspection report.

**SECTION \_\_-\_\_. ADDITIONAL AUTHORITY**

(a) If the enforcement officer has reason to believe that a property subject to the provisions of this article is posing a serious threat to the public health safety and welfare, the code enforcement officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before the Municipality's code enforcement board or code enforcement special magistrate as soon as possible to address the conditions of the property.

(b) The Code Enforcement Board or Hearing Officer/special magistrate shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare,

then the code enforcement board or special magistrate may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.

(d) If the mortgagee does not reimburse the Municipality for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Municipality sending the mortgagee the invoice then the Municipality may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

**SECTION \_\_-\_\_. OPPOSING, OBSTRUCTING ENFORCMENT OFFICER; PENALTY.** Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

**SECTION \_\_-\_\_. IMMUNITY OF ENFORCEMENT OFFICER** Any enforcement officer or any person authorized by the Municipality to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this article.

**SECTION 3. AMENDMENTS.** Registration and Penalty Fees outlined in this article may be modified by a Resolution, passed and adopted of the Municipality Council of the Municipality of Buena Borough.

**SECTION 4. SEVERABILITY.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 5. REPEALER.** All ordinances or parts of ordinances in conflict herewith, are and the same are hereby repealed.

**SECTION 6. CODIFICATION.** It is the intention of the Council of the Municipality of Buena Borough, New Jersey, that the provisions of this Ordinance shall become and be made a part of the Municipality of Buena Borough Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such

intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon adoption and publication as provided by law.

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

**ORDINANCE NO. 640 INTRODUCED AND PASSED ON FIRST READING:**

**AN ORDINANCE AMENDING ORDINANCE 635 THE SALARIES AND WAGES RANGES OF MUNICIPAL OFFICIALS AND EMPLOYEES OF THE BOROUGH OF BUENA FOR THE YEAR 2016.  
m/Baker s/James**

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,

Mayor	\$ 8,112.00 - \$ 8,517.00
Councilpersons	\$ 4,161.00 - \$ 4,370.00
Administrator	\$20,000.00 - \$30,000.00
Borough Clerk/Tax Collector Part Time	\$50,000.00 - \$85,000.00
Borough Clerk – Full Time	\$38,000.00 - \$55,000.00
Tax Collector – Full Time	\$38,000.00 - \$55,000.00
Deputy Municipal Clerk/Clerk 1 Full Time	\$27,000.00 - \$38,000.00
Chief Financial Officer	\$38,000.00 - \$55,000.00
Acting Chief Municipal Financial Officer	\$28,000.00 - \$38,000.00
Tax Assessor	\$ 7,902.00 - \$ 8,298.00
Assessing/Search Clerk	\$20,395.00 - \$21,415.00
Land Use/Construction Code/Fire Secretary	\$32,000.00 - \$38,000.00
Zoning Officer	\$ 4,500.00 - \$ 7,000.00
Enforcement Officer	\$ 6,500.00 - \$ 9,000.00
Construction Code Official	\$ 1,800.00 - \$ 3,000.00

Building Sub-Code Official	\$ 9,000.00 - \$11,000.00
Plumbing Sub-Code Official	\$ 6,500.00 - \$ 9,000.00
Electrical Sub-Code Official	\$ 6,500.00 - \$ 9,000.00
Fire Sub-Code Official	\$ 3,200.00 - \$ 4,500.00
Fire Official	\$ 4,000.00 - \$ 6,000.00
Occupancy Inspector	\$ 3,000.00 - \$ 4,000.00
Road Supervisor	\$50,000.00 - \$70,000.00
EMS Supervisor	\$40,000.00 - \$65,000.00
Director Public Safety - Full Time	\$40,000.00 - \$51,408.00
Director Public Safety – Part Time	\$20,000.00 - \$26,250.00
Director Emergency Management	\$ 492.00 - \$ 525.00
Police Records Clerk	\$33,109.00 - \$34,765.00
Clerk 1- Full Time	\$25,000.00 - \$27,000.00
Clerk 2 - Full Time	\$30,000.00 - \$37,000.00
Clerk 3 - Full Time	\$40,000.00 - \$49,719.00
Clerk 1- Part Time	\$ 12.50 - \$ 16.00
Confidential Assistant – Part Time	\$ 15.00 - \$ 15.75
Land Use Board Chairman	\$ 30.00 - \$ 31.50
Land Use Board Members	\$ 25.00 - \$ 26.25
Senior Part-Time EMS	\$ 14.57 - \$ 15.30
EMS – Part Time	\$ 12.48 - \$ 13.10
Police Officer – Part Time	\$ 14.84 - \$ 15.59
Special Law Enforcement Officer	\$ 14.26 - \$ 14.97
Acting Fire Official	\$ 25.00 - \$ 35.00
Crossing Guard – Part Time	\$ 8.84 - \$ 9.30
Streets & Roads Laborer 1	\$ 16.00 - \$ 25.00
Laborer Recreation	\$ 10.50 - \$ 12.00
Part-Time Road Laborers-Skilled	\$ 10.00 - \$ 16.00
Part-Time Road Laborers-Unskilled	\$ 9.00 - \$ 15.00

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

**RESOLUTION 65-16 TO AMEND ADOPTED BUDGET (CHAPTER 159)  
SPECIAL ITEMS OF REVENUE AND APPROPRIATIONS  
(N.J.S.A. 40A: 4-87)  
m/Baker s/James**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough of Buena, County of Atlantic, has been awarded \$196,000.00 from the State of New Jersey Department of Transportation 2016 Municipal Aid Program Grant for Reconstruction of Forest Grove Road;

**NOW, THEREFORE, BE IT RESOLVED** that the council of the Borough of Buena, County of Atlantic, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the year 2016 in the sum of \$196,000.00 which is now available as revenue as follows:

**NJDOT 2016 Reconstruction Forest Grove Rd.: \$196,000.000**

**BE IT FURTHER RESOLVED** that a like sum of \$196,000.00 and the same is hereby appropriated under the caption of:

**NJDOT 2016 Reconstruction Forest Grove Rd.: \$196,000.000**

**BE IT FURTHER RESOLVED** that the Chief Financial Officer will forward one copy of this resolution to the Director of the Local Government Services.

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

**RESOLUTION 66-16 TO AMEND ADOPTED BUDGET (CHAPTER 159)  
SPECIAL ITEMS OF REVENUE AND APPROPRIATIONS  
(N.J.S.A. 40A: 4-87)  
m/Baker s/Walker**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in

the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough of Buena, County of Atlantic, has been awarded \$13,685.99 from the State of New Jersey Department of Treasury Clean Communities Account Fund

**NOW, THEREFORE, BE IT RESOLVED** that the council of the Borough of Buena, County of Atlantic, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the year 2016 in the sum of \$13,685.99 which is now available as revenue as follows:

**Clean Communities Grant: \$13,685.99**

**BE IT FURTHER RESOLVED** that a like sum of \$13,685.99 and the same is hereby appropriated under the caption of:

**Clean Communities Grant: \$13,685.99**

**BE IT FURTHER RESOLVED** that the Chief Financial Officer will forward one copy of this resolution to the Director of the Local Government Services.

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

**RESOLUTION 67-16 AN RESOLUTION AUTHORIZING AND APPROVING THE TWO (2) YEAR OPTION TO PALMIERI PROPERTIES, LLC, FOR PROPERTY KNOWN AS BLOCK 145, LOT 8.01, ON THE TAX MAP OF THE BOROUGH OF BUENA MORE COMMONLY KNOWN AS THE BUENA BOROUGH COMMERCE CENTER.  
m/Baker s/Walker**

**WHEREAS**, the Borough of Buena is the owner of certain property known as Block 145, Lot 8.01, more commonly known as the Buena Borough Commerce Center which was constructed in accordance with a grant issued through the United States Department of Commerce, Economic Development Administration (EDA) bearing EDA Project No. 01-01-07499 (Commerce Center); and

**WHEREAS**, this Council determined that this property was not necessary for public use; and

**WHEREAS**, pursuant to Resolution 113a-13, Council approved Palmieri Properties, LLC as the Master Tenant for a three (3) year term of \$54,400.00 per year and an optional two (2) year term in the amount of \$54,400.00 per year; and

**WHEREAS**, in accordance with said Resolution, Palmieri Properties, Mr. Raymond Palmier and the Borough of Buena find it beneficial to exercise the Lease Agreement option for an additional two (2) years; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the lease agreement between the Borough of Buena and Palmieri Properties, LLC is hereby extended to May 30, 2018.

**BE IT FURTHER RESOLVED** that all terms and conditions of said

agreement remain in full force and effect.

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

**RESOLUTION 68-16      A RESOLUTION EXTENDING THE GRACE PERIOD FOR THE PAYMENT OF REAL PROPERTY TAXES IN THE BOROUGH OF BUENA FOR THE THIRD QUARTER OF 2016.  
m/Baker s/Marolda**

WHEREAS, the tax rate for the Borough of Buena has not been certified by the Atlantic County Board of Taxation; and

WHEREAS, the tax bills have not been received by the Tax Collector; and

WHEREAS, the Council of the Borough of Buena, in order to provide adequate notice to property owners of the amount of taxes owed for the third quarter of 2016, believe that the grace period for the payment of taxes should be extended.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that the grace period for the payment of property taxes in the Borough of Buena for the third quarter of 2016 be and the same is hereby extended to twenty-five days after the mailing of the tax bills.

BE IT FURTHER RESOLVED that interest shall only be charged on third quarter property taxes by the Tax Collector for payments received after the twenty-five day grace period.

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

**RESOLUTION 69-16      A RESOLUTION AUTHORIZING THE SUBORDINATION OF A MORTGAGE LIEN HELD BY THE BOROUGH OF BUENA WITH RESPECT TO PROPERTY LOCATED AT 406 S. HARDING HIGHWAY, LANDISVILLE, NEW JERSEY.  
m/Marolda s/James**

WHEREAS, the Borough of Buena holds a mortgage lien against certain real estate located at 406 S. Harding Highway, Landisville, New Jersey in connection with their participation in the HOME Residential Rehabilitation

Program Mortgage of the Borough of Buena; and

WHEREAS, the mortgage held by the Borough of Buena is dated June 17, 1996, and is in the amount of \$11,800.00 which is a "0" payment "0" interest lien which does not reduce in principal; and

WHEREAS, the owner of the real estate located at Buena holds a mortgage lien against certain real estate located at 406 S. Harding Highway, Landisville, New Jersey, has requested that the second priority lien which is held by the Borough be subordinated to a mortgage in connection with the refinancing of the first mortgage on the property; and

WHEREAS, it is considered to be in the best interest of the Borough that said request be accommodated.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that the Mayor and Clerk are authorized and directed to execute a Subordination Agreement subordination the HOME Residential Rehabilitation Program Mortgage in the principal amount of \$11,800.00 dated June 17, 1996, to a mortgage given by the owner, with a principal amount of the mortgage not to exceed \$174,060.

BE IT FURTHER RESOLVED, that the owner shall bear any and all costs associated with the preparation of said document.

**Solicitor Tonetta gave the following advice to the Governing Body:**

It appears that the owner has a HOME Residential Rehabilitation program mortgage in the amount of \$11,800.00. As you know, this money is used as assistance to homeowners who cannot afford to perform necessary renovations on home. It is a revolving fund and therefore, when the loan is paid back, it can then be used to help other needy families. The loan is a 0% 0 pay loan.

In this instance the owner is requesting the Borough allow a subordination of their existing HOME debt so the owner can refinance the first mortgage. Many time this allows the owner to enjoy lower monthly payments by obtaining lower interest rates on the first mortgage. In reviewing the documents sent to me, it appears that the owner borrow approximately \$60,000.00 more than the first mortgage and the HUD 1 shows that the owner will this money at closing. This is not acceptable and is contrary to the purpose of the loan. It is not fair for the owner to this added money when it can be used to repay the Borough and in turn be used for other needy families.

Further, it appears that the owner owns two properties, one of which is the subject property and the other is believed to be a rental. The owner has approximately \$110,000.00 in equity for both properties and can very well afford to pay off this debt.

Finally, the owner intends upon borrowing \$174,060.00 on property worth \$180,000.00. When the amount owed to the Borough is added in as debt, the home will have \$185,860.00 in mortgages where it is only worth \$180,000.00. Typically, Council would allow a loan to value ratio of 80/20%. As you know, any debt owed in excess of actual value would be unsecured and therefore, this new loan would place the Borough's loan in jeopardy.

For all of the above reasons, the Solicitor stated he could not recommend to Council that they approve this subordination. He suggested that the owner utilize some of the monies being paid to him to pay off this loan so it can be again used for other needy families. The Solicitor stated he is happy that the owner is doing much better financially at this time and the use of the funds when given to him accomplished its goals.

Mr. Landrau stated that the money will be used to fix up his property and satisfy an out of state lien. Mayor Zappariello brought up the possibility of tabling the Resolution to give Mr. and Mrs. Landrau adequate time to address this request with their Lender. Mr. and Mrs. Landrau stated they wanted a vote taken at this meeting.

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

**RESOLUTION 70-16                    RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT  
RENEWING MEMBERSHIP IN THE ATLANTIC COUNTY MUNICIPAL  
JOINT INSURANCE FUND.  
m/Baker s/James**

WHEREAS, the Borough of Buena (hereinafter the "MUNICIPALITY") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2017 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certificate with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that uniquely have similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an "extraordinary, unspecifiable service" that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY'S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW THEREFORE, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY'S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.
4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

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

**RESOLUTION 71-16      A RESOLUTION TO ADOPT A HAZARD MITIGATION PLAN UPDATE  
m/James s/Walker**

WHEREAS, the Borough of Buena in the County of Atlantic, New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property and;

WHEREAS, the hazard mitigation planning process set forth the by State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk and;

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the Atlantic County Multi-Jurisdictional Natural Hazard Mitigation Plan and;

WHEREAS, a Hazard Mitigation Plan has been developed by the Mitigation Planning Committee and;

WHEREAS the Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and;

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Preparedness website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

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

1. The Atlantic County Multi-Jurisdictional Natural Hazard Mitigation Plan update, as approved by the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on February 5, 2016, is hereby adopted as an official plan of the Borough of Buena in the County of Atlantic.
2. The Municipal departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Mayor and Council and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress

report to be submitted to the Atlantic County Office of Emergency Preparedness according to the predetermined timeline and procedures outlined in the Plan's Section 7: Plan Maintenance and Integration.

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

**ADMINISTRATORS' S REPORT :**

1. USDA-RD Grant – This grant is closed and we spent every dime. Using the \$40,910 provided by the grant and our \$13,690, our match from an old bond, we have completed the following projects. We have installed a new roof over the rear entrance; we have used hydraulic lifting of the concrete sidewalks around Borough Hall to eliminate trip hazards; we replaced the existing water heater with a tankless unit and insulated the hot water pipes in the building; closed circuit television recording for the hallways of the administrative side of the building has also been completed; the exterior walls have been waterproofed; all windows and doors have been re-caulked; the roof has been resealed paying particular attention to the HVAC units and wall caps; the fire detection system has been upgraded and now includes the dialing function; we have improved records retention throughout the building, with particular attention to the vault; we have replaced the vinyl flooring in the hallways; and finally we have repainted the hallways.
2. BOROUGH HALL- In addition to the above, we have installed a new service window for the Borough Clerk/Tax Collection area. Bill Nimohay and staff have restored all chemicals to the appropriate location, in the scrub sink area, and are reorganizing the maintenance room to comport with PEOSHA standards. In the near future they will be re-stripping the parking lots at Borough Hall and the Louise Basile Center. Resident Roy Gazzara donated a 1961 map of the Borough to hang in our hallway. I am donating the framing of this map and it will be hung in the hallway, along with a number of historical pictures, on one of the next rainy days.
3. New Road Issues-Our staff has material available and will be spending a day this week grading Aberdeen Avenue.
4. Park- The playset that we purchased in Millville is at our maintenance facility and installation will begin in the next two weeks near the new children's ball field. We have also devised a parking plan that will restrict vehicles from the field, a safety issue. This is partially completed.
5. Kennedy Drive-After review of underground piping we were able to delineate five compliant lots. James Cowan Engineering has been working on this surveying and engineering. Valerie Santagata Jones and I will be completing the application for Pinelands approval. Once received, I will make application to our Land Use Board for the creation of the lots. There may be one matter that requires legal review. This will be discussed with the solicitor for solution.
6. North Boulevard (former Mazzone Property)- Remington and Vernick (Cherry Hill office) are working toward the completion of DEP certification for this property. Once acquired, we will subdivide and sell two legal lots
7. 701 S. Central-We have established the lien on the property at 701 S. Central, consisting of nearly \$90,000 in demolition costs, not including any delinquent taxes. We need to foreclose on this parcel in the next several months. This property is in need of redevelopment and should not be sold until it is incorporated into a new redevelopment plan.

8. Redevelopment Plans-I have reviewed the current two plans, one for Rt. 54 and the other for the Commerce Center. The plan for Rt. 54 is fine as written. The plan for the Commerce Center does not include several parcels that should be included (601 S. Central being one of them).
9. This needs to be modified to include several other plots of land. Also, based on Solicitor Tonetta's suggestion, we need a redevelopment plan for the north side of the Boulevard that includes the old Scott Paper site as well as a number of other current and former business locations extending from Scott Paper to the corner of NW Boulevard. I met on August 3<sup>rd</sup> with Don Ayres from Triad regarding developing proposals to enlarge the current Commerce Center Redevelopment Zone and to create a new "Scott Paper/Produce Auction" Redevelopment Zone. If we want businesses to relocate to Buena Borough we need to have the options to incentive their development. Redevelopment Zones create options.
10. Louis Drive- Drafts of the proposed easements have been forwarded to two of the property owners. I am suggesting that we acquire a 30' (+ or -) from the two adjacent farm property owners behind the homes on the north side of Louis Drive. The property owners of the two farm parcels have agreed to the necessary easement, as well as one of the residents of Louis Drive (this allows us to tie into drainage beneath the street. This plus a concerted effort with the MUA to provide sewer along with grade improvements to the roadbed should provide considerable long-term relief for property owners.

**SOLICITOR'S REPORT:**

**RESOLUTION 73-16      A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH JAMES COWAN ENGINEERING SERVICES, BUENA NEW JERSEY FOR PROFESSIONAL ENGINEERING SERVICES**  
**m/Baker s/James**

**WHEREAS**, the Borough of Buena is in need of professional engineering services to perform site plans and other necessary documents for presentation before the Buena Borough Land Use Board on behalf of the Borough; and

**WHEREAS**, James Cowan Engineering Services (JCE) has submitted a proposal to provide such services to the Borough on an as needed basis for a period of one year as a Non-Fair and Open Contract in an amount not to exceed \$15,000.00 ; and

**WHEREAS**, JCE has or shall complete a Business Entity Disclosure Certification for Non-Fair and Open Contract which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Buena in the previous one year and that the contract will prohibit JCE from making any reportable contributions through the term of the contract or its extension to a political or candidate committee in the Borough of Buena; and

**WHEREAS**, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for Professional Services without competitive bidding and the contract itself must be available for public inspection.

**WHEREAS**, the availability of funds for said Professional Services Contract to be awarded have been certified by the Borough CFO.

**NOW, THEREFORE**, be it Resolved by the Council of the Borough of Buena as follows:

1. That the Mayor and Clerk are hereby authorized and directed to execute a Non-Fair and Open Agreement pursuant to NJSA 19:44A-20.5 with James Cowan Engineering Services, Buena New Jersey for Professional

Engineering Services for the Borough of Buena at a rate as is set forth in

the proposal attached hereto and made a part hereof for a period of one year from the dated of the adoption of this Resolution.

2. That this Professional Services Agreement is awarded without competitive bidding in accordance with NJSA 40A:11-5(1) (a) of the Local Public Contracts Laws because said services to be rendered or performed require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction distinguished from general academic instruction or apprenticeship and training.

3. That the Business Disclosure Entity Certification, the Political Contribution Disclosure Form and the Determination of Value be placed on file with the Resolution.

4. That a notice of this action shall be printed once in the official newspaper of the Borough of Buena.

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

**COMMITTEE REPORTS:**

**RECYCLING: (COUNCILMAN MAROLDA)**

Councilman Marolda reported that Handicapped Signs will be placed on Kimberly Lane.

**RECREATION: (COUNCILMAN WALKER)**

Councilman Walker reported on the 2016 Concert Series and reminded everyone that the first concert will be held on June 28<sup>th</sup> at the Joe Dale Pavilion.

**FINANCE: (COUNCILWOMAN BAKER)**

Council President Baker received training on how to administer NARCAN provided by the New Jersey Department of Human Services and sponsored by the Municipal Alliance. The informational packet was given to our E.M.S. Center. Councilman James stated that NARCAN has been used several times in the Borough.

On May 27, 2016, Council President Baker attended the Atlantic County Veterans Memorial Ceremony in Estell Manor.

On June 2, 2016, Council President Baker attended the Buena Regional High School Awards Ceremony. Over \$100,000.00 in scholarships were awarded to our 2016 graduates. The Council Presented two scholarships; one in memory of her parents, Joseph and Evelyn Mottola and the other was the Frank Abriola Scholarship from the Buena Borough Republican Club.

Sixteen chairs were donated by Council President Baker and her husband Richard to the Louise Basile Community Center on June 6, 2016.

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

The following represents activity in our Police Department for the month of May.

- \* Total Calls for Service: 2303
- \* Total Car Stops Made by Patrol 416
- \* Total Summonses Issued for the Month 317
- \* Total Motor Vehicle Crash 4
- \* Total DWI Arrests 4
- \* Total Arrests for the Month (Warrants, Etc.) 38
- \* Total Property Checks Made by Patrol for the Month 1098
- \* Total Community Policing CADS Hit by Patrol 142

- \* 05/15 Patrols assisted with the St. Michaels BBQ
- \* 05/25 Patrols assisted with the St. Padre Pio Ceremony
- \*05/26 The Police Department conducted its 2<sup>nd</sup> annual Cleary School Evacuation Drill.

Director James informed those present that we will be installing a prescription drug drop box.

Meetings are being held with Franklin Township regarding the possibility of providing medical services through a shared service agreement.

Director James requested the solicitor follow up with the Lt. Capehart regarding revisions to our noise ordinance.

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

**BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)** no report

**PUBLIC PORTION OF MEETING:**

Joanne Rosemont of Pacific Avenue requested updates on various matters.

**CLERK'S REPORT:**

**Minutes of the meeting of were approved m/Baker s/Walker**

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

**UNFINISHED BUSINESS: none**

**NEW BUSINESS:** The possibility of holding a community wide yard sale was discussed.

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

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

**NEXT MEETING: JUNE 27, 2016**

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

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

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**MARYANN CORALUZZO**  
**BOROUGH CLERK**