

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
JUNE 22, 2015**

MEETING CALLED TO ORDER: 6:32 P.M.

MEETING ADJOURNED: 7:04 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, June 22, 2015 commencing at 6:30 p.m. at the Borough Hall with Mayor Baruffi presiding. Mayor Baruffi 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, James, Baker, Zappariello, Cugini, and McAvaddy, Richard Tonetta, Solicitor and Maryann Coraluzzo, Borough Clerk

ABSENT: All present

MAYOR'S REPORT:

RESOLUTION 65-15

A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AUTHORIZING THE BOROUGH CLERK TO RELEASE CLOSED/EXECUTIVE SESSION MINUTES. m/Baker s/Marolda

WHEREAS, the Mayor and Council, at a regularly scheduled meeting or special meeting, may declare by resolution the need to enter into closed/executive session; and

WHEREAS, approved minutes from closed/executive session shall be made available to the public per N.J.S.A. 10:4-14.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena and State of New Jersey, that the Borough Clerk is delegated with the responsibility and is authorized to release executive session minutes, up to December 31, 2014, and upon the review and approval of the Borough Attorney.

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

PERSONNEL: 66-15

A RESOLUTION EXTENDING THE GRACE PERIOD FOR THE PAYMENT OF REAL PROPERTY TAXES IN THE BOROUGH OF BUENA FOR THE THIRD QUARTER OF 2015. 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 2015, 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 2015 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			
JAMES	X			
BAKER	X			
ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

**RESOLUTION 67-15 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
m/Baker s/Zappariello**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars

(\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the *Borough of Buena*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

RESOLUTION 68-15 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH THE LAW FIRM OF DeCOTIIS, FITZPATRICK & COLE, TEANECK, NEW JERSEY, FOR AFFORDABLE HOUSING LITIGATION COUNSEL. m/Cugini s/Baker

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, the Law Firm has completed and submitted a Business Entity Disclosure Certification for Non Fair & Open Contract which certifies that the Law Firm has not made any reportable contributions to a political or candidate committee in the Borough of Buena in the previous one year and the Contract will prohibit the Law Firm from making any reportable contributions through the term of this Contract to a political or candidate committee in the Borough of Buena; and

WHEREAS, the availability of funds for said Professional Services Contract to be awarded herein have been certified by the Borough Comptroller; and

WHEREAS, the Local Public Contract 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.

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 DeCotiis, Fitzpatrick & Cole, Teaneck, New Jersey, for Professional Services for affordable housing litigation counsel.

2. That this Agreement is awarded without competitive bidding as a Professional Service in accordance with NJSA 40A:11-5 (1) (a) of the Local Public Contracts Law 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 this Resolution.

4. That a Notice of this action shall be printed once in the Daily Journal.

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

MAYOR'S UPDATE:

Mayor Baruffi met with Lydia Munoz of the Spanish Community Center regarding grants for the Center.

A letter will be sent to Atlantic County Executive Dennis Levinson regarding the condition of County Road Central Avenue.

PUBLIC SAFETY DIRECTOR'S REPORT:

Director Caregnato disseminated a report to Mayor and Council. There were no questions.

ADMINISTRATORS'S REPORT:

Dr. Trivellini congratulated Acting CFO Cindi LoGuidice for a perfect 2014 audit. Dr. Trivellini also thanked Clerk Coraluzzo for her efforts in the safe.

SOLICITOR'S REPORT:

Solicitor Tonetta gave an overview of Resolution 68-15 and the COAH process.

COMMITTEE REPORTS:

RECYCLING: (COUNCILMAN MAROLDA)

Councilman Marolda reported owners of the Buena Cross Fit would like to expand if the Commerce Center expands. The Councilman further reported that the current owner/tenant is willing to sign a long term lease.

STREETS/ROADS: (COUNCILMAN JAMES)

Councilman James provided those present with the road department itinerary. Letters will be sent to property owners regarding easement along Louis Drive. The Administrator will follow up with the engineer.

FINANCE: (COUNCILWOMAN BAKER)

Council President Baker congratulated Acting CFO LoGuidice for a perfect audit with no recommendations for 2014. The Council President also extended her thanks to all department heads and staff for their contributions in this perfect audit.

RECREATION: (COUNCILMAN ZAPPARIELLO)

Councilman Zappariello reported that the Concert Series will begin on June 30th.

PUBLIC SAFETY/STREET LIGHTS: (COUNCILMAN CUGINI) no report

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)

Councilman McAvaddy reported on the progress at the Louise Basile Community Center. The Councilman also reported that the old Zorzi property is not being maintained.

PUBLIC PORTION OF MEETING:

Michael Ney and Robert Gruccio of Marie Avenue were present regarding drainage and flooding on their street. Mayor Baruffi will follow up with the engineer.

CLERK'S REPORT:

Minutes of the regular meeting of June 8, 2015 were approved m/Baker s/Cugini

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

UNFINISHED BUSINESS: none

NEW BUSINESS: none

BILLS PAID AS LISTED: m/Baker s/Cugini

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

NEXT MEETING: July 13, 2015

MEETING ADJOURNED: m/Baker s/McAvaddy RCVU

MARYANN CORALUZZO
BOROUGH CLERK