

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 8, 2015**

MEETING CALLED TO ORDER:
MEETING ADJOURNED:

CALL MEETING TO ORDER: Flag Salute

ROLL CALL OF ATTENDANCE:

SUNSHINE LAW: This meeting is being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided to The Press of Atlantic City, The Daily Journal and The Atlantic County Record, as well as having been posted on the bulletin board at Borough Hall.

MAYORS REPORT: First order of business.

RESOLUTION 59-15 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL OR APPLY OVERPAYMENTS.
M _____ S _____

WHEREAS, there exists a number of tax overpayments; and

WHEREAS, it has been determined by the tax assessor and collector that the overpayments should be canceled or applied.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, in the County of Atlantic, State of New Jersey that the attached list of overpayments be canceled or applied.

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

RESOLUTION 61-15 A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT FOR ASPHALT COMPLIANCE TESTING TO CRAIG TESTING LABORATORIES, INC., FOR THE RECONSTRUCTION OF FLOWER STREET.
M _____ S _____

WHEREAS, the Engineer solicited three proposals for asphalt compliance testing in accordance with NJDOT Municipal Aid requirements for the Reconstruction of Flower Street; and

WHEREAS, based upon the results, the engineer has recommended the contract be awarded to Craig Testing Laboratories, the lowest responsible bidder, in an amount not to exceed \$1,220.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena provided the CFO has certified the availability of funds, that the Mayor and Clerk are authorized to execute an Agreement with Craig Testing Laboratories, Inc., in an amount to not exceed \$1,220.00.

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

RESOLUTION 62-15 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES PURSUANT TO OWNERSHIP BY THE BOROUGH OF BUENA M _____ S _____

WHEREAS, Block 113 Lot 10.02 was acquired by the Borough of Buena as indicated in deed dated December 2, 2014 Deed Book 13839 Page 69086 and,

WHEREAS, municipal ownership is exempt from property taxes and,

WHEREAS, regular taxes were billed for 2015,

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Tax Collector is hereby authorized to cancel 2015 taxes and interest.

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

RESOLUTION 63-15 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, DECLARING ITS CONTINUED INTENT TO COMPLY WITH ALL OF ITS MT. LAUREL OBLIGATIONS AND TO BE THE "CALALYST FOR CHANGE" SO AS TO CREATE A REALISTIC OPPORTUNITY TO SATISFY ITS AFFORDABLE HOUSING OBLIGATION. M _____ S _____

WHEREAS, the Supreme Court has set certain standards necessary for developers to follow prior to affording them the entitlement to a builder's remedy as set forth in Toll Bros., Inc., vs. Tp of W. Windsor, 173 NJ 502 (2002); and

WHEREAS, on March 13, 2016, the Borough of Buena ("Borough") petitioned the Council on Affordable Housing (COAH) for Substantive Certification of a Housing Element & Fair Share Plan addressing its Third Round obligations which was published in the Press of Atlantic City on April 12, 2006, which is a newspaper of general circulation within Atlantic County pursuant to NJSA 52:27D-313 and NJAC 5:95-3.5 and no objections were received thereto; and

WHEREAS, on October 18, 2006, COAH issued a Compliance Report on the Borough's petition recommending approval and requested comment and COAH received no comment; and

WHEREAS, on November 1, 2006, COAH adopted Resolution 4-14, a Resolution Granting Third Round Substantive Certification of the Borough's Third Round Housing Element & Fair Share Plan and required the Borough adopt a Fair Share Ordinance consistent therewith, which was adopted November 13, 2006, by Ordinance 540; and

WHEREAS, on September 26, 2013, subsequent to the Borough's certification, the Supreme Court invalidated the COAH Round Three rules upon which the Borough justifiably relied to meet its obligation in a timely fashion; and

WHEREAS, the Supreme Court Ordered COAH to develop new Round Three rules on or before May 1, 2014, so municipalities could take action to meet its Mt. Laurel obligations, without which, municipalities would have no guidance; and

WHEREAS, on April 20, 2014, COAH proposed new Round Three regulations but failed to adopt the proposed Regulations and thus failed to meet the Supreme Court deadline to adopt Round Three Rules; and

WHEREAS, COAH's failure to adopt Round Three rules left all municipalities, including the Borough, without guidance to justify any fair share obligation, despite having approved the Mt. Laurel plan submitted and approved by COAH under their Third Round rules; and

WHEREAS, on October 31, 2014, the Fair Share Housing Center (FSHC) moved before the Supreme Court to enforce litigants rights requesting the Court establish fair share standards for all municipalities and on March 10, 2015, the Supreme Court directed trial courts to consider compliance by municipalities and provided municipalities 5 months to file a housing element and fair share plan for review and approval of their affordable housing plan; and

WHEREAS, the Borough has in the past and shall continue to voluntarily comply with its Mt. Laurel obligations and based upon its past compliance with all COAH obligations, the Borough believes that exclusionary zoning lawsuits, would be inheritably unfair and unnecessary; and

WHEREAS, the Borough intends upon complying with the procedures set forth by the Supreme Court by filing a Declaratory Judgment action and further moving before the Court for immunity so as to allow the Borough to voluntarily comply with the Court's Order.

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

1. The Borough reaffirms its commitment to satisfy its affordable housing obligations voluntarily and without any builder's remedy law suits.

2. The Borough authorizes special COAH counsel to file the appropriate pleadings to declare the Borough in compliance with its fair share obligations and to file a motion to stay any builder's remedy lawsuits by way of immunity while the Court reviews the Borough's affordable housing plan.

3. The Borough Clerk is hereby directed to file this Resolution and make it available to the public and all interested parties to assure the parties of the Borough's intent to voluntarily comply with all requirements to meet its obligation.

4. The Borough further authorizes Special Counsel to take any and all appropriate legal action to maintain the Borough's immunity and that of the Land Use Board from any and all exclusionary zoning litigation

related to this declaratory action to be filed.

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

PERSONNEL :

RESOLUTION 60-15 A RESOLUTION APPOINTING JAHAZIEL TOLLINCHI AS A PART-TIME LABORER IN THE BOROUGH OF BUENA ROAD DEPARTMENT EFFECTIVE JUNE 8, 2015.

M _____ S _____

BE IT RESOLVED by the Council of the Borough of Buena that Jahaziel Tollinchi is hereby appointed to the position of part-time laborer in the Borough of Buena Road Department not to exceed current budgeted hours/and or current budgeted amount for salary and wage.

BE IT FURTHER RESOLVED that the hourly rate shall be \$10.00 per hour without a valid CDL License and \$10.50 per hour with a valid CDL License and whose hours shall be determined by the Road Department Supervisor.

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

PUBLIC SAFETY DIRECTOR'S REPORT:

ADMINISTRATORS'S REPORT:

SOLICITOR'S REPORT:

ENGINEER'S REPORT:

Kimberly Lane Storm Drain Pipe

The final change order has been approved by the Borough. Our office is working on closing out the project. An updated punchlist has been sent to the contractor for completion.

FY2013 and FY2014 NJDOT Municipal Aid Project – Reconstruction of Flower Street

Contracts were sent to the Borough for signature on June 3, 2015. The contractor anticipates beginning work within the next 2 weeks.

Louis Drive Drainage

Our office has prepared a concept plan to address the drainage issue for Borough review.

Resurfacing of Forsythe Street

Paving of the roadway is complete. Stop bars are left to be installed.

COMMITTEE REPORTS:

- RECYCLING.....CHAIRMAN JEFFREY MAROLDA
DAVID ZAPPARIELLO, EDWARD CUGINI
- STREETS/ROADS.....CHAIRMAN ROBERT JAMES
JEFFREY MAROLDA, GREG MCAVADDY
- FINANCE.....CHAIRWOMAN ROSALIE M. BAKER
ROBERT JAMES, DAVID ZAPPARIELLO
- RECREATION.....CHAIRMAN DAVID ZAPPARIELLO
ROSALIE M. BAKER, GREG MCAVADDY
- PUBLIC SAFETY/STREET LIGHTS..... CHAIRMAN EDWARD CUGINI
ROBERT JAMES, JEFF MAROLDA
- BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRMAN GREG MCAVADDY
ROSALIE M. BAKER, EDWARD CUGINI

PUBLIC PORTION OF MEETING:

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

CLERK'S REPORT:

Minutes of the regular meeting of November 10, 2014 (tabled from May 11, 2015). If no corrections or additions, entertain a motion to approve M _____ S _____

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

Minutes of the regular meeting of April 27, 2015. If no corrections or additions, entertain a motion to approve M _____ S _____

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

Minutes of the regular meeting of May 11, 2015. If no corrections or additions, entertain a motion to approve M_____S_____

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

Minutes of the regular meeting of May 26, 2015. If no corrections or additions, entertain a motion to approve M_____S_____

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

Correspondence:

1. BBMUA Board requesting Council formally recognize John Brunini and Charles Mielke for their years of service to the Authority.

Need motion to file correspondence:

M_____S_____

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

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED: M_____S_____

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				

JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

NEXT MEETING: June 22, 2015

MEETING ADJOURNED: M_____S_____RCV