

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
OCTOBER 13, 2015**

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

MEETING ADJOURNED: 7:05 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Tuesday, October 13, 2015 commencing at 6:30 p.m. at the Borough Hall with Council President Rosalie M. 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, James, Baker, Zappariello, Cugini, and McAvaddy, Michael Benson, Acting Solicitor and Dr. Paul Trivellini, Administrator, Dan Careganto, Public Safety Directory and Gail Knott, Deputy Clerk

ABSENT: Mayor Baruffi

MAYOR'S REPORT:

ORDINANCE 632 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

**AN ORDINANCE AMENDING ORDINANCE NO. 604, AS
AMENDED, CHAPTER 45 OF THE CODE OF THE BOROUGH OF
BUENA. m/Cugini s/James**

WHEREAS, Borough Council adopted Ordinance 604 and amendments thereto, Chapter 45 of the Code of the Borough of Buena entitled Public Safety Department; and

WHEREAS, in accordance with Reuter of the Borough of Fort Lee, 167 NJ 38, municipalities are required to adopt Ordinances specifying the authorized number of officers at each ranks and line of authority and Council finds it necessary to amend Ordinance 604, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 604, as amended, Chapter 45 of the Code of the Borough of Buena, shall be amended as follows:

1. Section 45-2 shall be amended as follows:

§45-2 Police Force and Division of Emergency Medical Services.

A. There shall be and hereby is established with the Department of Public Safety a full-time Police Force for the Borough of Buena, which shall consist of such number of superior officers and patrolmen as are hereinafter set forth and shall be appointed by resolution of the Borough Council, upon recommendation of the Director of Public Safety and consistent with the annual budget of the Borough of Buena. This subsection is intended to ratify the existence and operation of the Police Department which has historically operated within and served the Borough of Buena and to satisfy statutory requirements of the enabling legislation as amended.

The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of the State of New Jersey and the Ordinances of the Borough of Buena; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.

B. The Police Force shall consist of the following police officers in the following descending ranks and order of authority:

- i. Lieutenant - not more than one (1);
- ii. Sergeants - not more than two (2); and
- iii. Police Officers - not more than 4 full time and not more than 2 part-time.

The powers, functions and duties of the members of the Police Force shall be as currently prescribed by the Buena Borough Police Department Rules and Regulations Manual and as are generally set forth herein.

C. The Division of Emergency Medical Services is established and created in accordance with Ordinance No. 605 within the Buena Borough Police Department which is headed by the Emergency Medical Technician, appointed by the Mayor with the advice and consent of Borough Council. The Emergency Medical Technician shall directly report to and act under the direct supervision and authority of the Director of Public Safety and in his or her absence the two (2) Assistant Directors of Public Safety.

2. Section 45 B (4) shall be deleted in its entirety and replaced as follows:

B (4) Delegate his/her authority as he/she may deem necessary for the efficient operation of the Emergency Medical Services and to the extent of the authority allowed hereunder and permitted in accordance with the laws of the State of New Jersey delegate his/her authority as he/she may deem necessary for the efficient operation of the Police Department. Such authority shall be exercised under his/her direction and supervision.

BE IT FURTHER ORDAINED that any portion of Ordinance 604, as amended, not so amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that if an section, subsection, paragraph, sentence or other part of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, subsection, paragraph, sentence or other part so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED that all Ordinance or parts of Ordinances or Resolutions inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

This Ordinance shall take effect immediately after final passage and publication as required by law. Any Ordinances inconsistent with this Ordinance are hereby repealed.

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

**RESOLUTION 100-15 A RESOLUTION AUTHORIZING THE RELEASE OF SURETY
POSTED BY CONTE'S PASTA, INC. m/Zappariello
s/Cugini**

WHEREAS, applicant posted surety in the form of a Performance Guarantee for certain improvements to Block 173, Lot 30; and

WHEREAS, the Land Use Board Engineer has confirmed that the improvements have been completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the surety posted by Conte's Pasta Inc., is hereby approved to be released contingent upon the posting of a Maintenance Guarantee in the amount of \$24,358.20

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

RESOLUTION 101-15 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REIMBURSE AND CANCEL TAXES PURSUANT TO A TOTALLY DISABLED VETERAN EXEMPTION. m/Zappariello s/Cugini

WHEREAS, Kenneth Smith Cochrane, owner and resident of 104 East Summer Road (Block 169 Lot 7.0) has applied for exemption from taxes as a Totally Disabled 3Veteran pursuant to NJSA 54:4-3.30 and,

WHEREAS, the Borough Tax Assessor has reviewed the application and supplemental proofs and finds them to be in order and,

WHEREAS, the Tax Assessor recommends approval of the exemption and,

WHEREAS, the exemption commences June 30, 2015 and the tax account must be adjusted to reflect the exemption approval and,

WHEREAS, the Tax Collector seeks to balance the account in recognition of the tax exemption,

NOW THEREFORE BE IT RESOLVED that the Tax Collector is hereby authorized and directed to reimburse taxes to the escrow account holder in the amount of \$291.30 which is a reimbursement for taxes paid for the third quarter 2015. Additionally, the Tax Collector is hereby authorized to cancel the 2015 fourth quarter tax and the 2016 first and second quarter taxes.

A certified copy of this resolution shall be forwarded to the Tax Collector and Tax Assessor.

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

RESOLUTION 102-15 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF FOREST GROVE ROAD PROJECT. m/James s/Zappariello

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Buena formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Reconstruction of Forest Grove Road-00317 to the New Jersey Department of Transportation on behalf of the Borough of Buena.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Buena and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

PERSONNEL: none

ENGINEER'S REPORT:

Kimberly Lane Storm Drain Pipe

The contractor has not returned to complete the outstanding punchlist items.

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

The contractor has completed storm drain and concrete curb installation. Paving of the roadway will now be scheduled.

Louis Drive Drainage

Our office is working on the legal descriptions for the proposed storm drain easements.

Resurfacing of Forsythe Street

The project is complete. We are working on project close-out.

FY2015 NJDOT Municipal Aid Project - Reconstruction of Plymouth Road

Survey work started on October 8, 2015. We are waiting for an executed contract from Atlantic County for the culvert work.

RESOLUTION 103-15 A RESOLUTION AUTHORIZING THE ENGINEER TO APPLY FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM. m/James s/Marolda

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Engineer is hereby authorized to complete an application for a New Jersey Department of Transportation Safe Routes to School Program for the purpose of obtaining funding for various projects in and around the Buena Regional School located in the Borough.

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

PUBLIC SAFETY DIRECTOR'S REPORT: none

ADMINISTRATORS' S REPORT: none

SOLICITOR'S REPORT: none

COMMITTEE REPORTS:

RECYCLING: (COUNCILMAN MAROLDA)

Councilman Marolda reported that the next drop off date for household hazardous waste at the Atlantic County Utilities Authority is November 7th from 9:00 a.m. to 2:00 p.m.

STREETS/ROADS: (COUNCILMAN JAMES)

Councilman James provided those present with the road department itinerary with fifteen items listed. Due to an extended absence, road department employees are providing cleaning and maintenance in borough hall. Storm drains are being checked.

FINANCE: (COUNCILWOMAN BAKER)

The Finance Office is asking all departments to stay within their budgets. Council president Baker attended the Columbus Day Ceremonies at Vineland City Hall yesterday representing Buena Borough.

Reminder - Atlantic County League of Municipalities Meeting will be this Friday, October 16th at the Crab Trap 7:00 p.m. The Pilot Program will be discussed.

Council President Baker reported we received a thank you from our Acting Chief Finance Officer Cindi LoGuidice for the flowers and gift card during her sick leave.

RECREATION: (COUNCILMAN ZAPPARIELLO)

Councilman Zappariello reported the following dates for Buena Baseball signups for the 2016 season 2/6, 2/11, 2/18, 2/20, 2/27 and 3/2. The fee for baseball is \$110.00 per child. The Tee Ball fee is \$75.00. Opening Day for Baseball 2016 will be held April 9th. The next Recreation meeting will be held October 14th.

PUBLIC SAFETY/STREET LIGHTS: (COUNCILMAN CUGINI)

Councilman Cugini reported the central dispatch meeting was cancelled.

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

PUBLIC PORTION OF MEETING:

Misty T. Thompson, Eisenhower Drive expressed her support towards the New Jersey Transit Bus No. 553. Ms. Thompson explained that many people need this service for employment, doctor visits, job hunting and to get to schools and colleges. Ms. Thompson reported that she rides the Bus approximately five days a week. She also suggested other routes that could be used in the Borough.

Evette Bates, 102 Muccio Drive was present to support Bus No. 553 in the Borough. Ms. Bates rides the bus and she expressed how much it is needed for the community. Positive support was also given by John Bates and Denise Bates.

Anna Codario, 364 Cedar Lake Road, was present to inform Council of dogs running the street near her residence. Ms. Cordario also reported having security issues on her property.

Brian Fatcher, 102 Kimberly Lane; concerns with water on fields and drainage in the Borough.

CLERK'S REPORT:

Minutes of the meeting of September 28, 2015 were approved m/Cugini s/Zappariello

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

CORRESPONDENCE:

1. Italian Cultural Foundation of South Jersey, Inc. request for Raffle License. m/Cugini s/Zappariello

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

2. Elected Officials Liability Seminar was acknowledged.
3. NJSLOM Notice of increased membership dues was acknowledged.
4. 2015 Pine Barrens 500 informing the Borough of Buena they will be passing through the municipality was acknowledged.
5. Ben Szturma request temporary storage trailer six months at 512 North West Boulevard, Block 133, Lot 1. m/Zappariello s/James

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

Need motion to file correspondence m/Cugini s/Zappariello

	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/Marolda s/Cugini

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

NEXT MEETING: October 26, 2015

MEETING ADJOURNED: m/Cugini s/Marolda RCVU

GAIL KNOTT
DEPUTY CLERK