**MEETING CALLED TO ORDER: 7:05 P.M.**

**MEETING ADJOURNED: 8:01 P.M.**

**CALL MEETING TO ORDER:** **Flag Salute**

**ROLL CALL OF ATTENDANCE:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY |  |  |  | X |  |

**Councilman McAvaddy arrived at 7:15 p.m.**

**SUNSHINE LAW:** **The regular meeting of Mayor and Council of the Borough of Buena was held Monday, March 25, 2019 commencing at 7:00 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, via email, to the Press of Atlantic City, the Daily Journal and the Atlantic County Record on December 19, 2018, as well as having been posted on the bulletin board at Borough Hall.**

**MAYOR’S REPORT:** **First order of business.**

**Mayor Zappariello called for a moment of silence for Yolanda Asselta, Leroy Peterson, Jackie Vassallo, and Alice Fellenbaum.**

**RECOGNITION: Mayor and Council recognized Bernice Donato, the first woman to serve on Borough Council. Ms. Donato’s term ran from 1977-1983.**

**PUBLIC PORTION OF THE MEETING:**

Brian Fatcher of Kimberly Lane asked for clarification on the public portion being held at the end of the meetings during workshops. Mr. Fatcher was also of that no business was permitted to be conducted during these work sessions. Solicitor Costigan responded that Council was permitted to take action on any matter as long as the meetings were advertised in accordance with law.

Mr. Fatcher was unclear on the Cap Bank Ordinance. Mayor Zappariello and Councilman Marolda offered explanations, stating that although the budget was once again introduced with a zero increase, the Cap Bank Ordinance acts as a savings account, or insurance policy. This allows the Borough to exceed the Cap in the event of an emergency.

Ralph Fiocchi of Route 54 was present with his neighbor, Bob. The gentlemen had concerns with speeding and passing along Route 54. Chief Zimmer will increase patrols and advised the men to sign complaints against these drivers if they are able to obtain tag numbers.

**PUBLIC HEARING OPENED:**

**ORDINANCE NO. 677 AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PURPOSE OF THE PREPARATION OF AN APPROVED TAX MAP.**

**m/Baker s/Mancuso**

**BE IT ORDAINED** by the Borough Council of the Borough of Buena, County of Atlantic, State of New Jersey, that pursuant to N.J.S.A. 40A:4-53 the sum of $30,000.00 is hereby appropriated for the purpose of the preparation of an approved tax map and shall be deemed a special emergency appropriation as defined and provided for at N.J.S.A. 40A:4-53.

The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth the amount authorized by this ordinance and as provided in N.J.S.A. 40A:4-53.

This Ordinance shall take effect upon final passage and publication as provided by law.

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| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**DISCUSSION:** Assessor Perella gave an overview on the need for digital maps during a revaluation.

**PUBLIC HEARING CLOSED:**

**m/Baker s/Mancuso**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**ORDINANCE NO. 677 ADOPTED:**

**m/Baker s/Mancuso**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY |  | X |  |  |  |

**PUBLIC HEARING OPENED:**

**ORDINANCE NO. 678 CALENDAR YEAR 2019**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**(N.J.S.A. 40A: 4-45.14)**

**m/Baker s/Walker**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

**WHEREAS,** N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Buena in the County of Atlantic finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to $27,299.27 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Buena, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Buena shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to $95,547.45, and that the CY 2019 municipal budget for the Borough of Buena be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED,** that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**DISCUSSION: none**

**PUBLIC HEARING CLOSED:**

**m/Baker s/Walker**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**ORDINANCE NO. 678 ADOPTED:**

**m/Baker s/Walker**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO |  | X |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**ORDINANCE NO. 679 AN ORDINANCE AMENDING CHAPTER 202, TAXATION, AND ENACTING ARTICLE II, SECTION 202-7-11. IMPOSING A MUNICIPAL SERVICE FEE ON MOBILE HOMES AND AN ANNUAL LICENSE FEE ON MOBILE HOME PARKS**

**m/Baker s/Marolda**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Buena, County of Atlantic and State of New Jersey that the Borough of Buena:

I. Finds that it needs to collect an annual license fee on mobile home parks and municipal service fees on mobile homes situate within the Borough of Buena to defray the costs of services provided or paid for by the Borough; therefore,

-

II. Chapter 202, Taxation, is amended and Article II is enacted, Section 202 -7-11 as follows:

**ARTICLE II**

**Section 202-7 DEFINITIONS**

As used in this chapter, the following terms shall have the meanings indicated:

**MOBILE HOME**

A unit of housing which;

1. Consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site or are fabricated in an off-site manufacturing facility; and
2. Is designed to be a permanent residence when connected to utilities.

**MOBILE HOME PARK**

A parcel of land which has been so designated and improved that it contains two or more mobile home lots available to the general public for the placement thereon of mobile homes for occupancy.

**PERSON**

Includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

**Section 202-8 LICENSES.**

It shall be unlawful for any person to maintain or operate, within the limits of the Borough of Buena, any mobile home park unless such person shall first obtain a license therefor. All mobile home parks in existence upon the effective date of this chapter shall, within 90 days thereafter, or such additional time as may be allowed by the governing body of the Borough of Buena, obtain such license.

**Section 202-9 ANNUAL LICENSE FEE**

1. Any preliminary approval of plans and applications for a license issued hereunder shall be subject to automatic revocation in the event that the applicant to whom said preliminary approval is granted shall fail to commence construction of the mobile home park for which a license is applied within 90 days from the date of granting of required approval by the State of New Jersey.

1. The annual license fee for each mobile home park shall be $ 250.00 and said license fee shall cover the period from January 1 to December 31 of each year. An application fee of $50.00 shall be paid with each application for the annual license. The application and the application fee shall be due no later than January 15 of each calendar year. Any application fee not paid by this time shall be subject to an interest charge at the lawful rate for the period of the delinquency.
2. From the effective date of this chapter, the annual license fee shall be prorated.

**Section 202-10 LICENSE APPLICATION**

1. Each application for a mobile home park license shall be filed with and

issued by the Mayor and Council. Applications shall be in writing, signed by the applicant, and shall contain the following.

1. The name and address of the applicant and the name of the owner in fee of the tract, if the fee is vested in some person other than the applicant.
2. In the event that title to the tract for which application for a mobile park license is made is vested in some person other than the applicant, then a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application is required.
3. The location and legal description of the mobile home park and the Tax Map block and lot numbers.
4. A complete plan of the park showing the following either existing or as proposed.

(a). The extent and area used for mobile home park purposes.

(b). Roadways, driveways and drainage.

(c). Location of mobile home spaces.

(d). Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms.

(e). Method and plan of sewage disposal.

(f). Method and plan of garbage removal.

(g). Plan of water supply.

(h). Plan of electrical lighting of mobile homes and the mobile home park, including the roadways and driveways.

1. Plan and specifications of all buildings and other improvements constructed or to

be constructed within the mobile home park.

1. Such further information as may be requested by the Mayor and Council to enable it to determine if the proposed park will comply with all legal requirements.
2. The application and all accompanying plans and specifications shall be filed in triplicate. The Department of Health, Borough Engineer and the Mayor and Council shall investigate the applicant and inspect the proposed plans and specifications. If the proposed mobile home park will be in compliance with all provisions of this chapter and all other applicable ordinances or statutes, the Mayor and Council shall approve the application by resolution and issue the license upon approval of the New Jersey Department of Health and completion of the park according to the plans.
3. Licenses issued under the terms of this chapter convey no right to erect any building, to do any plumbing work or to do any electrical work or any other kind of work ordinarily requiring governmental, municipal or other permits.
4. No more than three licenses for mobile home parks shall be issued and outstanding at any one time, it being hereby determined by the Borough Council that an excess of three mobile home parks would be detrimental to the welfare of the citizens of the Borough of Buena.

1. Every mobile home park and every building located on any mobile home park and every mobile home, whether located in a mobile home park or for which a temporary permit has been issued by the Borough, shall at all times be subject to examination and inspection within reasonable hours by any officer or agent of the Borough making the inspection in the regular course of his or her duties and responsibilities.
2. Every holder of a license to maintain or operate a mobile home park shall establish and maintain a park registry which shall list in numerical sequence each mobile home occupying a space and the name of the owner of the mobile home, and if the owner of the mobile home is not the occupant thereof, the name of the lessee of each mobile home. The park registry shall be kept in an office located in the mobile home park, and it shall be kept current at all times and shall be available at all reasonable hours for inspection by the proper officials of the Borough of Buena.
3. No existing mobile home park in the Borough of Buena shall hereinafter in any way expand the perimeter of said mobile home park, nor shall it add any additional mobile home spaces, nor shall it permit the occupancy of any mobile home spaces beyond the number of mobile homes presently located in said mobile home park, except in strict compliance with this chapter. Any addition of mobile home spaces or of mobile homes to existing spaces in any existing mobile home park shall be construed as an alteration or expansion for which application must be made.

**Section 202-11 ANNUAL MUNICIPAL SERVICE FEE**

1. The following shall apply to the annual municipal service fee of the Borough of Buena pursuant to N.J.S.A. 54: 4-1.6:

1.An annual service fee shall be imposed on all mobile homes installed in a mobile home park within the boundaries of the Borough of Buena. In setting this fee, the governing body shall take into account the extent to which the taxes are assessed and levied against the land improvements thereto, which together constitute the mobile park on which the homes are installed, to defray the cost of services provided or paid for by the Borough or provided by any other appropriate taxing authority for lessees of sites in the park. The fee shall be prorated in order to account for vacancies in the park.

2. The annual municipal service fee shall be collected from each owner of a mobile home on a monthly basis by the owner of the mobile home park in which the home is located. The park owner shall issue a receipt to the homeowner upon each collection.

3. The amount of the annual service fee, based on consideration of the factors set forth in N.J.S.A. 54: 4-1.6, shall be allocated among owners of mobile homes in all mobile home parks, and is set as $ 10.00 per month per each mobile home, regardless of how long during said month a mobile home space has been occupied.

4.Payment of the monthly fee shall be made by the park owner to the Tax Collector of the Borough on a quarterly basis. In addition to the quarterly payment, the park owner shall transmit therewith a copy of each receipt issued upon collection of each monthly fee. Said monthly fee shall be payable to the Tax Collector of the Borough on February 1 for the first quarter, May 1 for the second quarter, August 1 for the third quarter and November 1 for the fourth quarter. A resolution may be adopted at the beginning of each calendar year by the governing body of the Borough allowing for a grace period of up to 10 days following the date upon which the same became payable and due. An official of the Borough, as designated by the Mayor, shall upon the request of the Borough Council furnish the Borough Council with the report of the number of trailer spaces occupied in said park.

5.Any amounts due which are not paid within the time required shall bear interest thereon at a lawful rate covering the period of delinquency. The individual owner shall bear the burden of paying the late payment interest charge for failure to pay the municipal service fee when due and payable, and the park owner shall be charged for failure to transmit fees actually collected when so required.

1. Pursuant to N.J.S.A. 54:4-1.6(d), the respective portion of a municipal service fee allocated to the owner of a mobile home shall be deemed rent for eviction purposes.

**BE IT FURTHER ORDAINED** that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect or impair any other section, sentence, clause, provision or portion of this Ordinance, which shall remain in full force and effect and for the purpose of the provisions of this Ordinance, are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** that this ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law, and shall remain in force until modified, amended or rescinded by the Mayor and Council of the Borough of Buena.

After discussing the matter, it was determined that this ordinance would be tabled pending further review by the solicitor.

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|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA |  |  |  |  |  |
| WALKER |  |  |  |  |  |
| BAKER |  |  |  |  |  |
| MANCUSO |  |  |  |  |  |
| ALVAREZ |  |  |  |  |  |
| MCAVADDY |  |  |  |  |  |

**INTRODUCED AND PASSED ON FIRST READING:**

**ORDINANCE NO. 680 AN ORDINANCE AMENDING CHAPTER 150, LAND USE, OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

**m/Baker s/Mancuso**

**BE IT ORDAINED** by the Council of the Borough of Buena, County of Atlantic and State Of New Jersey as follows:

Chapter 150, Land Use, Article XVI, Section 150-137(F) is hereby amended by replacing or adding the following:

In all zones except the A-1 Zone and PA Zone of the Pinelands Area, the keeping of more than (4) household pets, such as cats and dogs is prohibited. NOTE: Household pets do not include animals traditionally kept as livestock.

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| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO |  | X |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 45-19 RESOLUTION AUTHORIZING HIRING OF EMERGENCY MEDICAL TECHNICIANS**

**m/Baker s/Alvarez**

**WHEREAS,** the Borough of Buena Emergency Medical Services Department operates 24 hours a day, 365 days a year; and

**WHEREAS,** appropriate staffing is required for the department to operate effectively and efficiently; and

**WHEREAS,** the Emergency Medical Services Chief of the Borough of Buena requests the authorization from Council to approve the hiring of the following candidates to replace the Emergency Service Technicians who have left the department:

Devon Haussman

Jessica Farside

Virginia Orme

John Belfi

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the Borough of Buena, County of Atlantic, State of New Jersey, hereby approves the hiring of aforementioned candidates as Emergency Service Technicians based on their qualifications with a start date as soon as possible and conditioned upon the successful completion of the hiring phases set forth in the Policy and Procedures of the Borough of Buena.

**BE IT FURTHER RESOLVED,**by the Council of the Borough of Buena that the individuals are hereby appointed as part time Emergency Medical Technicians who shall regularly work 20 hours or under per week and shall be paid in accordance with the current salary resolution.

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| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 46-19 A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO A CONTRACT WITH HERRING FIRE PROTECTION, LLC TO RELOCATE SPRINKLER HEADS AT THE COMMERCE CENTER EMS SUITE.**

**m/Baker s/Mancuso**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA** that a contract is hereby awarded to Herring Fire Protection, LLC, in an amount not to exceed $3,000 to relocate the sprinkler heads at the Commerce Center, EMS Suite. If calculations are required per the Construction office there will be an additional $500 added to the cost.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute an agreement with Herring Fire Protection, LLC for the purpose of relocating the sprinkler heads in the EMS suite and that work has started prior to the adoption of this resolution due to the health, safety and welfare of the employees and general public. The Chief Financial Officer has Certified the Availability of Funds for this award.

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| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 47-19 A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO A CONTRACT WITH MEDIO CONSTRUCION COMPANY, INC., TO REMOVE ASPHALT AND REPLACE WITH A CONCRETE PAD WITH WIRE AT THE COMMERCE CENTER EMS SUITE.**

**m/Baker s/Mancuso**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA** that a contract is hereby awarded to Medio Construction Company, Inc., in the amount not to exceed $3,100.00, to remove asphalt and replace with concrete and wire pad at the Commerce Center, EMS Suite.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute an agreement with Medio Construction Company, Inc., to remove asphalt and replace with concrete and wire pad at the Commerce Center, EMS Suite. This award is contingent upon a Certificate of Availability of Fund from the Chief Financial Officer.

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| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 48-19** **A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND AN OVERPAYMENT TO LAWRENCE AND DIANA RICCI IN THE AMOUNT OF $2,052.00.**

**m/Baker s/Walker**

**WHEREAS**, Block 104 Lot 12.02 is owned by David and Diana Ricci; and

**WHEREAS**, a duplicate payment was received in error

**NOW THEREFORE BE IT RESOLVED** by Mayor and Council of Buena Borough that the Chief Financial Officer is hereby authorized to refund the amount of $2,052.00 to Lawrence and Diana Ricci.

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|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 49-19 ZERO TOLERANCE DRUG AND ALCOHOL POLICY**

**m/Baker s/Mancuso**

**WHEREAS,** the Municipal Excess Liability Joint Insurance Fund recommends an update to the Borough of Buena Employee Handbook regarding its drug and alcohol policy, including adoption of the United States Department of Transportation regulations regarding use and testing for drug and alcohol use of Commercial Driver’s License (CDL) holders and a testing policy with regard to non- Commercial Driver’s License holders; and

**WHEREAS,** a Zero Tolerance drug and alcohol policy best serves the residents of the Borough of Buena and the public in order to maintain safety.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Buena, by the Mayor and Council of the Borough of Buena, County of Atlantic and State of New Jersey adopts a Zero Tolerance policy with regard to the use of drugs and alcohol and directs the Solicitor to prepare all appropriate drug and alcohol updates to the Employee Handbook including CDL and non-CDL drug and alcohol policies.

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|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 50-19 A RESOLUTION TO ENDORSE THE SUBMISSION BY THE BOROUGH OF BUENA OF THE 2018 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF RECYCLING AND TO DESIGNATE WILLIAM NIMOHAY TO ENSURE THAT THE SAID APPLICATION IS PROPERLY FILED.**

**m/Baker s/Mancuso**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgating recycling regulations to implement the Mandatory Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Council of the Borough of Buena to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Borough of Buena hereby endorses the submission of a 2018 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office and Recycling and designates William Nimohay to ensure that the said application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 51-19 A RESOLUTION AWARDING A CONTRACT FOR SAMPLING AND ANALYSIS OF MONITORING WELLS AT THE BOROUGH OF BUENA SANITARY LANDFILL TO EUROFINS QC, IN THE AMOUNT OF $11,810.**

**m/Baker s/Alvarez**

WHEREAS, the Road Supervisor has solicited proposals for sampling and analysis of monitoring wells at the Borough of Buena Sanitary Landfill; and

WHEREAS, the lowest responsible proposal received was submitted by Eurofins QC, in the amount of $11,810.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that a contract for laboratory analysis be and the same is hereby awarded to Eurofins QC, in the amount of $11,810.

BE IT FURTHER RESOLVED, that the Mayor and the Clerk be and they are hereby authorized to execute a purchase order for the laboratory analysis in the amount of $11,810 upon receipt of certification of funds from the Chief Financial Officer of the Borough of Buena, which shall be attached to this Resolution.

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|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 52-19 A RESOLUTION OF BOROUGH OF BUENA AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY (MAIN LOAD) SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**m/Baker s/Alvarez**

**WHEREAS,** Borough of Buena has determined to move forward with the EMEX Reverse Auction in order procure electricity for Borough of Buena; and

**WHEREAS,** the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

**WHEREAS,** Borough of Buena will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

**WHEREAS,** EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

**WHEREAS,** the auction will be conducted pursuant to the Act; and

**WHEREAS,** if the auction achieves a price of [$0.084 kWh or less for a for a 12-month term, a price of $0.083 kWh or less for an 18-month term, or a price of $0.085 kWh or less for a 24-month term; Borough of Buena may award a contract to the winning supplier for the selected term].

**NOW THEREFORE BE IT RESOLVED,** that the Administrator and/or Finance Officer of the Borough of Buena is hereby authorized to execute on behalf of the Borough of Buena any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of [$0.084 kWh or less for a 12 month term, a price of $0.083 kWh or less for an 18 month term, or a price of $0.085 kWh or less for a 24 month term; Borough of Buena may award a contract to the winning supplier for the selected term].

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| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 53-19 A RESOLUTION OF BOROUGH OF BUENA AUTHORIZING THE PURCHASE OF ELECTRICITY (STREET LIGHTING) SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**m/Baker s/Walker**

**WHEREAS,** Borough of Buena has determined to move forward with the EMEX Reverse Auction in order procure electricity for Borough of Buena; and

**WHEREAS,** the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

**WHEREAS,** Borough of Buena will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

**WHEREAS,** EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

**WHEREAS,** the auction will be conducted pursuant to the Act; and

**WHEREAS,** if the auction achieves a price of [$0.051 kWh or less for a for a 12-month term, a price of $0.051 kWh or less for an 18-month term, or a price of $0.051 kWh or less for a 24-month term; Borough of Buena may award a contract to the winning supplier for the selected term].

**NOW THEREFORE BE IT RESOLVED,** that the Chief Finance Officer of the Borough of Buena is hereby authorized to execute on behalf of the Borough of Buena any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of [$0.051 kWh or less for a 12 month term, a price of $0.051 kWh or less for an 18 month term, or a price of $0.051 kWh or less for a 24 month term; Borough of Buena may award a contract to the winning supplier for the selected term].

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 54-19 A RESOLUTION FIXING SALARIES FOR EMPLOYEES OF THE**

**BOROUGH OF BUENA FOR THE YEAR 2019**

**m/Baker s/Walker**

**WHEREAS**, pursuant to a Salary Ordinance enacted prior to this Resolution, money was appropriated for the salaries and wages of municipal employees for the year 2019, retroactive to January 1, 2019; and

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA AS FOLLOWS;

A. That the following Borough employees shall receive the salary hereinafter set forth or as otherwise stated:

1. **David Zappariello**, Mayor $ 8,277.42

2. **COUNCIL** $ 4,244.83

**Jorge Alvarez** **Jeffrey Marolda**

**Rosalie Baker Gregory McAvaddy**

**Joseph Mancuso Matthew Walker Sr.**

3. **Maryann Coraluzzo**, Clerk/Tax Collector $82,785.92

4. **Pamela Johnston**, Clerk 1 $$22,440.00

5. **Pamela Johnston,** Clerk 1 $ 100.00 \* per meeting

(not to exceed $1,200 per year)

6. **Cynthia LoGuidice**, Chief Financial Officer/QPA $54.046.91

7. **Lisa Perella**, Tax Assessor $10,000.00

8. **Valerie Jones,** Clerk 2 $40,800.00

9. **Valerie Jone**s, Land Use Secretary $ 100.00 per meeting

10. **Edward Castellari Jr,** Land Use Chair $ 30.00 per meeting attended

11. **LAND USE MEMBERS** $ 25.00 per meeting attended

**David Zappariello William Nimohay**

**Matthew Walker, Sr Aldo Palmieri**

**Douglas Brunini Joseph D’Alessandro**

**Ronald Francis Anthony Zorzi**

**Keith Bernhardt**

12. **John Keenan**, Zoning Officer $ 5,884.50

13. **Theodore Peters**, Dir. Emergency Management $ 501.84

14. **Pamela Johnston**, Enforcement Officer $ 7,610.26

15. **Pamela Johnston**, Occupancy Inspector $ 3,137.80

16. **Patrick Newton,** Construction Code Official $ 1,800.00

17. **Patrick Newton,** Building Code Official $ 9,000.00

18. **Patrick Newton,** Plumbing Sub Code Official $ 8,160.00

19. **Patrick Newton,** Fire Sub Code Official $ 4,080.00

20. **Joseph Rizzuto**, Electrical Sub Code Official $ 6,597.50

21. **William Nimohay**, Road Supervisor $68,078.82

22. **Dale Jones**, Clerk 2 $34,278.54

B. The following employees shall be paid at the hourly rate hereinafter set forth or as otherwise stated:

1. **Michael Rodriguez**, Sr Part Time EMS $ 14.86

2. **PART TIME EMS** $ 12.73

**Adam Akers Morgan Koh**

**Angel Calixto-Gomez Malinda Mangaro**

**Francis DiNunzio David Massey**

**Catherine Durham Alyssa Purkins**

**Kimberly Feltes Ronald Roberts**

**Brian Hendricks Laura Sibert**

**Francis Hernandez Brooke Surran**

**Miguel Hernandez**

**Michael Koh**

3. **Leonard Coco**, Streets & Roads Laborer 1 $ 21.92

**Alfred Grasso**, Streets & Roads Laborer 1 $ 19.41

**Michael Corsiglia,** Streets & Roads Laborer 1 $ 20.00

**Terry Crites**, Part Time Roads Laborer $ 14.17

**Matthew Carchidi,** Streets & Roads Laborer 1$ 16.00

4. **Diane Bassetti**, Part Time, Clerk 1 $ 15.56

**Fern Brown**, Part Time Clerk 1 $ 15.00

**Fern Brown,** Part Time Clerk 1 $ 100.00 \* per meeting

(not to exceed $1,200 per year)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**RESOLUTION 55-19 A RESOLUTION BETWEEN THE BOROUGH OF BUENA AND THE BOROUGH OF BUENA MUNICIPAL UTILITITES AUTHORITY**

**$1,250,000 PROJECT FINANCING**

**m/Baker s/Walker**

**WHEREAS,** the Borough of Buena, a municipal corporation of the State of New Jersey (the “Borough”) and the Borough of Buena Municipal Utilities Authority (the “Authority”) heretofore entered into a Service Agreement dated as of March 8, 1989 (the “1989 Service Agreement”) providing, among other things, for the payment of Annual Charges (as defined therein) relating to the Authority’s System (as defined therein);

**WHEREAS,** the definition of “Bond” in the 1989 Service Agreement includes any bond, note or other evidence of indebtedness issued by the Authority to finance any enlargement, alteration, improvement, renewal or replacement of the Authority’s System with respect to which the Borough consents by resolution to be a Bond entitled to the benefits of the 1989 Service Agreement;

**WHEREAS,** the Authority has determined to undertake improvements to the Authority’s System as set forth in Appendix A hereto, the aggregate estimated cost of which is $1,250,000 (the “Project”); and

**WHEREAS,** the Authority has determined to finance the Project through the issuance of bonds and/or project notes to the New Jersey Infrastructure Bank (the “I-Bank”) and the State of New Jersey (the “State”) in order to finance the Project at the lowest possible cost to the Authority.

**NOW THEREFORE, BE IT RESOLVED by the BOROUGH Council of the BOROUGH OF BUENA as follows:**

Section 1. The Borough consents to the inclusion of not exceeding $1,250,000 bonds or notes of the Authority to finance the Project as Bonds under the 1989 Service Agreement to be issued to the I-Bank and the State.

Section 2. This resolution shall take effect immediately.

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|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**SOLICITOR'S REPORT:**

Ordinance on Number of Animals in Land Use.

Ordinance on Mobile Home Park Fees.

Resolution for No Tolerance Drug and Alcohol Policy.

Solicitor Costigan reported on a request for Reduction of Tax from Infinity Fence, Block 137, Lot 1.01. To date, the property owners owe over $58,000.00. No enforcement was allowed due to the filing of a bankruptcy. The solicitor will determine if the automatic stay is still in place. Council was not in favor of lowering the tax burden.

A request was received to raise building permit fees.

**COMMITTEE REPORTS:**

**ROADS/RECYCLING: (COUNCILMAN MAROLDA)**

Councilman Marolda reported that the road department is filling in potholes. In addition, the police department will be painted when the floor is installed.

Stream cleaning was discussed.

**ECONOMIC DEVELOPMENT: (COUNCILMAN WALKER)**

Councilman Walker reported on an upcoming meeting with the ACIA to discuss the homes project.

**RECREATION: (COUNCILWOMAN BAKER)**

Council President Baker reported that the Route 54/40 Shuttle had 732 passengers in February. Poor passenger use is due to the N.J. Rail Station suspension.

The St. Patrick’s Day Breakfast was very successful. Council President Baker extended her thanks to Marina Barsuglia and the entire Recreation Commission for a fundraiser well done. Thanks were also extended to all attendees.

Council President Baker attended the Atlantic County League of Municipalities meeting on March 15, 2019. Mr. Bob Widitz from Atlantic County Health Department gave a presentation on the opioid crisis in Atlantic County.

Council President Baker attended the JIF Safety meeting on March 21, 2019.

The American Legion Post 270 will have its fundraiser breakfast on March 31, 2019.

Opening Day for Buena Baseball/Softball will be held on April 6, 2019 beginning with a parade.

The Easter Egg Hund will be held on April 13 at 10:00 a.m. The rain date is April 20, 2019.

**FINANCE: (COUNCILMAN MANCUSO)**

Councilman Mancuso reported that the budget hearing and adoption is scheduled for April 8, 2019.

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

Director Alvarez and Chief Zimmer introduced K9 Officer Rozo and his Handler, Officer Michael Guzman.

**BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)** No report.

**CLERK'S REPORT:**

**Minutes of the workshop meeting of March 11, 2019 were approved. m/Baker s/Alvarez**

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|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA |  |  | X |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**UNFINISHED BUSINESS:**

Councilman Walker requested an update on the furnishing of electrical services. Solicitor Costigan responded that the project was rebid.

**NEW BUSINESS:**

Councilman McAvaddy gave an overview of the resolutions passed regarding the Commerce Center.

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

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|  | AYE: | NAY: | ABSTAIN: | ABSENT: | RECUSE |
| MAROLDA | X |  |  |  |  |
| WALKER | X |  |  |  |  |
| BAKER | X |  |  |  |  |
| MANCUSO | X |  |  |  |  |
| ALVAREZ | X |  |  |  |  |
| MCAVADDY | X |  |  |  |  |

**NEXT MEETING: April 8, 2019- Workshop Only**

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