

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 26, 2018**

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MEETING CALLED TO ORDER: P.M.  
MEETING ADJOURNED: P.M.

CALL MEETING TO ORDER: Flag Salute

ROLL CALL OF ATTENDANCE:

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

**SUNSHINE LAW:** This meeting is 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 November 16, 2017, as well as having been posted on the bulletin board at Borough Hall.

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

**PUBLIC PORTION OF THE MEETING:**  
Anyone wishing to address Mayor and Council only, please step forward and give your name and address for the record.

**ORDINANCE NO. 666 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:**

**CALENDAR YEAR 2018  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)  
M \_\_\_\_\_ S \_\_\_\_\_**

**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 2018 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

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for said year, amounting to \$29,277.26 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 2018 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 \$102,470.41, and that the CY 2018 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.

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

**RESOLUTION 41a-18            RESERVE FOR UNCOLLECTED TAXES**  
**M        S**

WHEREAS, the Borough of Buena, County of Atlantic, realized 97.55% of Current Tax Collections for the year 2017; and

WHEREAS, without the cancellations of 2017 taxes by the Tax Court of the State of New Jersey and the Atlantic County Board of Taxation and appeals by major taxpayers for 2017 taxes in the sum of \$72,195.24 the Borough would have collected approximately 98.33%; and

WHEREAS, Chapter 56 of P.L. 2010 allows the governing body to elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from tax judgments of the Tax Court of the State of New Jersey and the Atlantic County Board of Taxation;

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WHEREAS, the Borough Council of the Borough of Buena believe the tax collections for the year 2018 will improve over the year 2017 because the properties which had abnormal cancellations and appeals in 2017 will not recur since the respective assessments have been corrected and appeals negotiated for the year 2017;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Buena in the County of Atlantic that election be made to calculate the reserve for uncollected taxes by reducing the certified tax levy for the above mentioned appeals and by using a maximum collection rate of 98.33% in the calculation of the 2018 reserve for uncollected taxes.

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

**RESOLUTION 41b-18      A RESOLUTION INTRODUCING AND APPROVING THE 2018 MUNICIPAL BUDGET.**

**M \_\_\_\_\_ S \_\_\_\_\_**

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

**RESOLUTION 42-18      A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, BOROUGH CLERK AND STAFF, BUSINESS ADMINISTRATOR AND STAFF, BOROUGH SOLICITOR AND STAFF, CONCERNING MATTERS REGARDING PENDING OR ANTICIPATED LITIGATION IN WHICH THE PUBLIC BODY IS OR MAY BECOME A PARTY AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN**

**M \_\_\_\_\_ S \_\_\_\_\_**

WHEREAS, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting of a public body where the subject matter of that meeting involves pending or anticipated litigation in which the public body is or may become a party; and

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WHEREAS, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff concerning The Matter of the Application of the Borough of Buena for a Judgment of Compliance and Repose and Temporary Immunity From Mount Laurel Law Suits (COAH Litigation)

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that:

1. The public shall be excluded from a meeting of the Council of the Borough of Buena, on March 26, 2018 in the Council Chambers immediately following the regular session of Borough Council.

2. The general nature of the subject matter of the closed meeting shall pertain to pending or anticipated litigation in which the public body is or may become a party, as set forth hereinabove.

3. Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff and shall be made public following a final decision and determination of said matter excepting information which must remain private.

4. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 180 days, however, any personal confidential information may not be released.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
WALKER				
BAKER				
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ALVAREZ				
MCAVADDY				

**RESOLUTION 43-18      A RESOLUTION TO ENDORSE THE SUBMISSION BY THE BOROUGH OF BUENA OF THE 2017 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF RECYCLING AND TO DESIGNATE WILLIAM NIMOHAJ TO ENSURE THAT THE SAID APPLICATION IS PROPERLY FILED.**

**M \_\_\_\_\_ S \_\_\_\_\_**

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

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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 2017 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.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
WALKER				
BAKER				
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ALVAREZ				
MCAVADDY				

**ADMINISTRATORS' S REPORT:**

**SOLICITOR'S REPORT:**

**COMMITTEE REPORTS:**

ROADS/RECYCLING..... CHAIRMAN JEFFREY MAROLDA  
JOSEPH MANCUSO, GREG MCAVADDY

ECONOMIC DEVELOPMENT.....CHAIRMAN MATTHEW WALKER  
JOSEPH MANCUSO, ROSALIE M. BAKER

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RECREATION .....CHAIRWOMAN ROSALIE M. BAKER, JORGE ALVAREZ, MATTHEW WALKER

FINANCE.....CHAIRMAN JOSEPH MANCUSO, ROSALIE M. BAKER, MATTHEW WALKER

PUBLIC SAFETY/STREET LIGHTS.....CHAIRMAN JORGE ALVAREZ, GREG MCAVADDY, JEFFREY MAROLDA

BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRMAN GREG MCAVADDY, MATTHEW WALKER, JORGE ALVAREZ

**CLERK'S REPORT:**

**Minutes of the workshop meeting of March 12, 2018. If no corrections or additions, entertain a motion to approve M \_\_\_\_\_ S \_\_\_\_\_**

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

**Minutes of the regular meeting of March 12, 2018. If no corrections or additions, entertain a motion to approve M \_\_\_\_\_ S \_\_\_\_\_**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
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**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

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**BILLS PAID AS LISTED: M \_\_\_\_\_ S \_\_\_\_\_**

	AYE:	NAY:	ABSTAIN:	ABSENT:
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WALKER				
BAKER				
MANCUSO				
ALVAREZ				
MCAVADDY				

**NEXT MEETING: APRIL 9, 2018- 6:00 WORKSHOP  
 6:30 REGULAR**

**MEETING ADJOURNED: M \_\_\_\_\_ S \_\_\_\_\_**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
WALKER				
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