

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING MINUTES  
MARCH 26, 2018  
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**MEETING CALLED TO ORDER: 6:35 P.M.  
MEETING ADJOURNED: 7:05 P.M.**

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, March 26, 2018 commencing at 6:30 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 November 16, 2017, as well as having been posted on the bulletin board at Borough Hall.

**PRESENT:** Councilpersons Marolda, Walker, Baker, Mancuso, Alvarez and McAvaddy, Richard Tonetta, Solicitor and Jill McCrea, Administrator, Maryann Coraluzzo, Borough Clerk

**ROLL CALL OF ATTENDANCE:**

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

**PUBLIC PORTION OF MEETING:**

Brian Fatcher of Kimberly Lane asked if the convenience center is open on Good Friday.

Dave Armanini of Summer Road had an issue with using \$110,000.00 from the BBMUA. Mayor Zappariello stated the amount is substantially reduced and kindly asked Mr. Armanini to reserve judgement until the auditor provided the budget summary. Mr. Armanini also had an issue with our two fire companies and recommended combining them into one.

**MAYOR'S REPORT:**

**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/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

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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 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				X
WALKER	X			
BAKER	X			
MANCUSO		X		
ALVAREZ	X			
MCAVADDY	X			

**RESOLUTION 41a-18      RESERVE FOR UNCOLLECTED TAXES  
m/Baker s/Mancuso**

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				X
WALKER	X			
BAKER	X			
MANCUSO	X			
ALVAREZ	X			
MCAVADDY	X			

**RESOLUTION 41b-18      A RESOLUTION INTRODUCING AND APPROVING THE 2018 MUNICIPAL BUDGET.  
m/Baker s/Mancuso**

Auditor Mike Garcia gave an overview of the numbers that made up the budget. If introduced as presented, Mr. Garcia stated that \$30,000.00, as opposed to \$110,000, from the BBMUA was included to offset taxation. There is no tax increase in the 2018 municipal budget.

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

**RESOLUTION 42-18      A RESOLUTON APPROVING THE APPLICATION OF THE MINOTOLA FIRE DEPARTMENT FOR CONDUCTING COIN DROPS AT THE INTERSECTION OF ROUTE 40 AND NORTH WEST AVENUE  
m/Baker s/McAvaddy**

WHEREAS, the Minotola Volunteer Fire Department has applied to the Borough of Buena for approval to conduct coin drops at the intersection of Route 40 and North West Avenue in accordance with the Borough of Buena coin drop guidelines; and

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NOW THEREFORE, BE IT RESOLVED, that the Council of the Borough of Buena, Atlantic County, does hereby grant approval to the Minotola Volunteer Fire Department to conduct coin drops in the Borough Buena at the intersection of Route 40 and North West Avenue on the following dates:

<u>Date:</u>	<u>Time:</u>
May 24, 2018	4:00 PM - 8:00 PM
May 25, 2018	4:00 PM - 8:00 PM
May 26, 2018	8:00 AM - 2:00 PM
August 30, 218	4:00 PM - 8:00 PM
August 31, 2018	4:00 PM - 8:00 PM
September 1, 2018	8:00 AM - 2:00 PM

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

**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 NIMOHAY TO ENSURE THAT THE SAID APPLICATION IS PROPERLY FILED.  
m/Baker s/Walker**

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

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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				X
WALKER	X			
BAKER	X			
MANCUSO	X			
ALVAREZ	X			
MCAVADDY	X			

**CLERK'S REPORT:**

**Minutes of the workshop meeting of March 12, 2018 were approved m/Baker s/Mancuso.**

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

**Minutes of the regular meeting of March 12, 2018 were approved m/Baker s/Walker**

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

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**ADMINISTRATORS' S REPORT:**

Administrator McCrea had a productive meeting with both fire companies who seem willing to work together on budgetary matters.

Preliminary meetings are being held to discuss the mobile home park fees.

**SOLICITOR'S REPORT:**

Solicitor Tonetta reported that the executive session will not be held this evening and will be held when the proper documentation is received from the courts.

**COMMITTEE REPORTS:**

**ROADS/RECYCLING: (COUNCILMAN MAROLDA) none**

**ECONOMIC DEVELOPMENT: (COUNCILMAN WALKER)**

Councilman Walker reported that the meeting with Triad Associates was fruitful.

**RECREATION: (COUNCILWOMAN BAKER)**

Council President Baker reported the Route 54/40 shuttle had 1,077 passengers in February representing an approximate 11% increase over February of 2017.

The Easter Egg Hunt was rescheduled to March 31<sup>st</sup> due to weather conditions.

Opening Day will be held on April 7<sup>th</sup> beginning with a parade at 9 a.m.

On Sunday, April 22<sup>nd</sup>, the Landisville Volunteer Fire Company will hold their annual breakfast.

**FINANCE: (COUNCILMAN MANCUSO) none**

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

Director Alvarez disseminated a report.

**BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)**

Councilman McAvaddy reported that 27 rental registration late notices were sent out. The Councilman also reported that Special Counsel Mike Benson is conducting a title search for 441 Wheat Road in preparation for possible demolition.

**UNFINISHED BUSINESS: none**

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**NEW BUSINESS:** A moment of silence was held for Chief Zimmer's father who passed away recently.

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

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

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

**MEETING ADJOURNED:** m/Baker s/Alvarez

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

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**MARYANN CORALUZZO  
 BOROUGH CLERK**