

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING MINUTES  
MARCH 27, 2017**

**MEETING CALLED TO ORDER: 6:30 P.M.  
MEETING ADJOURNED: 7:35 P.M.**

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, March 27, 2017 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 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, Walker, Baker, Mancuso, Alvarez and McAvaddy, Richard Tonetta, Solicitor, Dr. Paul Trivellini, Maryann Coraluzzo, Borough Clerk, Mike Garcia, Auditor and Cindi LoGuidice, CFO

**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 had questions regarding the speed limit study authorized by Resolution 49-17.

Jack Redmond of Central Avenue had concerns with the potential merger of our police department with the City of Vineland. Mr. Redmond feels the Borough will not have adequate police protection should this occur. Mayor Zappariello stated that he will be meeting with prosecutors from Atlantic and Cumberland Counties and is waiting on a proposal from the City of Vineland. The Mayor further stated that it may not be a cost effective alternative and will know more in the next few weeks.

Mr. Redmond questioned the dissolution of EMS. Mayor Zappariello stated that our Emergency Medical Services will remain in the Borough.

Abandoned homes in the Borough was also discussed.

Darrel Cain of Park Drive had concerns with individuals speeding in the Borough, requested a trash can be placed at the tennis courts and questioned rental registration information. Councilman Alvarez and Dr. Trivellini will follow up respectively.

**MAYOR'S REPORT:**

**ORDINANCE 647**

**INDRODUCED AND PASSED ON FIRST READING:**

**CALENDAR YEAR 2017**

**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/Mancuso**

**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 0.5% 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 2017 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 3.0% increase in the budget for said year, amounting to \$108,076.64 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 herein above 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 2017 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 \$126,089.41, and that the CY 2016 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 45-17      RESERVE FOR UNCOLLECTED TAXES CALCULATION  
m/Baker s/Mancuso**

WHEREAS, the Borough of Buena, County of Atlantic, realized 97.56% of Current Tax Collections for the year 2016; and

WHEREAS, without the cancellations of 2016 taxes by the Tax Court of the State of New Jersey and the Atlantic County Board of Taxation and appeals by major taxpayers for 2016 taxes in the sum of \$54,559.35 the Borough would have collected approximately 98.16%; 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;

WHEREAS, the Borough Council of the Borough of Buena believe the tax collections for the year 2017 will improve over the year 2016 because the properties which had abnormal cancellations and appeals in 2016 will not recur since the respective assessments have been corrected and appeals negotiated for the year 2016;

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 98.16% in the calculation of the 2017 reserve for uncollected taxes.

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

**RESOLUTION 46-17      A RESOLUTION INTRODUCING AND APPROVING THE 2017  
MUNICIPAL BUDGET.  
m/Baker s/Mancuso**

Auditor Garcia gave an overview of the formulation of the 2017 municipal budget. The document, as submitted, contains a 1.9 cent tax increase. A discussion ensued regarding the acceptance of a contribution from the Municipal Utilities Authority and a possible shortage in the Emergency Medical Services salary and wage line item. Auditor Garcia stated that additional funds can be taken from surplus to cover the potential shortage. This action will negate an additional tax increase.

Councilman Marolda is opposed to taking an \$110,000.00 contribution from the Municipal Utilities Authority. The Councilman is concerned with rising rates and the effect on non-ratepayers. Councilman McAcaddy was in agreement. In addition, questions arose as to why this money was included

in the budget when the Municipal Utilities Authority did not vote to approve the contribution.

Additional discussions on the budget will be held at the April 10, 2017 regular meeting. Auditor Garcia assured the governing body that the budget can be amended if necessary.

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

**ORDINANCE 644                      INTRODUCED AND PASSED ON FIRST READING:**

**AN ORDINANCE AMENDING ORDINANCE 635 THE SALARIES AND WAGES RANGES OF MUNICIPAL OFFICIALS AND EMPLOYEES OF THE BOROUGH OF BUENA FOR THE YEAR 2017  
m/Baker s/Marolda**

BE IT ORDAINED by the Council of the Borough of Buena, in the County of Atlantic and State of New Jersey, that the following salary and wage ranges are hereby established for municipal officials and employees in the Borough of Buena,

Mayor	\$ 8,112.00 - \$ 8,773.00
Councilpersons	\$ 4,161.00 - \$ 4,501.00
Administrator	\$20,000.00 - \$30,900.00
Borough Clerk/Tax Collector Part Time	\$50,000.00 - \$87,550.00
Borough Clerk – Full Time	\$38,000.00 - \$56,650.00
Tax Collector – Full Time	\$38,000.00 - \$56,650.00
Deputy Municipal Clerk/Clerk 1 Full Time	\$27,000.00 - \$39,140.00
Chief Financial Officer	\$38,000.00 - \$56,650.00
Acting Chief Municipal Financial Officer	\$28,000.00 - \$39,140.00
Tax Assessor	\$ 7,902.00 - \$ 8,547.00
Assessing/Search Clerk	\$20,395.00 - \$22,058.00
Land Use/Construction Code/Fire Secretary	\$32,000.00 - \$39,140.00
Zoning Officer	\$ 4,500.00 - \$ 7,210.00
Enforcement Officer	\$ 6,500.00 - \$ 9,270.00

Construction Code Official	\$ 1,800.00 - \$ 3,090.00
Building Sub-Code Official	\$ 9,000.00 - \$11,330.00
Plumbing Sub-Code Official	\$ 6,500.00 - \$ 9,270.00
Electrical Sub-Code Official	\$ 6,500.00 - \$ 9,270.00
Fire Sub-Code Official	\$ 3,200.00 - \$ 4,635.00
Fire Official	\$ 4,000.00 - \$ 6,180.00
Occupancy Inspector	\$ 3,000.00 - \$ 4,120.00
Road Supervisor	\$50,000.00 - \$72,100.00
EMS Supervisor	\$40,000.00 - \$66,950.00
EMS Captain	\$63,000.00 - \$68,950.00
Director Public Safety - Full Time	\$40,000.00 - \$52,950.00
Director Public Safety – Part Time	\$20,000.00 - \$27,038.00
Director Emergency Management	\$ 492.00 - \$ 541.00
Police Records Clerk	\$33,109.00 - \$35,808.00
Clerk 1- Full Time	\$25,000.00 - \$27,810.00
Clerk 2 - Full Time	\$30,000.00 - \$38,213.00
Clerk 3 - Full Time	\$40,000.00 - \$51,243.00
Clerk 1- Part Time	\$ 12.50 - \$ 16.00
Confidential Assistant – Part Time	\$ 15.00 - \$ 20.00
Land Use Board Chairman	\$ 30.00 - \$ 33.00
Land Use Board Members	\$ 25.00 - \$ 28.00
Senior Part-Time EMS	\$ 14.57 - \$ 17.00
EMS – Part Time	\$ 12.48 - \$ 15.00
Police Officer – Part Time	\$ 14.84 - \$ 17.00
Special Law Enforcement Officer	\$ 14.26 - \$ 16.00
Acting Fire Official	\$ 25.00 - \$ 35.00
Crossing Guard – Part Time	\$ 8.84 - \$ 11.00
Streets & Roads Laborer 1	\$ 16.00 - \$ 28.00
Laborer Recreation	\$ 10.50 - \$ 14.00
Part-Time Road Laborers-Skilled	\$ 10.00 - \$ 15.00
Part-Time Road Laborers-Unskilled	\$ 9.00 - \$ 14.00

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

**RESOLUTION 47-17      A RESOLUTION TO ENDORSE THE SUBMISSION BY THE BOROUGH OF BUENA OF THE 2016 MUNICIPAL RECYCLING TONNAGE GRANT 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/Marolda**

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 2015 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			

**RESOLUTION 48-17      BOROUGH OF BUENA  
2017 EMERGENCY TEMPORARY BUDGET  
m/Baker s/Mancuso**

**WHEREAS**, an emergent condition has arisen with respect to providing appropriation for expenditures and no adequate provision has been made in the 2017 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.40A:4-20) including this resolution total \$1,624,022.79:

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with the provisions of N.J.S. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for the attached list of line items.
2. That said emergency temporary appropriations will be provided for in 2017 municipal budget as adopted.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

**2017**

<b>General Government:</b>	
<b>Municipal Clerk's Office</b>	
Other Expenses	\$ 10,000.00
<b>Legal Services</b>	
Other Expenses	\$ 25,000.00
<b>Engineering</b>	
Other Expenses	\$ 10,000.00
<b>Land Use Board</b>	
Salary & Wages	\$ 5,000.00
Other Expenses	\$ 3,000.00
<b>Public Safety:</b>	
<b>EMS</b>	
Other Expenses	\$ 20,000.00
<b>Inter Local Services Agreements:</b>	
<b>911 Dispatch Services</b>	
Gloucester County 911	\$ 33,000.00

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

**RESOLUTION 49-17      A RESOLUTION AUTHORIZING THE ENGINEER TO PERFORM A  
SPEED LIMIT STUDY ALONG KIMBERLY LANE IN THE BOROUGH  
OF BUENA.  
m/McAvaddy s/Alvarez**

In response to a question posed by Brian Fatcher of Kimberly Lane, Solicitor Tonetta reiterated the procedure for lowering speed limits in New Jersey that are governed by state statute. The Solicitor referenced NJSA 39:4-98, which sets speed limits in certain generally designated areas, such as residential districts. Solicitor Tonetta stated those speeds may be amended by the governing body only by ordinance and subject to an engineering and traffic investigation which would determine that a different speed should be adopted based upon residential density, presence or lack of sidewalks, presence of school children walking to school, community residences, child care centers, etc. However, a traffic count, accident and speed sampling data must be done. This must be submitted to the Commissioner of Transportation for his/her approval.

On February 27, 2017 council considered a Resolution setting the speed on Kimberly Lane at 15 mph. The Resolution can only be considered void ab initio as it is without authority as designated by the aforementioned statute. Due to an unanticipated emergency, the solicitor was not present for the Council meeting and stated if he had been present he would have advised the governing body appropriately and no action would have been taken.

WHEREAS, the speed limit on Kimberly Lane is currently set by Ordinance at 25 MPH; and

WHEREAS, speed calming measures may be needed on Kimberly Lane to protect the health, welfare and safety of our residents; and

WHEREAS, Remington, Vernick and Walberg Engineers have submitted a scope of services and cost proposal to perform a speed limit study along Kimberly Lane.

NOW THEREFORE BE IT RESOLVED that Remington, Vernick and Walberg Engineers are hereby authorized to perform a speed limit study along Kimberly Lane, as outlined in the proposal dated March 23, 2017 and annexed hereto, for a cost not to exceed \$2,200.00

BE IF FURTHER RESOLVED that this award is contingent upon a Certification of Availability of Funds from the Chief Financial Officer.



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

**PERSONNEL:**

**RESOLUTION 44-17      A RESOLUTION RE-APPOINTING JOHN M. ECKLER, JR. AS  
CONSTRUCTION CODE OFFICIAL IN THE BOROUGH OF BUENA  
EFFECTIVE MARCH 27, 2017  
m/Baker s/Marolda**

WHEREAS, John M. Eckler, Jr. is duly licensed and qualified to serve as Construction Code Official and Building Sub-Code Official; and

WHEREAS, the said John M. Eckler, Jr. has agreed to serve as Construction Code Official and Building Sub-Code Official; and

WHEREAS, John M. Eckler, Jr. has been serving in these capacities since April 26, 2016; and

WHEREAS, there existed a concern with New Jersey Civil Service regarding his Civil Service Status; and

WHEREAS, all matters with New Jersey Civil Service have been resolved with Mr. Eckler appropriately placed on the Civil Service list;

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

1. The Borough hereby re-appoints John M. Eckler as Construction Code Official and Building Sub-Code Official, effective March 27, 2017 at his current rate of pay.
2. This action re-affirms the action taken in Resolution 56-16.

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

**ADMINISTRATORS' S REPORT:**

**RESOLUTION 50-17      A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE BOROUGH ENGINEER TO ADVERTISE FOR BIDS TO BE RECEIVED FOR THE RESURFACING OF PLYMOUTH ROAD  
m/Baker s/Marolda**

**WHEREAS**, the Borough of Buena has determined that the culvert at the intersection of Plymouth Road and Route 54 must be replaced in conjunction with the resurfacing of Plymouth Road; and

**WHEREAS**, the County of Atlantic has agreed to provide funding and complete the repairs to the culvert and the Borough has agreed to be responsible for the resurfacing of Plymouth Road; and

**WHEREAS**, the Borough has received New Jersey Department of Transportation (NJDOT) funding for the resurfacing of Plymouth Road provided a contract for the same is awarded on or before May 13, 2017; and

**WHEREAS**, the Borough intends upon moving forward with the resurfacing portion of the project in order to take advantage of the NJDOT funding.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the Borough engineer is authorized to advertise for bids to be received for the resurfacing of Plymouth Road with an award to be made on or before May 8, 2017.

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

**SOLICITOR'S REPORT:**

Solicitor Tonetta provided those present with an update on the COAH litigation.

**COMMITTEE REPORTS:**

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

Councilman Marolda is addressing parking issues on Park Drive.

**ECONOMIC DEVELOPMENT: (COUNCILMAN WALKER)**

Councilman Walker has been pursuing development projects and researching possible grants. The benefits of updating our master plan as well as Sustainable Jersey was also discussed.

**RECREATION: (COUNCILWOMAN BAKER)**

Council President Baker attended a budget meeting with the CFO, Cindi LoGuidice, Auditor Garcia and Councilmen Mancuso and Walker on March 16, 2017.

On March 23, 2017, Council President Baker attended the mandatory prom meeting on behalf of the Buena Municipal Alliance. Brochures were disseminated to parents in attendance. In addition, the Councilwoman attended the prom meeting which was conducted by the prosecutor's office and

the New Jersey State Police. Discussions on drugs and sexting were held.

Nutrition Site Administrator, Margarita LaBoy's mother donated an electric fireplace for our senior center. Council President Baker and her husband Richard donated two rocking chairs to be placed on either side of the fireplace. Our seniors can rock and read by the fireplace.

Upcoming events:

- April 1<sup>st</sup> Easter Egg Hunt at 10 a.m.
- April 8<sup>th</sup> Buena Baseball Softball Association Opening Day

**FINANCE: (COUNCILMAN MANCUSO)**

Councilman Mancuso extended his thanks to Council President Baker and Councilman Walker for their assistance in formulating the 2017 municipal budget.

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

Councilman Alvarez reported that Buena EMS members administered NARCAN and successfully reversed another overdose.

Councilman Alvarez received complaints from a resident about speeding. This resident requested the placement of speed bumps.

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

Councilman McAvaddy provided those present with the road department itinerary. The Councilman reported that improvements are being made to the park such as the repair/replacement of picnic tables, addition of mulch and replacement of lights.

Councilman McAvaddy is of the opinion that the old bakery located on Wheat Road is an unsafe structure. The Councilman requested Administrator Trivellini contact the building inspector to have an inspection completed.

**CORRESPONDENCE:**

1. Our Lady of the Blessed Sacrament request for basket raffle to be held on May 7, 2017 was approved m/Baker s/Mancuso

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

**Correspondence filed m/Baker s/Marolda**

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

**BOROUGH OF BUENA  
 REGULAR COUNCIL MEETING MINUTES  
 MARCH 27, 2017**

MCAVADDY	X			
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**UNFINISHED BUSINESS: none**

**NEW BUSINESS: none**

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

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

**NEXT MEETING: April 10, 2017**

**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**