

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MARCH 28, 2016**

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

CALL MEETING TO ORDER: Flag Salute

ROLL CALL OF ATTENDANCE:

SUNSHINE LAW: This meeting is 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.

MAYOR'S REPORT: First order of business.

PRESENTATION: LAND USE CHAIRMAN, THOMAS DRALLE

ORDINANCE NO. 638 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

**CALENDAR YEAR 2016
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 0.0% 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 2016 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 3.5% increase in the budget for said year, amounting to \$119,735.84 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 2016 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 \$119,735.84, 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				
WALKER				
BAKER				
JAMES				
MANCUSO				
MCAVADDY				

RESOLUTION 45-16 A RESOLUTION INTRODUCING AND APPROVING THE 2016 MUNICIPAL BUDGET.
M S

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

PROCLAMATION

WHEREAS, the Borough of Buena having made this Proclamation on behalf of Fibrodysplasia Ossificans Progressiva known as F.O.P. to hopefully one day display a Proclamation/Resolution book in Washington, D.C. on behalf and in support of the Children/Young Adults in the State of New Jersey afflicted with F.O.P. and equally show concern for all other Children afflicted with F.O.P., and

WHEREAS, Fibrodysplasia Ossificans Progressiva is a rare genetic condition in which the body makes additional bone where bone should not form, such as within muscle, tendons, ligaments and other connective tissues. Symptoms of FOP include excruciating pain and distortion of the existing skeletal frame; and

WHEREAS, a gene has been identified after 15 years of hard research by the University of Pennsylvania, the only known research facility currently investigating a cure for this; and

WHEREAS, Discoveries made in the F.O.P. lab by scientists and researchers may aid in the treatment or cure for other genetic diseases such as osteoporosis, arthritis, and spinal cord injuries; and

WHEREAS, the symptoms of FOP usually begin in the first or second decade of life, with the majority of patients diagnosed by age 10, depriving children of normal development. One in every seven Americans suffers from musculoskeletal impairment causing physical disability and severe long term- pain. FOP affects approximately 2,500 people worldwide; and

NOW, THEREFORE BE IT RESOLVED that the Borough of Buena commends Gary W. Whyte, a F.O.P. Advocate for his dedication in making the Borough of Buena and others aware of this affliction and for his work.

ORDINANCE NO. 636 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

AN ORDINANCE AMENDING ORDINANCE NO. 446 AND CHAPTER 82-9 OF THE CODE OF THE BOROUGH OF BUENA BY INCREASING REGISTRATION FEES AND INSPECTION FEES FOR OCCUPANCY PERMITS.

M _____ S _____ RCV

BE IT ORDAINED by the Council of the Borough of Buena that:

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

1: The provisions of Ordinance 446 relating to registration fees and inspection fees for occupancy permits, as codified under Chapter 82-9 of the Code of the Borough of Buena shall be deleted in its Entirety and written and amended and supplemented to read as follows:

- A. Each rental unit shall be registered annually with the Borough Clerk on or before February 28 of each calendar year. Upon registration of each rental unit, the owner/applicant shall pay a registration fee of seventy-five dollars (\$75.00) for each rental unit and includes one inspection.
- B. Prior to the re-renting to a subsequent tenant of any rental unit, the owner/applicant shall pay a new inspection fee of seventy-five dollars (\$75.00) per unit for the inspection.
- C. In the event that subsequent inspections are necessary because of the failure of a rental unit to comply with the requirements of this chapter, the owner/applicant shall pay a re-inspection fee of fifty dollars (\$50.00) for each inspection after the first inspection.
- D. In the event that a rental unit is not registered prior to February 28 of the calendar year, the registration fee shall be on hundred fifty dollars (\$150.00) for that calendar year.

2: Fees listed above shall take effect January 1, 2017 and shall be increased annually, beginning January 1, 2018 by 2.5% and rounded normally (.49 or less rounded down, .50 and greater rounded up to the nearest dollar).

3. All other provisions of Ordinance No. 446 and Chapter 82 of the Code of the Borough of Buena shall remain in full force and effect.

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

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MAROLDA				
WALKER				
BAKER				
JAMES				
MANCUSO				
MCAVADDY				

ORDINANCE NO. 637 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

AN ORDINANCE SUPPLEMENTING CERTAIN PROVISIONS OF CHAPTER 99 OF THE MUNICIPAL CODE OF THE BOROUGH OF BUENA ENTITLED "ANIMALS"

M _____ S _____

BE IT ORDAINED by the Council of the Borough of Buena, in the County of Atlantic and State of New Jersey, that the following shall be added to the code of the Borough of Buena.

No person shall keep, harbor, raise, or permit to be harbored, raised or maintained in excess of four domestic pets at or upon any residential property consisting of three acres or less. For purposes of this ordinance, domestic pets apply to dogs and cats only.

The above limitation does not apply to an operating farm.

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

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MAROLDA				
WALKER				
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JAMES				
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MCAVADDY				

**RESOLUTION 43-16 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING
ONLINE BANKING AND CREDIT CARD PAYMENTS FOR THE
PAYMENT OF TAXES AND VARIOUS FEES IN ALL
DEPARTMENTS.**

M S

WHEREAS, the provisions of NJSA 40A:5-45 allow for a municipality to establish a credit card payment system or an electronic funds transfer system; and

WHEREAS, the provisions of NJAC 5:30-9.1, et seq. include the rules and guidelines for municipalities utilizing credit cards, debit cards and electronic funds transfer as a means for collecting financial obligations due to the municipality; and

WHEREAS, the Borough of Buena wishes to accept credit card payments for amounts due for property taxes and other various fees in all departments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that property taxes and other obligations due the Borough may be paid by credit card, debit card and electronic funds transfer pursuant to the aforementioned Statute and Regulations.

BE IF FURTHER RESOLVED that the following Convenience Fees will be charged:

- ACH OR e-check \$1.05
- Visa Debit Card \$3.95

-All other credit or debit card payments will be charged approximately 2.95% of the total bill.

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MAROLDA				
WALKER				
BAKER				
JAMES				

MANCUSO				
MCAVADDY				

RESOLUTION 44-16 **A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO A NUTRITION SITE LEASE WITH THE COUNTY OF ATLANTIC, NEW JERSEY, TO LEASE TO THE COUNTY OF ATLANTIC PREMISES KNOWN AS THE BUENA SENIOR HALL TO BE USED SOLELY BY THE ATLANTIC COUNTY NUTRITION PROJECT AND PERMITTING THE LESSEE TO PROVIDE OTHER PROGRAMS SPECIFIED UNDER THE "OLDER AMERICANS ACT" FOR A TERM OF TWO YEARS.**

M _____ S _____

WHEREAS, the Borough of Buena presently owns the Buena Senior Hall, located at Central Avenue, in the City of Minotola and State of New Jersey, recorded as Block 126, Lot 27, in the Borough of Buena Tax map; and

WHEREAS, said Buena Senior Hall currently houses programs for senior adults residing in the Borough of Buena; and

WHEREAS, the County of Atlantic and the Atlantic County Nutrition Project is desirous of providing meals to senior adults residing in the Borough of Buena; and

WHEREAS, the County of Atlantic may also provide programs specified under the "Older Americans Act"; and

WHEREAS, the County of Atlantic has agreed to pay one dollar per year for a term of two (2) years beginning January 1, 2016 and ending on December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA that the Mayor and Clerk are hereby authorized to enter into a Nutrition Site lease agreement with the County of Atlantic for the purpose of serving meals to senior adults residing in the Borough of Buena under a federally funded program which operates through the Atlantic County Nutrition Project and for the purpose of permitting the County of Atlantic to provide other programs for senior adults specified under the "Older Americans Act", which lease agreement shall provide for a rent of one dollar per year for a term of two years retroactive to January 1, 2016 and ending on December 31, 2017 and permitting the County of Atlantic to renew the lease agreement on a two year basis.

BE IT FURTHER RESOLVED that the Clerk be and she is hereby authorized to forward an executed copy of said Nutrition Site Lease agreement, together with a certified copy of this Resolution to the above named County of Atlantic.

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MAROLDA				
WALKER				
BAKER				
JAMES				
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MCAVADDY				

RESOLUTION 46-16 **A RESOLUTION AUTHORIZING THE RELEASE OF SURETY POSTED BY SHERWOOD FOREST HOMES, LLC.**

M _____ S _____

WHEREAS, applicant posted surety in the form of an alternate Maintenance Guarantee for certain improvements to Block 114, Lot

5.03; 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 Sherwood Forest Homes, LLC is hereby approved to be released contingent upon the payment of all outstanding Remington, Vernick and Walberg invoices.

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MAROLDA				
WALKER				
BAKER				
JAMES				
MANCUSO				
MCAVADDY				

**RESOLUTION 47-16 A RESOLUTION OF THE BOROUGH OF BUENA
AUTHORIZING A CONTINUING DISCLOSURE AGENT
SERVICES AND INDEPENDENT REGISTERED MUNICIPAL
ADVISOR OF RECORD WITH PHOENIX ADVISORS,
LLC.
M _____ S _____**

WHEREAS, the Securities and Exchange Commission ("SEC") implemented its Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative") on March 10, 2014 to address alleged widespread violations of federal securities laws by municipal and local authority issuers (the "Issuers"), and underwriters of an Issuer's securities, in connection with certain representations about timely continuing disclosures in bond offering documents;

WHEREAS, the MCDC Initiative aims to correct past failures to timely post information required by the Municipal Securities Rulemaking Board ("MSRB"), which Issuers agree to post through the execution of a secondary market disclosure undertaking, on the Electronic Municipal Market Access system ("EMMA");

WHEREAS, under the MCDC Initiative, the SEC will recommend favorable settlement terms to Issuers if they self-report to the SEC possible violations involving materially inaccurate statements relating to prior compliance with the continuing disclosure obligations specified in Rule 15c2-12 under the Securities Exchange Act of 1934; and

WHEREAS, the Borough of Buena, a municipal corporation of the State of New Jersey (the "Borough") desires to determine if its participation in the MCDC Initiative is necessary and advisable; now therefore,

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BUENA as follows:

Section 1. The Borough hereby authorizes the Chief Financial Officer to engage the services of Phoenix Advisors, LLC to conduct an audit of the Borough's continuing disclosure obligations and filings as related to the MCDC Initiative (the "Disclosure Audit").

Section 2. The Borough hereby authorizes and directs the Chief Financial Officer to participate in the MCDC Initiative if, after reviewing the findings of the Disclosure Audit and consulting with the Borough's Bond Counsel, the Chief Financial Officer determines that it is advisable for the Borough to participate in the MCDC

Section 3. The Borough hereby authorizes payment to Phoenix Advisors in the amount of \$950.00 for up to three outstanding issues, plus \$100.00 for each additional outstanding issue, if any, for which filings are required.

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MAROLDA				
WALKER				
BAKER				
JAMES				
MANCUSO				
MCAVADDY				

ADMINISTRATORS' S REPORT:

SOLICITOR'S REPORT:

COMMITTEE REPORTS:

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

- RECREATION.....CHAIRMAN MATTHEW WALKER
ROSALIE M. BAKER, JEFFREY MAROLDA

- FINANCE.....CHAIRWOMAN ROSALIE M. BAKER
ROBERT JAMES, MATTHEW WALKER

- PUBLIC SAFETY/STREET LIGHTS..... CHAIRMAN ROBERT JAMES
GREG MCAVADDY, JEFFREY MAROLDA

- ECONOMIC DEVELOPMENT.....CHAIRMAN JOSEPH MANCUSO
ROSALIE M. BAKER, ROBERT JAMES

- BLDGS/GROUNDS/IMPROVEMENTS..... CHAIRMAN GREG MCAVADDY
JOSEPH MANCUSO, MATTHEW WALKER

PUBLIC PORTION OF MEETING:

Anyone wishing to address Mayor and Council only, please step forward and give your name and address for the record.

CLERK'S REPORT:

Minutes of the regular meeting of March 14, 2016. If no corrections or additions, entertain a motion to approve M _____ S _____

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

CORRESPONDENCE:

1. Our Lady of the Blessed Sacrament Parish requesting a Raffle License dated May 15, 2016.

M _____ S _____

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

Need motion to file correspondence M _____ S _____

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

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED: M _____ S _____

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

NEXT MEETING: April 11, 2016

MEETING ADJOURNED: M _____ S _____ RCV