

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MARCH 9, 2015**

**MEETING CALLED TO ORDER:**

**MEETING ADJOURNED:**

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.

**NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:**

**ORDINANCE NO. 628 CALENDAR YEAR 2015 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 1.5% 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 2015 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 2.0% increase in the budget for said year, amounting to \$65,187.92 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 2015 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 \$114,078.87, and that the CY 2015 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				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

**RESOLUTION 29A-14 RESERVE FOR UNCOLLECTED TAXES**  
**M\_\_\_\_\_S\_\_\_\_\_**

WHEREAS, the Borough of Buena, County of Atlantic, realized 97.20% of Current Tax Collections for the year 2014; and

WHEREAS, without the cancellations of 2014 taxes by the Tax Court of the State of New Jersey and the Atlantic County Board of Taxation and appeals by major taxpayers for 2014 taxes in the sum of \$49,810.11 the Borough would have collected approximately 97.78%; 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 2015 will improve over the year 2014 because the properties which had abnormal cancellations and appeals in 2014 will not recur since the respective assessments have been corrected and appeals negotiated for the year 2014;

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 97.78% in the calculation of the 2015 reserve for uncollected taxes.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

**RESOLUTION 29-15**

**A RESOLUTION INTRODUCING AND APPROVING THE 2015 MUNICIPAL BUDGET.**

**M\_\_\_\_\_S\_\_\_\_\_**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

**ORDINANCE NO. 627 PUBLIC HEARING OPENED ON:**

**ORDINANCE AMENDING CHAPTER 115 ARTICLE II. FEES FOR EMERGENCY SERVICES.**

**M\_\_\_\_\_S\_\_\_\_\_**

**WHEREAS**, the Borough of Buena currently charges an Ambulance Transportation Fee of \$600.00 also known as BLS; and

**WHEREAS**, in addition, a BLS mileage charge of \$14.00 per loaded mile is also assessed; and

**WHEREAS**, the Borough Council is aware that the costs for these services has risen and agrees that the fee schedule should be amended as follows:

BLS Base Charge- \$750.00

BLS Loaded Mileage- 15.00

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Buena that the Mayor and Council hereby amend Chapter 115 Article II. Fees for Emergency Services to reflect the above increase. All other terms and conditions of shall remain unchanged.

This Ordinance shall take effect immediately after final passage and publication as required by law.

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MAROLDA				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

**DISCUSSION:**

**PUBLIC HEARING CLOSED:**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

**ORDINANCE NO. 627 ADOPTED:**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
BAKER				
ZAPPARIELLO				
CUGINI				
MCAVADDY				

**RESOLUTION 30-15      A RESOLUTION AWARDING A CONTRACT FOR SAMPLING AND ANALYSIS OF MONITORING WELLS AT THE BOROUGH OF BUENA SANITARY LANDFILL TO VAL ASSOCIATES LABORATORY, INC., IN THE AMOUNT OF \$3,989.50**  
**M\_\_\_\_\_S\_\_\_\_\_**

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 VAL Associates Laboratory, Inc., in the amount of \$3,989.50.

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 VAL Associates Laboratory, Inc., in the amount of \$3,989.50.

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 \$3989.50 upon receipt of certification of funds from the Chief Financial Officer of the Borough of Buena, which shall be attached to this Resolution.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
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ZAPPARIELLO				
CUGINI				
MCAVADDY				

RESOLUTION 31-15

A RESOLUTION TO ENDORSE THE SUBMISSION BY THE BOROUGH OF BUENA OF THE 2014 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\_\_\_\_\_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 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 2014 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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MAROLDA				
JAMES				
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CUGINI				
MCAVADDY				

**RESOLUTION 32-15      A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING  
THE EXECUTION OF THE 2015 ATLANTIC COUNTY  
MUNICIPAL JOINT INSURANCE FUND SAFETY CONTRACT  
M\_\_\_\_\_S\_\_\_\_\_**

**WHEREAS**, the Council of the Borough of Buena recognizes the important role an effective safety program plays; and

**WHEREAS**, the Council of the Borough of Buena believes that Health and Safety should never be compromised.

**BE IT RESOLVED** by the Council of the Borough of Buena that the Mayor and Administrator are hereby authorized to execute the 2015 Atlantic County Municipal Joint Insurance Fund Safety Contract.

**BE IT FURTHER RESOLVED**, that the Safety Coordinator is authorized to acquire the necessary documents and signatures necessary to comply with the terms of said Contract.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
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CUGINI				
MCAVADDY				

**ENGINEER'S REPORT:**

**Kimberly Lane Storm Drain Pipe**

The final change order has been approved by the Borough. Our office is working on closing out the project.

**FY2013 and FY2014 NJDOT Municipal Aid Project - Reconstruction of Flower Street**

Bids are scheduled to be received on March 10, 2015 at 11:00 am.

**Louis Drive Drainage**

Our office is currently evaluating alternatives to address the drainage issue. Our survey crew performed additional field survey of the area and our office has prepared a base map.

**Resurfacing of Forsythe Street**

Paving of the roadway is complete. Stop bars are left to be installed.

**PUBLIC SAFETY DIRECTOR'S REPORT:**

**ADMINISTRATORS'S REPORT:**

**SOLICITOR'S REPORT:**

COMMITTEE REPORTS:

RECYCLING.....CHAIRMAN JEFFREY MAROLDA  
 DAVID ZAPPARIELLO, EDWARD CUGINI

STREETS/ROADS.....CHAIRMAN ROBERT JAMES  
 JEFFREY MAROLDA, GREG MCAVADDY

FINANCE.....CHAIRWOMAN ROSALIE M. BAKER  
 ROBERT JAMES, DAVID ZAPPARIELLO

RECREATION.....CHAIRMAN DAVID ZAPPARIELLO  
 ROSALIE M. BAKER, GREG MCAVADDY

PUBLIC SAFETY/STREET LIGHTS..... CHAIRMAN EDWARD CUGINI  
 ROBERT JAMES, JEFF MAROLDA

BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRMAN GREG MCAVADDY  
 ROSALIE M. BAKER, EDWARD CUGINI

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 February 23, 2015. If no corrections or additions, entertain a motion to approve M\_\_\_\_\_S\_\_\_\_\_

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
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MCAVADDY				

Minutes of the special meeting of March 2, 2015. If no corrections or additions, entertain a motion to approve M\_\_\_\_\_S\_\_\_\_\_

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
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ZAPPARIELLO				
CUGINI				
MCAVADDY				

CORRESPONDENCE:

Atlantic County Mosquito Control Unit request to apply pesticides as needed.

M\_\_\_\_\_S\_\_\_\_\_

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
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ZAPPARIELLO				
CUGINI				
MCAVADDY				

Need motion to file correspondence M\_\_\_\_\_S\_\_\_\_\_

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
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ZAPPARIELLO				
CUGINI				
MCAVADDY				

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED: M\_\_\_\_\_S\_\_\_\_\_

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
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MCAVADDY				

NEXT MEETING: March 23, 2015

MEETING ADJOURNED: M\_\_\_\_\_S\_\_\_\_\_RCV