

FOR BRIAN

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MAY 11, 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.

PRESENTATION: BUENA REGIONAL SCHOOL DISTRICT SUPERINTENDENT JOHN DESTEFANO AND BUSINESS ADMINISTRATOR PAT YACOVELLI

**RESOLUTION 51-15 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ALAN ANGELO, ESQUIRE, FOR COUNCIL ON AFFORDABLE HOUSING (COAH) LITIGATION.
M_____S_____**

WHEREAS, the Borough of Buena has heretofore received Third Round Certification of meeting their fair share housing obligation from Council On Affordable Housing (COAH); and

WHEREAS, on September 26, 2013, the Supreme Court invalidated the regulations governing the COAH Certification and thereafter on March 10, 2015, ordered all municipalities present to the Court their fair share obligation plan rather than COAH, including those municipalities, like Buena Borough, which have already received COAH Certifications; and

WHEREAS, the Council of the Borough of Buena finds it to be in the best interest of the Borough to retain Special Council to represent the Borough in the Superior Court to ratify the fair share plan of the Borough; and

WHEREAS, Alan Angelo, Esquire, has advised of his interest in representing the Borough as special counsel for COAH litigation and it has been determined that the cost of such representation will not exceed Three Thousand (\$3,000.00) Dollars; and

WHEREAS, Alan Angelo, Esquire, has completed or shall complete a Business Entity Disclosure Certification for a Non-Fair and Open Professional Services Contract which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Buena in the previous one year and that the contract will prohibit Alan Angelo, Esquire, from making any reportable contributions through the term of the contract to a political or candidate committee in the Borough of Buena; and

WHEREAS, the availability of funds for said Professional Services to be awarded herein have been certified by the Borough CFO; and

WHEREAS, the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that the Resolution authorizing the award of contract for Professional Services without competitive bidding and the contract itself must be available to the public for inspection.

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

1. That the Mayor and Clerk are authorized and directed to execute a Non-Fair and Open Professional Services Agreement pursuant to NJSA 19:44A-20.5 with Alan Angelo, Esquire, Vineland, New Jersey, for Professional Services for Legal Representation in the necessary COAH litigation to obtain Third Round Certification of its fair share housing obligation.

2. That the Professional Services Agreement is awarded without competitive bidding as a Professional Services in accordance with NJSA 40A:11-5 (1) (a) of the Local Public Contracts Law because said services to be rendered or performed require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction distinguished from general academic instruction or apprenticeship and training.

3. That the Business Disclosure Entity Certification, the Political Contribution Disclosure Form and the Determination of Value be placed on file with this Resolution.

4. That a Notice of this action shall be printed once in the Press of Atlantic City.

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RESOLUTION 52-15 A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES FOR PREPARATION OF ADDITIONAL INFORMATION NEEDED TO COMPLETE THE COAH ROUND THREE PLAN IN AN AMOUNT NOT TO EXCEED \$3,000.00
M_____S_____

BE IT RESOLVED by the Borough of Buena that a Professional Services Contract be and the same is hereby awarded to T & M Associates, in an amount not to exceed \$3,000, inclusive of all costs and expenses, for professional services for the completion of COAH Round Three Plan and related services.

BE IT FURTHER RESOLVED that notice of award of this Professional Services Contract shall be published once in the Atlantic County Record, the official newspaper of the Borough of Buena.

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RESOLUTION 53-15 A RESOLUTION OF THE BOROUGH OF BUENA RATIFYING AND CONFIRMING THE ADOPTION OF RULES AND REGULATIONS OF THE BUENA BOROUGH POLICE DEPARTMENT AS PROMULGATED BY THE DIRECTOR OF PUBLIC SAFETY.
M_____S_____

WHEREAS, the Director of Public Safety is entrusted with the authority to promulgate and enforce Rules and Regulations governing the operation of the Buena Borough Police Department; and

WHEREAS, the Director of Public Safety has heretofore delivered said Rules and Regulations to the Borough Council; and

WHEREAS, the Council finds the Rules and Regulations meet the requirements of the laws of the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Rules and Regulations of the Buena Borough Police Department be ratified and confirmed and that said Rules and Regulations shall remain on file in the Clerk's Office until amended or changed.

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RESOLUTION 54-15 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE ISSUANCE OF AN AMENDATORY SUPPLEMENTAL CHANGE ORDER NO.2 TO A CONTRACT ISSUED TO BLUE DIAMOND DISPOSAL INC. NOW GOLDMEDAL ENVIRONMENTAL OF NJ INC FOR SOLID WASTE COLLECTION
M_____S_____

WHEREAS, the Borough Council of the Borough of Buena adopted Resolution 43-10, a resolution awarding a contract for solid waste collection to Blue Diamond Disposal, Inc., now Gold Medal Environmental of NJ Inc., for a three-year period with an additional two-year option, which was exercised by Resolution 43-13 commencing on June 1, 2010, and expiring on May 31, 2015; and

WHEREAS, the contract for solid waste collection shall expire prior to providing the statutory time period required for submission of bids for solid waste and recyclable collection; and

WHEREAS, Gold Medal Environmental of NJ Inc. provides a necessary service to the Borough which, without said service, would present a health hazard to the residents of the Borough; and

WHEREAS, N.J.S.A. 40 A: 11-6 authorizes the execution of a contract, notwithstanding that the contract price will exceed the bid threshold when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services exists or may exist and the award of the contract may be necessary to respond to the

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**ORDINANCE NO. 629 ADOPTED:
M _____ S _____**

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ORDINANCE NO. 630 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

**AN ORDINANCE CREATING THE POSITION OF POLICE
CHAPLAIN FOR BUENA BOROUGH POLICE DEPARTMENT
M _____ S _____**

WHEREAS, N.J.S.A. 48:14-141 provides that the governing body of the Borough of Buena by Ordinance may provide for the appointment of one or more Chaplains to the Police Department; and

WHEREAS, Police Chaplains serve an integral role in providing comfort to members of the Police Department as well as the public and aid in community policing; and

WHEREAS, the Council finds it in the best interest of the Borough of Buena;

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

1. **POSITION CREATED.** The position of Police Chaplain for the Borough of Buena Police Department is hereby created in accordance with 40A:14-141. The position will be a volunteer position. The position of Chaplain shall be under the Director of Public Safety and subject to the control of the Director in the absence of a Chief of Police.
2. **QUALIFICATIONS.** Any person appointed as Chaplain shall be an ordained clergyman in good standing in the religious body from which he/she is selected. The Chaplain shall have basic training and shall be a certified Police Chaplain credentialed in accordance with the rules and regulations of the Buena Borough Police Department and shall be qualified in accordance with N.J.S.A. 40A:14-141.

3. **DUTIES OF POLICE CHAPLAIN.** The duties of Police Chaplain shall include, but not be limited to assisting the Buena Borough Police Department in death notifications, station house adjustments and any other duties that may be assigned by the Director of Public Safety in the absence of a Chief of Police.
4. **RANK AND SALARY.** Any person appointed as Chaplain shall serve in that capacity without Rank or Salary.
5. **TERM OF OFFICE.** A person appointed as Chaplain shall serve for a period of one (1) year from date of appointment and shall continue to serve in that capacity until he/she is either terminated or reappointed with the recommendation of the Director of Public Safety or Chief of Police.
6. **APPOINTMENT.** The Director of Public Safety or Chief of Police may recommend to the Mayor persons that he/she believes meet the qualifications of N.J.S.A. 40A:14-141 as well as the rules and regulations of the Buena Borough Police Department with reference to Chaplains, if any. All applicants for the position of Chaplain shall be reviewed by the Director of Public Safety, Chief of Police if appointed, Senior Police Chaplain and Chaplain liaison to determine his/her qualifications in accordance with this Ordinance and shall make recommendations to the Mayor regarding the appointment as Chaplain. The Mayor shall appoint Chaplains in accordance with this Ordinance with the advice and consent of Borough Council.

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RESOLUTION 55-15 A RESOLUTION APPOINTING JULIAN MOTTA AS A PART-TIME UNSKILLED LABORER IN THE BOROUGH OF BUENA ROAD DEPARTMENT EFFECTIVE MAY 11, 2015.

M_____S_____

BE IT RESOLVED by the Council of the Borough of Buena that Julian Motta is hereby appointed to the position of part-time unskilled laborer in the Borough of Buena Road Department not to exceed current budgeted hours/and or current budgeted amount for salary and wage.

BE IT FURTHER RESOLVED that the hourly rate shall be \$9.50 per hour and whose hours shall be determined by the Road Department Supervisor.

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PUBLIC SAFETY DIRECTOR'S REPORT :

ADMINISTRATORS'S REPORT :

1. Computer System-All systems are working reasonably well. Following the passage of the 2015 budget, we have ordered the computers necessary for the year. We are replacing the aged server for the Police Department, computers for the Clerk and Asst. Clerk, and a training laptop for the Police Department and other Borough uses requiring PowerPoint presentations. One of the two computers being removed is being reassigned to the tax payment desk and the other to the Public Safety Director. Software requirements necessitate the improvement of the Clerk's computers but those being removed are adequate for less demanding applications.
2. Copier-The Canon copier in the Police Department was replaced, in violation of purchasing laws, by an aggressive and untrained salesman. The previous copier contract, also in violation, was due to expire in September of this year. Had this been done appropriately, the savings to the Borough would have been approximately \$250 per month. We are returning to the old copier and will seek a replacement, under the state contract, in advance of the expiration date. This should save us approximately \$3000 annually beginning in September.
3. USDA-RD Grant Progress-The roof for over the rear entrance, used in large part for MUA customers is complete. This should reduce the amount of rain and snow carried into the building that creates slippery floors. The hydraulic lifting of the concrete sidewalks around Borough Hall to eliminate trip hazards has been completed. The replacement of the existing water heater with a tankless unit and insulation of the hot water pipes has been completed. This will greatly reduce our gas consumption. Closed circuit television recording for the hallways of the administrative side of the building has also been completed and is operational. This assisted in the capture of the "gentleman" who robbed Borough Hall. The exterior walls have been waterproofed and the repairs to the roof completed. This should extend the roof life by approximately 7-10 years. The fire detection system has been upgraded, includes the dialing function, and was approved by our fire inspector. We are about to order the files for improving the records retention throughout the building. Our repairs have come in under budget for these funds and I will be submitting a change to include additional repairs to Borough Hall that include painting and new floors for the hallways.
4. Park- The playset that we purchased in Millville is at our maintenance facility and will be installed soon near the new children's ball field. We have also devised a parking plan that will restrict vehicles from the field, a safety issue. This is partially completed. The netting for the baseball fields is on site and awaiting installation by the Little League staff. We will be continuing our quest for funding to install a handicapped playground, with a secondary use of providing exercise for seniors. Speaking of seniors, we have a long-range plan that will allow residents of the adjacent senior communities to have safe, unrestricted access to the parks. This includes openings in the crash guards along Melini Drive to allow handicapped-accessible entrance to the parks that coincide with the existing sidewalks and the installation of new portions of sidewalks for the same. We have \$25,000 budgeted for this enhancement and are using our CDBG funding for 2014 and 2015 for this purpose (approximately \$50,000).

In the future, we should look for funding for solar powered lighting for both these walkways and in the park. We may want to consider solar panels on existing and future roofs to offset the costs of lighting the park (grant funding???)

As this park has been funded through the use of Green Acres funds, we have an obligation to operate it in a method that is compliant with their guidelines. Outside groups have as much right to Green Acres parks as our community groups. There are ways to protect the rights of community

groups, such as the Little League but it requires ordinance and agreements. I am heartily recommending that we get this in place as soon as possible. Solicitor Tonetta created similar legislation and agreements for the City of Vineland and the Vineland Soccer Association while I served as their administrator, so replicating this should be somewhat simple.

5. Senior Center-The purchase order for replacing the floor tiles in the two bathrooms in the Basile Center has been issued, colors having been selected. We will replace the two vanities. Our facilities persons will paint the rooms, repair the walls, install the vanities, and paint the partitions.
6. Acquired properties-The Borough has come into possession of a number of properties. I have completed and forwarded recommendations regarding which properties should be retained for future Borough use; those that should be sold to be attached to neighboring properties (substandard parcels); and those that should be sold for their intended zoned use. Pam Johnston researched these properties. Based on her research, I am making my initial recommendation to dispose of a number of these properties. We have approved the sale. Currently, there is legal work necessary to market six standard residential lots (with water, sewer, electric and gas) on Kennedy Drive and, after completion of remediation, marketing two similar residential lots on the site of the old Mazzoni property on the Boulevard. Revenues from the sale of any of these properties are too late to defray costs for 2015 but will assist in a stable tax base for the future, will reduce the amount of property maintenance by our road department, and will return property to our tax rolls.
We have established the lien on the property at 601 S. Central, consisting of nearly \$90,000 in demolition costs, not including any delinquent taxes. We need to foreclose on this parcel. When these revenues materialize, I would strongly suggest considering a new Master Plan, the addition of the traffic ordinance to the ordinance book (allowing it all to be posted online), and reassessment of properties should this not become a county-wide responsibility. Planning for these when additional funds are available will help prevent future jumps in taxes.
7. Redevelopment Plans-I have reviewed the current two plans, one for Rt. 54 and the other for the Commerce Center. The plan for Rt. 54 is fine as written. The plan for the Commerce Center does not include several parcels that should be included (601 S. Central being one of them). This needs to be modified to include several other plots of land. Also, based on Solicitor Tonetta's suggestion, we need a redevelopment plan for the north side of the Boulevard that includes the old Scott Paper site as well as a number of other current and former business locations. I have discussed these changes with Mr. Nimohay and the Mayor and forwarded these recommendations to our Solicitor. He will be assigning these changes.
8. Generator-Although not covered by any current funding source, the diesel generator in the utility room of the Borough Hall should be replaced with a natural gas-fired external generator. The old unit is insufficient and was installed when the building was constructed. It can only power emergency lighting and minimal services. Further, we store diesel fuel in a tank within the building, not the best situation. Triad Associates is preparing an application to the USDA for replacement of this unit, if funds become available. If successful, side benefits will be increased building energy efficiency and additional storage for building maintenance and custodial.
9. Public Transportation-Buena Borough is the only community in Atlantic County without any form of public transportation. I have had some success with Assemblyman Brown and New Jersey Transit with continuing an existing bus line into Buena Borough. Our discussions have included only hourly service during daytime hours. The State of New Jersey has delayed this change. The principal focus being to get the low income residents of the Borough to employment, doctors, shopping, etc. This can be a quality of life issue. A secondary benefit would be to possibly make us eligible for "Safe Streets to Transportation" or similar funding for road, sidewalk and safety improvements.
10. Drainage-A major issue exists with the ability of the Blackwater Branch to properly conduct flooding rainfall out of Buena Borough. This is a feeder tributary of the Maurice River that drains Southern New Jersey. It begins in Buena Borough (Atlantic County), travels through Franklin Township (Gloucester County), travels across the City of Vineland (Cumberland County), and empties into the Maurice River, where the water travels to the Delaware Bay.
The far west end of the Blackwater Branch was the subject of a major cleanup and

11. Louis Drive- We held a meeting to discuss various issues and Louis Drive was among them. I am suggesting that we acquire a 30' (+ or -) from the two adjacent farm property owners behind the homes on the north side of Louis Drive. This can be done by agreement or by eminent domain. This parcel could provide a berm to prevent property owners from receiving run-off from the fields and a swale to channel water away from the site. As we complete a number of the items that we have bonded, I would suggest that the bonding attorney provide a resolution to combine the unexpended funds to various road and drainage projects, Louis Drive being a primary recipient. This plus a concerted effort with the MUA to provide sewer along with grade improvements to the roadbed should provide considerable relief for property owners.

SOLICITOR'S REPORT:

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. An updated punchlist has been sent to the contractor.

FY2013 and FY2014 NJDOT Municipal Aid Project – Reconstruction of Flower Street

A pre-construction meeting took place on May 5, 2015. The contractor anticipates beginning work within the next 2-3 weeks.

Louis Drive Drainage

Our office has prepared a concept plan to address the drainage issue for Borough review.

Resurfacing of Forsythe Street

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

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 November 10, 2014. If no corrections or additions, entertain a motion to approve M_____S_____

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
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ZAPPARIELLO				
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UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED: M_____S_____

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
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ZAPPARIELLO				
CUGINI				
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NEXT MEETING: May 26, 2015

MEETING ADJOURNED: M_____S_____RCV