

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
MAY 23, 2016**

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

**CALL MEETING TO ORDER: Flag Salute**

**ROLL CALL OF ATTENDANCE:**

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

**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:** ATLANTIC COUNTY COMMUNITY FORECLOSURE PRESENTATION

**RESOLUTION 62-16 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
M \_\_\_\_\_ S \_\_\_\_\_**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Mayor and Council* of the *Borough of Buena*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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WALKER				
BAKER				
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MANCUSO				
MCAVADDY				

**RESOLUTION 63-16      A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY  
BY PUBLIC AUCTION TO THE HIGHEST BIDDER.  
M        S**

WHEREAS, the Borough of Buena owns a certain parcel of property situated at 328 Brewster Road known as Black Water Bond Recreational Area; and

WHEREAS, the grass grown on the property can be used for hay to feed farm animals; and

WHEREAS, this Council has determined that the grass crop is not needed for public use and that it is in the best interest of the citizens of the Borough of Buena that the grass be cut in order to make the property more functional for recreational purposes.

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

1. Pursuant to N.J.S.A. 40A:12-13.1, the sale of the grass crop on the property known as the Black Water Pond Recreational Area and located at 328 Brewster Road be in the same is hereby authorized and approved for a three year term commencing 2016.

2. The sale of said personal property authorized herein shall be by public auction to be conducted by the Clerk or her designee on June 15, 2016 at 2:00 p.m. at Borough Hall at 616 Central Avenue, Minotola, New Jersey.

3. The successful bidder shall be responsible to comply with the sale specifications on file with the Borough Clerk which specifications are hereby authorized and approved.

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**RESOLUTION 64-16**

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, DETERMINING THAT THE DEVELOPER FOR BLOCK 201 LOT 48.01 LAUREN COURT MAJOR SUBDIVISION BUENA BOROUGH HAS FAILED TO PERFORM IN ACCORDANCE WITH ITS PERFORMANCE BOND AND DEMAND PAYMENT UNDER THE TERMS OF THE STANDARD NEW JERSEY PERFORMANCE SURETY BOND NOS. S11300 AND S11301 ISSUED BY FIRST INDEMNITY OF AMERICA INSURANCE COMPANY AND AUTHORIZING THE BOROUGH SOLICITOR TO ENFORCE THE TERMS THEREOF**  
**M \_\_\_\_\_ S \_\_\_\_\_**

WHEREAS, on or about February 1, 2007 First Indemnity of America Insurance Company (First Indemnity) issued a Standard New Jersey Performance Bond No. S11300 in the original amount of \$321,835.20 and \$378,432.00, now in the amount of \$96,550.56 and \$113,529.60 respectively issued for the benefit of the Borough of Buena Planning Board as Beneficiaries, at the request of Foxmoor Estates at Buena Borough LLC, the Developer, guarantying full and faithful performance of the completion of the site plan improvements in connection with the development of Block 210 Lot 48.01; and

WHEREAS, on September 15, 2015 the Municipal Engineer, Robert Smith from the firm of Remington, Vernick and Walberg advised First Indemnity that the Developer has failed to complete the site plan improvements and requested they contact the Borough Engineer to discuss the completion of the site plan improvements; and

WHEREAS, First Indemnity has not agreed to complete the necessary improvements or otherwise provide the Borough with instructions so as to complete the site plan improvements as specified in the Performance Bonds; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the Borough Solicitor is authorized to enforce the terms and conditions of the Standard New Jersey Performance Bonds Nos. S11300 and S11301 issued by First Indemnity of America Insurance company so as to complete the site plan improvements for Block 201 Lot 48.01 to the extent allowed by law.

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**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 May 9, 2016. If no corrections or additions, entertain a motion to approve M \_\_\_\_\_ S \_\_\_\_\_

	AYE:	NAY:	ABSTAIN:	ABSENT:
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WALKER				
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MCAVADDY				

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**BILLS PAID AS LISTED: M \_\_\_\_\_ S \_\_\_\_\_**

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

**NEXT MEETING: JUNE 13, 2016**

**MEETING ADJOURNED: M \_\_\_\_\_ S \_\_\_\_\_**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
WALKER				
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