

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

**MEETING CALLED TO ORDER: 6:30 P.M.**

**MEETING ADJOURNED: 7:10 P.M.**

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, May 23, 2016 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, and James, Mancuso, McAvaddy, Dr. Paul Trivellini and Maryann Coraluzzo, Borough Clerk

**ABSENT:** Solicitor Tonetta

**ROLL CALL OF ATTENDANCE:**

|          | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA  | X    |      |          |         |
| WALKER   | X    |      |          |         |
| BAKER    | X    |      |          |         |
| JAMES    | X    |      |          |         |
| MANCUSO  | X    |      |          |         |
| MCAVADDY | X    |      |          |         |

**MAYOR'S REPORT:**

**PRESENTATION: ATLANTIC COUNTY COMMUNITY FORECLOSURE PRESENTATION**

Atlantic County Improvement Members Joe Giraolo and Bob McGuigan presented the Community Champions Foreclosure Program. To date, 18 out of 23 Atlantic County municipalities are participating. Mr. McGuigan stated that the vendor performs the due diligence required in the registration of vacant homes that banks or lienholders have initiated the foreclosure process. All banks are in compliance with registration.

**RESOLUTION 62-16 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
m/Baker s/James**

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.

|          | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA  | X    |      |          |         |
| WALKER   | X    |      |          |         |
| BAKER    | X    |      |          |         |
| JAMES    | X    |      |          |         |
| MANCUSO  | X    |      |          |         |
| MCAVADDY | X    |      |          |         |

**RESOLUTION 63-16      A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY  
BY PUBLIC AUCTION TO THE HIGHEST BIDDER.  
m/Baker s/McAvaddy**

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.

|          | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA  | X    |      |          |         |
| WALKER   | X    |      |          |         |
| BAKER    | X    |      |          |         |
| JAMES    | X    |      |          |         |
| MANCUSO  | X    |      |          |         |
| MCAVADDY | X    |      |          |         |

**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/Baker s/James**

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.

|          | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA  | X    |      |          |         |
| WALKER   | X    |      |          |         |
| BAKER    | X    |      |          |         |
| JAMES    | X    |      |          |         |
| MANCUSO  | X    |      |          |         |
| MCAVADDY | X    |      |          |         |

**ADMINISTRATORS' S REPORT: no report**

**SOLICITOR'S REPORT: no report**

**COMMITTEE REPORTS:**

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

Councilman Marolda provided those present with the Road Department's itinerary.

The Councilman disseminated the Buena Borough Bicycle and Pedestrian Study and requested it be placed on our website.

**RECREATION: (COUNCILMAN WALKER)**

Councilman Walker reported that the Cleary School Field Day was successful. The Councilman extended his thanks to all who contributed.

Councilman Walker gave a list of upcoming events.

**FINANCE: (COUNCIL PRESIDENT BAKER)**

Council President Baker attended a shuttle meeting via phone conferencing on May 10, 2016. Ridership was up to 542 for the month of April.

On May 13, 2016, Council President Baker attended the Atlantic County Officials meeting along with Councilman Walker. The head of Atlantic County Public Works said Brewster Road will be resurfaced from Route 40 to Wheat Road beginning in September.

Regarding the Vacant Property Registration Ordinance, Council President Baker spoke with the Mayor of Mullica Township who said the program is working well. The Mayor highly recommended the shared service agreement with Atlantic County for the Community Champions Foreclosure Program.

On Saturday, May 21, 2016, Council President Baker, her husband Richard and sister, Helen planted 192 plants around the Borough. Thanks were extended to Councilwoman Baker and Richard for purchasing and planting these flowers.

On May 11, 2016, the Buena Alliance hosted a picnic for our Seniors at Buena Regional High School and on May 18<sup>th</sup>, the Alliance hosted a Thank You Dinner at the Savoy Inn for Natural Helpers, their parents, leaders from school and leaders of the Alliance.

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

Public Safety Director James has been reaching out to representatives of Buena Vista Township regarding EMS. To date the Director has not received a response.

**ECONOMIC DEVELOPMENT: (COUNCILMAN MANCUSO) none**

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

Councilman McAvaddy reported on the enforcement of a large metal building constructed on Wheat Road with no variances or permits. Wheat Road resident Pam Grenier stated this property is also hosting loud parties with live bands. Ms. Grenier would like the noise ordinance revised.

**PUBLIC PORTION OF MEETING:**

Andrew Rock, future Eagle Scout, from Summer Road was present to ask Council to consider allowing the construction of a Flag Retirement Ceremony Pit in the park. Mayor Zappariello commended Andrew and suggested he pursue the matter with our Buildings/Grounds Chairman, Councilman McAvaddy.

**CLERK'S REPORT:**

Minutes of the meeting of May 9, 2016 were approved m/Baker s/Mancuso

|          | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA  | X    |      |          |         |
| WALKER   | X    |      |          |         |
| BAKER    | X    |      |          |         |
| JAMES    | X    |      |          |         |
| MANCUSO  | X    |      |          |         |
| MCAVADDY | X    |      |          |         |

**UNFINISHED BUSINESS: none**

**NEW BUSINESS:** Councilman Marolda stated that he would like to flooding issue addressed when Brewster Road is resurfaced in the Fall.

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

|          | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA  | X    |      |          |         |
| WALKER   | X    |      |          |         |
| BAKER    | X    |      |          |         |
| JAMES    | X    |      |          |         |
| MANCUSO  | X    |      |          |         |
| MCAVADDY | X    |      |          |         |

**NEXT MEETING: June 13, 2016**

**MEETING ADJOURNED: m/Baker s/Mancuso**

|          | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA  | X    |      |          |         |
| WALKER   | X    |      |          |         |
| BAKER    | X    |      |          |         |
| JAMES    | X    |      |          |         |
| MANCUSO  | X    |      |          |         |
| MCAVADDY | X    |      |          |         |

---

**MARYANN CORALUZZO**  
**BOROUGH CLERK**