

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
MAY 8, 2017**

**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				
MANCUSO				
ALVAREZ				
MCAVADDY				

SUNSHINE LAW: This meeting is being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided, via email, to The Press of Atlantic City, The Daily Journal and The Atlantic County Record on November 17, 2016, as well as having been posted on the bulletin board at Borough Hall.

MAYOR'S REPORT: First order of business.

PUBLIC PORTION OF THE MEETING:
Anyone wishing to address Mayor and Council only, please step forward and give your name and address for the record.

PUBLIC HEARING ON RESOLUTION 65-17 AMENDING BUDGET:
M _____ S _____

RESOLUTION TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2017 was approved on the 27th day of March, 2017 and
WHEREAS, the public hearing on said budget has been held as advertised, and
WHEREAS, it is desired to amend said approved budget, now
THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Buena, County of Atlantic that the following amendments to the approved budget of 2017 be made:

Recorded Vote	(((
	((Abstained(
	Ayes(Nays((
	(((
	(((
	((Absent(
	(((

CURRENT FUND:

ANTICIPATED REVENUES:

	From	To
1. Surplus Anticipated	\$ 81,909.00	\$ 121,909.00
Total Surplus Anticipated	<u>81,909.00</u>	<u>121,909.00</u>
3. Miscellaneous Revenues -		
Section A: Local Revenues		
Vacant Property Registration Fees	-	7,000.00
Total Section A: Local Revenue	<u>518,200.00</u>	<u>525,200.00</u>
Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services Public and Private Revenues Offset with Appropriations:		
Clean Communities Program	27,371.98	0.00
Atlantic County Joint Insurance Fund - Safety Award	<u>1,000.00</u>	<u>1,900.00</u>
Total Section F:	<u>35,977.39</u>	<u>9,505.41</u>
5. Subtotal General Revenues	<u>1,355,658.39</u>	<u>1,376,186.41</u>

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6. Amount to be Raised by Taxation for Support of Municipal Budget			
a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes		<u>2,919,494.24</u>	<u>2,951,103.25</u>
Total Amount to be Raised by Taxation for Support of Municipal Budget		2,919,494.24	2,951,103.25
7. Total General Revenues		<u>\$ 4,275,152.63</u>	<u>\$ 4,327,289.66</u>
APPROPRIATIONS:			
8. General Appropriations:			
(A) Operations - Within "CAPS"			
Emergency Medical Services - Salaries & Wages		\$ 210,000.00	\$ 288,000.00
Total Operations within "CAPS"		<u>3,276,125.00</u>	<u>3,354,125.00</u>
H-1 Total General Appropriations for Municipal Purposes - Within "CAPS"		<u>3,599,726.00</u>	<u>3,677,726.00</u>
(A) Operations - Excluded from "CAPS"			
Public and Private Programs Offset by Revenues			
Clean Communities Program		27,371.98	0.00
Atlantic County Joint Insurance Fund - Safety Award		<u>1,000.00</u>	<u>1,900.00</u>
Total Public and Private Programs Offset by Revenues		<u>39,567.42</u>	<u>13,095.44</u>
Total Operations Excluded from "CAPS"		<u>254,817.42</u>	<u>228,345.44</u>
L) Subtotal General Appropriations (Items (H-1) and (O))		<u>4,102,124.92</u>	<u>4,153,652.9</u>
M) Reserve for Uncollected Taxes		173,027.71	173,636.72
9. Total General Appropriations		<u>\$ 4,275,152.63</u>	<u>\$ 4,327,289.66</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that this resolution be advertised in the Press of Atlantic City in the issue of April 28, 2017 and that said advertising include notice of a public hearing on the budget amendment to be held in Borough Hall on May 8, 2017 at 6:30 pm.

It is hereby certified that all additions and math in this amendment are correct.

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

DISCUSSION:

PUBLIC HEARING CLOSED:

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

**RESOLUTION 66-17 A RESOLUTION TO ADOPT 2017 MUNICIPAL BUDGET
M _____ S _____**

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

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**ORDINANCE NO. 648 AN ORDINANCE AMENDING SECTION 218-11
OF THE CODE OF THE BOROUGH OF BUENA
ENTITLED VEHICLES AND TRAFFIC SO AS TO
PROVIDE FOR NO PARKING RESTRICTIONS
ALONG A PORTION OF PARK DRIVE
M _____ S _____**

WHEREAS, the Borough Engineer has evaluated the current on-street parking configuration along Park Drive and has provided an analysis of the parking problems for residents along Park Drive; and

WHEREAS, the Borough Engineer has determined that in accordance with the New Jersey Residential Site Improvement Standards (RSIS) that parallel parking along Park Drive can only be provided on one side of Park Drive and to improve access to the residential dwellings along the north side of Park Drive, parking must be limited to the South side and therefore parking should be prohibited on the North side of Park Drive from Central Avenue to a point 660 feet west of Central Avenue; and

WHEREAS, the Borough Council finds it to be in the best interest of the residents of the Borough to accept the recommendations of the Borough Engineer.

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

1. Section 218-11 shall be amended so as to prohibit existing on street parking along the north side of Park Drive from Central Avenue to a point 660 feet west of Central Avenue.
2. "No Parking" signs in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) shall be installed along the north side of Park Drive.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

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MAROLDA				
WALKER				
BAKER				
MANCUSO				
ALVAREZ				
MCAVADDY				

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

M _____ S _____

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

ORDINANCE NO. 648 ADOPTED:

M _____ S _____

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

**RESOLUTION 67-17 RESOLUTION AWARDING A QUOTE TO ANCERO PROVIDING
FOR TELEPHONE EQUIPMENT AND SERVICES
M _____ S _____**

WHEREAS, in accordance with N.J.S.A. 41A:11-5(DD) the Borough of Buena received a quote for Telephone Systems and Phone Services for the Municipal Building, the EMS Building and Streets & Roads,

WHEREAS, Ancero responded for providing said equipment (including installation), and phone service quotes (totaled):

Ancero

\$1,803.00 one-time installation fee

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ALVAREZ				
MCAVADDY				

AUDIT FINDING AND RECOMMENDATION:

Auditor's Finding #1:

An employee was overpaid for accumulated sick & Vacation time upon retirement. The employee had elected to use the time as time off but was also paid for the time. The amount involved was less than \$1,100.

Auditor's Recommendation:

Recommended that Accumulated Sick & Vacation time payments be properly calculated, authorized and paid.

Chief Financial Officer's Corrective Action Plan:

The overpayment resulted from a miscalculation. Future accumulated sick & vacation time payments will be properly calculated and authorized and paid.

**RESOLUTION 70-17 A RESOLUTION ACCEPTING A CORRECTIVE ACTION PLAN TO
ADDRESS RECOMMENDATIONS IN THE 2016 MUNICIPAL AUDIT
M _____ S _____**

WHEREAS, the 2016 Annual Audit of the Borough of Buena, conducted by Ford, Scott and Associates LLC, contained certain recommendations requiring action; and

WHEREAS, these recommendations have been reviewed by the Borough's Chief Financial Officer; and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the N.J. Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Buena Borough that the Corrective Action Plan for the 2016 Annual Municipal Audit, hereto attached, is hereby approved and accepted; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services.

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BAKER				
MANCUSO				
ALVAREZ				
MCAVADDY				

**RESOLUTION 71-17 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 2016 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.

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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				
WALKER				
BAKER				
MANCUSO				
ALVAREZ				
MCAVADDY				

RESOLUTION 74-17 A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT FOR FY2015 NJDOT MUNICIPAL AID PROJECT FOR THE RECONSTRUCTION OF PLYMOUTH ROAD TO ARAWAK PAVING CO., INC. IN THE AMOUNT OF \$148,700.00
M _____ S _____

WHEREAS, Plymouth Road is in disrepair; and

WHEREAS, Engineer has sought bids for said services and has recommended the contract be awarded to Arawak Paving Co., Inc. in the amount of \$148,700.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena provided the CFO has certified the availability of funds, that the Mayor and Clerk are authorized to execute an Agreement with Arawak Paving Co., Inc. in the amount of \$148,700.00.

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

**RESOLUTION 75-17 BOROUGH OF BUENA
2017 EMERGENCY TEMPORARY BUDGET**
M _____ S _____

WHEREAS, an emergent condition has arisen with respect to providing appropriation for expenditures and no adequate provision has been made in the 2017 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.40A:4-20) including this resolution total \$1,897,322.79:

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NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for the attached list of line items.
2. That said emergency temporary appropriations will be provided for in 2017 municipal budget as adopted.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

		<u>2017</u>
General Government:		
Audit Contract Services		
Other Expenses		\$2,500.00
Land Use Board		
Other Expenses		\$ 300.00
Public Works:		
Streets & Roads		
Other Expenses		\$5,000.00

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

PERSONNEL:

RESOLUTION 69-17 A RESOLUTION AMENDING RESOLUTION 63-17 OF THE BOROUGH OF BUENA TEMPORARILY TRANSFERRING SELECTED RESPONSIBILITIES OF THE ADMINISTRATOR.
M _____ S _____

WHEREAS, the Borough of Buena has accepted the resignation/retirement of Paul D. Trivellini, effective April 30, 2017; and

WHEREAS, the Buena Borough has not named a replacement Administrator; and

WHEREAS, the Borough of Buena has need for someone assigned to act as Appointing Authority, liaison with the County of Atlantic for e-mail addresses, and someone authorized to sign employee timesheets ; and

WHEREAS, the inclusion of a stipend in the amount of \$100 weekly was inadvertently omitted from resolution 63-17.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that beginning May 1, 2017 Cindi LoGuidice, CFO, be empowered to act as temporary Appointing Authority, temporary liaison with the County of Atlantic for e-

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mail addresses, and temporary signatory for employee timesheets until such time as the Council of the Borough shall approve a permanent Administrator. Further, until such time as a replacement is employed, Cindi LoGuidice shall receive an additional stipend of \$100 weekly for the additional duties

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

**RESOLUTION 72-17 A RESOLUTION APPOINTING JOSEPH RIZZUTO TO THE
PROVISIONAL POSITION OF PART-TIME ELECTRICAL SUB-CODE
OFFICIAL
M _____ S _____**

WHEREAS, the Borough of Buena has a vacancy for the position of part-time Electrical Sub-Code Official due to the retirement of Jerome Volpe; and

WHEREAS, the Borough has advertised privately and through New Jersey Civil Service without response; and

WHEREAS, Joseph Rizzuto holds the certificate issued by the State of New Jersey as Electrical Sub-Code Official (05046) and has been performing the duties as a substitute in this position; and

WHEREAS, Joseph Rizzuto has expressed interest in this provisional vacancy;

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

Effective, May 8, 2017, Joseph Rizzuto shall be appointed to the position of part-time Electrical Sub-Code Official and be paid in accordance with the Borough Salary Ordinance, \$6,500 pro-rated for 2017.

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

**RESOLUTION 73-17 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF
ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM
A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, BOROUGH
CLERK AND STAFF, BUSINESS ADMINISTRATOR AND STAFF,
BOROUGH SOLICITOR AND STAFF, BOROUGH LABOR ATTORNEYS
AND STAFF CONCERNING MATTERS REGARDING PENDING OR
ANTICIPATED LITIGATION IN WHICH THE PUBLIC BODY IS OR
MAY BECOME A PARTY AND AUTHORIZING THE DISCLOSURE OF**

**MINUTES OF SAID MEETING AS PROVIDED HEREIN
M _____ S _____**

WHEREAS, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting of a public body where the subject matter of that meeting involves pending or anticipated litigation in which the public body is or may become a party; and

WHEREAS, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff, Borough Labor Attorney and staff concerning the matter of Seidel v. the Borough of Buena, et al.

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

1. The public shall be excluded from a meeting of the Council of the Borough of Buena, on May 8, 2017 in the Council Chambers immediately following or during the regular session of Borough Council.
2. The general nature of the subject matter of the closed meeting shall pertain to pending or anticipated litigation in which the public body is or may become a party, as set forth hereinabove.
3. Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff, Borough Labor Attorney and staff shall be made following a final decision and determination of said matter excepting information which must remain private.
4. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 30 days, however, any personal confidential information may not be released.

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

ENGINEER' S REPORT

FY2015 NJDOT Municipal Aid Project - Resurfacing of Plymouth Street

We are awaiting approval of the permit for the culvert replacement from the NJDEP. We anticipate receiving the permit shortly. That project will then be advertised for public bid.

We received bids for the resurfacing component of the project. The low bidder was Arawak Paving Co., Inc. with a bid in the amount of \$148,700.00. A contract for this project must be awarded at the May 8, 2017 Borough Council Meeting to comply with the NJDOT award deadline.

Melini Park Senior Recreation Facility – CDBG Project

Our office is working on the bid documents.

Kimberly Lane Speed Study

The automatic traffic recorders have been malfunctioning and will need to be re-installed.

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SOLICITOR'S REPORT:

COMMITTEE REPORTS:

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

ECONOMIC DEVELOPMENT.....CHAIRMAN MATTHEW WALKER
JOSEPH MANCUSO, ROSALIE M. BAKER

RECREATIONCHAIRWOMAN ROSALIE M. BAKER, JORGE
ALVAREZ, MATTHEW WALKER

FINANCE.....CHAIRMAN JOSEPH MANCUSO, ROSALIE M.
BAKER, MATTHEW WALKER

PUBLIC SAFETY/STREET LIGHTS.....CHAIRMAN JORGE ALVAREZ, GREG
MCAVADDY, JEFFREY MAROLDA

BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRMAN GREG MCAVADDY,
MATTHEW WALKER, JORGE ALVAREZ

CORRESPONDENCE:

1. Patrick Newton letter of intent to retire effective May 31, 2017.

M _____ S _____

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

CLERK'S REPORT:

Minutes of the regular meeting of April 24, 2017. If no corrections or additions, entertain a motion to approve M _____ S _____

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

UNFINISHED BUSINESS:

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NEW BUSINESS:

BILLS PAID AS LISTED: M _____ S _____

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

NEXT MEETING: May 22, 2017

MEETING ADJOURNED: M _____ S _____

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