

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
JUNE 8, 2015**

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

MEETING ADJOURNED: 7:20 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, June 8, 2015 commencing at 6:30 p.m. at the Borough Hall with Mayor Baruffi presiding. Mayor Baruffi 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, James, Baker, Zappariello, Cugini, and McAvaddy, Richard Tonetta, Solicitor and Gail Knott, Deputy Clerk

ABSENT: all present

MAYOR'S REPORT:

RESOLUTION 59-15 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL OR APPLY OVERPAYMENTS. m/Baker s/Marolda

WHEREAS, there exists a number of tax overpayments; and

WHEREAS, it has been determined by the tax assessor and collector that the overpayments should be canceled or applied.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, in the County of Atlantic, State of New Jersey that the attached list of overpayments be canceled or applied.

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

RESOLUTION 61-15 A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT FOR ASPHALT COMPLIANCE TESTING TO CRAIG TESTING LABORATORIES, INC., FOR THE RECONSTRUCTION OF FLOWER STREET. m/Cugini s/Zappariello

WHEREAS, the Engineer solicited three proposals for asphalt compliance testing in accordance with NJDOT Municipal Aid requirements for the Reconstruction of Flower Street; and

WHEREAS, based upon the results, the engineer has recommended the contract be awarded to Craig Testing Laboratories, the lowest responsible bidder, in an amount not to exceed \$1,220.00.

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 Craig Testing Laboratories, Inc., in an amount to not exceed \$1,220.00.

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

RESOLUTION 62-15 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES PURSUANT TO OWNERSHIP BY THE BOROUGH OF BUENA m/Baker s/Marolda

WHEREAS, Block 113 Lot 10.02 was acquired by the Borough of Buena as indicated in deed dated December 2, 2014 Deed Book 13839 Page 69086 and,

WHEREAS, municipal ownership is exempt from property taxes and,

WHEREAS, regular taxes were billed for 2015,

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Tax Collector is hereby authorized to cancel 2015 taxes and interest.

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

RESOLUTION 63-15 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, DECLARING ITS CONTINUED INTENT TO COMPLY WITH ALL OF ITS MT. LAUREL OBLIGATIONS AND TO BE THE "CALALYST FOR CHANGE" SO AS TO CREATE A REALISTIC OPPORTUNITY TO SATISFY ITS AFFORDABLE HOUSING OBLIGATION. m/Baker s/Zappariello

WHEREAS, the Supreme Court has set certain standards necessary for developers to follow prior to affording them the entitlement to a builder's remedy as set forth in Toll Bros., Inc., vs. Tp of W. Windsor, 173 NJ 502 (2002); and

WHEREAS, on March 13, 20016, the Borough of Buena ("Borough") petitioned the Council on Affordable Housing (COAH) for Substantive Certification of a Housing Element & Fair Share Plan addressing its Third Round obligations which was published in the Press of Atlantic City on April 12, 2006, which is a newspaper of general circulation within Atlantic County pursuant to NJSA 52:27D-313 and NJAC 5:95-3.5 and no objections were received thereto; and

WHEREAS, on October 18, 2006, COAH issued a Compliance Report on the Borough's petition recommending approval and requested comment and COAH received no comment; and

WHEREAS, on November 1, 2006, COAH adopted Resolution 4-14, a Resolution Granting Third Round Substantive Certification of the Borough's Third Round Housing Element & Fair Share Plan and required the Borough adopt a Fair Share Ordinance consistent therewith, which was adopted November 13, 2006, by Ordinance 540; and

WHEREAS, on September 26, 2013, subsequent to the Borough's certification, the Supreme Court invalidated the COAH Round Three rules upon which the Borough justifiably relied to meet its obligation in a timely fashion; and

WHEREAS, the Supreme Court Ordered COAH to develop new Round Three rules on or before May 1, 2014, so municipalities could take action to meet its Mt. Laurel obligations, without which, municipalities would have no guidance; and

WHEREAS, on April 20, 2014, COAH proposed new Round Three regulations but failed to adopt the proposed Regulations and thus failed to meet the Supreme Court deadline to adopt Round Three Rules; and

WHEREAS, COAH's failure to adopt Round Three rules left all municipalities, including the Borough, without guidance to justify any fair share obligation, despite having approved the Mt. Laurel plan submitted and approved by COAH under their Third Round rules; and

WHEREAS, on October 31, 2014, the Fair Share Housing Center (FSHC) moved before the Supreme Court to enforce litigants rights requesting the Court establish fair share standards for all municipalities and on March 10, 2015, the Supreme Court directed trial courts to consider compliance by municipalities and provided municipalities 5 months to file a housing element and fair share plan for review and approval of their affordable housing plan; and

WHEREAS, the Borough has in the past and shall continue to voluntarily comply with its Mt. Laurel obligations and based upon its past compliance with all COAH obligations, the Borough believes that exclusionary zoning lawsuits, would be inheritably unfair and unnecessary; and

WHEREAS, the Borough intends upon complying with the procedures set forth by the Supreme Court by filing a Declaratory Judgment action and further moving before the Court for immunity so as to allow the Borough to voluntarily comply with the Court's Order.

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

1. The Borough reaffirms its commitment to satisfy its affordable housing obligations voluntarily and without any builder's remedy law suits.

2. The Borough authorizes special COAH counsel to file the appropriate pleadings to declare the Borough in compliance with its fair share obligations and to file a motion to stay any builder's remedy lawsuits by way of immunity while the Court reviews the Borough's affordable housing plan.

3. The Borough Clerk is hereby directed to file this Resolution and make it available to the public and all interested parties to assure the parties of the Borough's intent to voluntarily comply with all requirements to meet its obligation.

4. The Borough further authorizes Special Counsel to take any and all appropriate legal action to maintain the Borough's immunity and that of the Land Use Board from any and all exclusionary zoning litigation related to this declaratory action to be filed.

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

PERSONNEL:

RESOLUTION 60-15 A RESOLUTION APPOINTING JAHAZIEL TOLLINCHI AS A PART-TIME LABORER IN THE BOROUGH OF BUENA ROAD DEPARTMENT EFFECTIVE JUNE 8, 2015. m/Zappariello s/Baker

BE IT RESOLVED by the Council of the Borough of Buena that Jahaziel Tollinchi is hereby appointed to the position of part-time 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 \$10.00 per hour without a valid CDL License and \$10.50 per hour with a valid CDL License and whose hours shall be determined by the Road Department Supervisor.

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

PUBLIC SAFETY DIRECTOR'S REPORT:

Director Caregnato informed Mayor and Council that members of the Borough's Emergency Medical staff have been participating in active shooting drills as training provided by Cooper Medical Hospital.

ADMINISTRATORS'S REPORT:

An update was given on rehab to the Louise Basile Community Center and grant approvals for repairs on the municipal building.

SOLICITOR'S REPORT:

RESOLUTION NO. 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/Baker s/Cugini

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, Borough Council adopted Resolution No. 37-15 authorizing the extension of the Contract for a period of thirty (30) days; 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 emergent needs; and

WHEREAS, in order to provide the essential services necessary, it is in the best interest of the Borough of Buena to amend and supplement the existing contract and its extension issued to Blue Diamond Disposal, Inc., Now Gold Medal Environmental of NJ Inc. until a new contract may be awarded in accordance with New Jersey Statutes

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Mayor and Clerk are authorized to execute an amendment to a contract issued to Blue Diamond Disposal, Inc., now Gold Medal Environmental of NJ Inc., so as to extend the existing contract and its terms until August 19, 2015 or until the award of a new solid waste and recycling agreement, whichever shall first occur. There shall be an added cost associated with this extension of One Thousand, Seven Hundred Thirty (\$1,730.00) Dollars per month or pro-rated amount thereof for any portion of a month beyond July 1, 2015.

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

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 for completion.

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

Contracts were sent to the Borough for signature on June 3, 2015. The contractor anticipates beginning work within the next 2 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: (COUNCILMAN MAROLDA) none

STREETS/ROADS: (COUNCILMAN JAMES)

Councilman James provided those present with the road department itinerary.

FINANCE: (COUNCILWOMAN BAKER)

Councilwoman Baker reported the audit is forthcoming. Ms. Baker reported attending the Buena Regional High School Class of 2015 Scholarship Ceremony on Thursday, June 4th. Students were awarded \$100,000.00 in scholarship funds.

The Buena Regional Middle School will be holding the eighth grade recognition awards night on Thursday, June 18th at 6:00 p.m. All Council is invited to this event.

RECREATION: (COUNCILMAN ZAPPARIELLO)

Councilman Zappariello reported on upcoming events.

PUBLIC SAFETY/STREET LIGHTS: (COUNCILMAN CUGINI) none

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY) none

PUBLIC PORTION OF MEETING:

Brian Fatcher of Kimberly Lane was present to follow up with the number of foxes in the area from the previous meeting. Director Caregnato stated he contacted Fish and Game Control and reported that they do not provide the services but would be available to discuss other options. The Director also reported that our animal control does not provide services for wild animals.

Mr. Fatcher also had concerns with flooding in the borough.

CLERK'S REPORT:

Minutes of the regular meeting of November 10, 2014 (tabled from May 11, 2015) were approved except for Councilman James and Cugini who abstained m/Baker s/Zappariello

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

Minutes of the regular meeting of April 27, 2015 were approved except for Councilman Marolda who abstained m/Cugini s/Baker

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

Minutes of the regular meeting of May 11, 2015 were approved except for Councilman Marolda and Mavaddy who abstained m/Baker s/Zappariello

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

Minutes of the regular meeting of May 26, 2015 were approved except for Councilman Cugini and McAvaddy who abstained m/Baker s/Cugini

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

CORRESPONDENCE:

1. BBMUA Board requesting Council formally recognize John Brunini and Charles Mielke for their years of service to the Authority.

Mayor and Council agreed to send a letter of appreciation to John Brunini and Charles Mielke for their years of service.

Need motion to file correspondence: m/Baker s/Cugini

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

UNFINISHED BUSINESS: none

NEW BUSINESS: none

BILLS PAID AS LISTED: m/Baker s/Marolda

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

NEXT MEETING: June 22, 2015

MEETING ADJOURNED: m/Baker s/Marolda RCVU

GAIL KNOTT
DEPUTY CLERK