

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
NOVEMBER 23, 2015**

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

**MEETING ADJOURNED: P.M.**

**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.

**RESOLUTION 112-15 A RESOLUTION ACCEPTING THE RESIGNATION OF JOSEPH MANCUSO, JR. FROM THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY EFFECTIVE NOVEMBER 24, 2015.**  
M \_\_\_\_\_ S \_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the resignation of JOSEPH MANCUSO, JR. From The Borough of Buena Municipal Utilities Authority effective November 24, 2015.

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

**RESOLUTION 113-15 A RESOLUTION APPOINTING JOHN FORMISANO TO THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY, EFFECTIVE NOVEMBER 24, 2015, TO FILL THE UNEXPIRED TERM OF JOSEPH MANCUSO, JR.**  
M \_\_\_\_\_ S \_\_\_\_\_

WHEREAS, a vacancy exists on the Borough of Buena Municipal Utilities Authority; and

WHEREAS, the Mayor and Council of the Borough of Buena have agreed to appoint John Formisano to fill the unexpired term of Joseph Mancuso, Jr.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that John Formisano be appointed to fill the unexpired term of Joseph Mancuso, Jr., effective November 24, 2015 and expiring February 1, 2020.

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

**RESOLUTION 114-15     A RESOLUTION APPOINTING ROBERT DELANO TO THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY, EFFECTIVE NOVEMBER 24, 2015, TO FILL THE UNEXPIRED TERM OF FRANK SOTO.**

**M \_\_\_\_\_ S \_\_\_\_\_**

WHEREAS, a vacancy exists on the Borough of Buena Municipal Utilities Authority; and

WHEREAS, the Mayor and Council of the Borough of Buena have agreed to appoint Robert Delano to fill the unexpired term of Frank Soto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that Robert Delano be appointed to fill the unexpired term of Frank Soto, effective November 24, 2015 and expiring February 1, 2017.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
BAKER				
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**RESOLUTION 115-15     A RESOLUTION APPOINTING GEORGE ALVAREZ TO THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY, ALTERNATE I, EFFECTIVE NOVEMBER 24, 2015, TO FILL THE UNEXPIRED TERM OF JOHN FORMISANO.**

**M \_\_\_\_\_ S \_\_\_\_\_**

WHEREAS, a vacancy exists on the Borough of Buena Municipal Utilities Authority; and

WHEREAS, the Mayor and Council of the Borough of Buena have agreed to appoint George Alvarez to fill the unexpired term of John Formisano.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that George Alvarez be appointed to fill the unexpired term of John Formisano, BBMUA Alternate I, effective November 24, 2015 and expiring February 1, 2018.

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MAROLDA				
JAMES				
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**ORDINANCE NO. 633     NEED MOTION TO OPEN THE PUBLIC HEARING ON:**

**AN ORDINANCE AMENDING ORDINANCE NO. 583, AS AMENDED, CHAPTER 45 OF THE CODE OF THIS BOROUGH OF BUENA**

**M \_\_\_\_\_ S \_\_\_\_\_**

WHEREAS, the Borough Council of the Borough of Buena adopted Ordinance No. 604 and amendments thereto, Chapter 45 of the Code of the Borough of Buena entitled Public Safety Director; and

**WHEREAS**, on October 26, 2015, the Council adopted Ordinance No. 632, amending Ordinance No. 604, as amended, setting forth the rank and numbers of sworn officers making up the Buena Borough Police Department which incorrectly set forth in Section 45-2, the number of Sworn Officers at "not more than four (4) full time and not more than two (2) part time", which, as a result of a clerical error, incorrectly specifies the number to be authorized at four (4) full-time where the correct number of authorized is not more than five (5) full-time and not more than two (2) part-time; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Buena that Ordinance No. 604, as amended, Chapter 45 of the Code of Borough of Buena be amended as follows:

**A.** Section 45-2 B iii shall be deleted in its entirety and replaced as follows:

Section 45-2 B iii. Police Officers (excluding Special Law Enforcement Officer) - not more than five (5) full-time and not more than two (2) part-time.

**BE IT FURTHER ORDAINED** that the balance of Ordinance No. 604, as amended, Chapter 45 of the Code of the Borough of Buena not hereby amended shall remain in full force and effect.

**BE IT FURTHER ORDAINED** that if any section, subsection, paragraph, sentence or other part of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, subsection, paragraph, sentence or other part so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED** that all Ordinances or parts of Ordinances or Resolutions inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

This Ordinance shall take effect immediately after final passage and publication as required by law. Any Ordinances inconsistent with this Ordinance are hereby repealed.

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MAROLDA				
JAMES				
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ZAPPARIELLO				
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MCAVADDY				

**DISCUSSION:**

**PUBLIC HEARING CLOSED:**

**M \_\_\_\_\_ S \_\_\_\_\_**

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MAROLDA				
JAMES				
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ZAPPARIELLO				
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MCAVADDY				

**ORDINANCE 633 ADOPTED:**

**M \_\_\_\_\_ S \_\_\_\_\_**

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MAROLDA					
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**RESOLUTION 111-15     A RESOLUTION ESTABLISHING AND IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION OF VARIOUS PROFESSIONAL SERVICE AGREEMENTS.**

**M \_\_\_\_\_ S \_\_\_\_\_**

WHEREAS, the Borough Council of the Borough of Buena acknowledges the need for Professional Services to be provided to the Borough of Buena; and

WHEREAS, the Borough Council of the Borough of Buena has adopted Ordinance No.543, an Ordinance Restricting and Controlling the Award of Professional Service Agreements in the Borough of Buena which prohibits the award of a Professional Service Agreement where such professional has made a political contribution to a city elected official; and

WHEREAS, N.J.S.A. 19:44A-20.4 requires municipalities to adopt fair and open procedures for awarding professional service agreements which are otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Council of the Borough of Buena believes it is in the best interest of the Borough of Buena to select professionals primarily on the basis of their qualifications, including qualifications uniquely suited to the needs of the Borough of Buena; and

WHEREAS, to receive statements of qualifications in a manner that fosters a fair and open process, it is necessary and advisable to establish advance general criteria and specific minimum requirements; and

WHEREAS, the Borough Council of the Borough of Buena has determined that a fair and open process requires public advertisement of professional services required in a manner and with sufficient time to provide notice in advance of the contemplation of retaining the services of a professional and the criteria to be considered in determining the best professional for the position; and

WHEREAS, a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the Borough Council and then published in accordance with N.J.S.A. 40A:11-5.

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

- 1) All appointments for Professional Services contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.
- 2) The Borough Clerk shall cause all legal notices to be published on the website for the Borough of Buena stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualification, will be posted at Borough Hall beginning no later than December 4, 2015
- 3) The criteria for each position contained on Schedule A follows immediately subsequent to the Listing on Schedule A. The criteria shall be disclosed, together with the posting of the listed positions at Borough Hall.
- 4) The website posting shall inform potential applicants that all submissions must be made to the Borough Clerk and received no later than 12:00 noon, December 18, 2015.
- 5) Commencing 12:01 p.m. on December 18, 2015, or as soon thereafter as may be available, the Borough Clerk of the Borough of Buena or her designee shall publicly open and announce all submissions in the Borough Council Chambers at Buena Borough Hall.
- 6) The appropriate department heads and the representatives from the appropriate boards shall thereafter review all submissions and report to the Mayor with recommendations.
- 7) Appointments shall thereafter be made at a public meeting of the Borough Council at their next meeting.
- 8) Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED that those positions included on Schedule A are those positions which the Borough of Buena Council reasonably believes shall be subject to appointment for the year 2016. However, all such appointments are subject to the availability of funds and the continuing needs of the Borough of Buena. Accordingly, inclusion of a position on Schedule A is not a representation or warranty that such position will be filled, but that if filled, it will be subject to the terms and conditions contained herein.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Buena has determined that the terms of this Resolution constitute a fair and open

process in accordance with N.J.S.A. 19:44A-20, et seq, and Ordinance No. 543 of the Borough of Buena.

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MAROLDA				
JAMES				
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MCAVADDY				

**RESOLUTION 116-15      RESOLUTION TO TRANSFER APPROPRIATION BALANCES  
TRANSFER RESOLUTION #1  
M \_\_\_\_\_ S \_\_\_\_\_**

**Whereas,** N.J.S. 40A:4-58 permitting the transfer to appropriate balances where needed for purposes specified in the budget in an amount in excess of the sum appropriated therefore from an appropriation balance deemed to be in excess of the amount necessary to fulfill the purpose of such appropriation.

**NOW, THEREFORE, BE IT RESOLVED** that the following transfers be made in the Borough of Buena Budget:

**TRANSFER FROM**

Clerk S/W	\$900.00
Finance S/W	\$20,000.00
Maint. Of Tax Maps	\$1,850.00
Tax Collector S/W	\$800.00
Administrator O/E	\$1,000.00
Legal O/E	\$10,000.00
Public Bldgs/Grounds S/W	\$ 2,800.00
Health Benefits Waiver	\$500.00
JIF/MEL	\$2,800.00
Workmans Comp	\$1,000.00
Emergency Management O/E	\$700.00
Grant Administrator	\$5,000.00
Landfill	\$7,000.00
Construction S/W	\$1,400.00
Construction O/E	\$500.00
Gloucester Co 911	\$100.00
Franklin Twp Court	\$3,000.00

**TOTAL TRANSFER**

**\$59,350.00**

**TRANSFER TO**

Finance O/E	\$1,000.00
Administrator S/W	\$5.00
Legal S/W	\$5.00
Public Bldgs & Grounds	\$1,500.00
Land Use Board O/E	\$600.00
Disability Insurance	\$300.00
Police S/W	\$31,280.00
Sts & Roads S/W	\$15,500.00
Trash O/E	\$9,000.00
Plumbing Inspector	\$160.00

**TOTAL TRANSFER**

**\$59,350.00**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
JAMES				
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RESOLUTION 117-15      AUTHORIZING MEMBERSHIP IN A MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING UNITS.  
M \_\_\_\_\_ S \_\_\_\_\_

**WHEREAS**, mutual aid and assistance agreements between municipalities, counties, emergency management agencies, law enforcement agencies police, Emergency Medical Service, fire departments, fire companies or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

**WHEREAS**, the President in Homeland Security Directive (HSPD)- 5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

**WHEREAS**, "The New Jersey Civilian Defense and Disaster Control Act" App.A9-33 et. seq, provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor or County or Local Emergency Management Coordinator control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency, and

**WHEREAS**, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the "Fire Service Resource Emergency Deployment Act," N.J.A.C. 52:14E-11 et. seq., commonly referred to as the "Fire Service Resource Emergency Deployment Regulations" N.J.A.C. 5:75A et. seq, and

**WHEREAS**, it is deemed to be in the best interests of the residents of this municipality and/or fire district to enter into a mutual aid and assistance agreement with the County of Atlantic and other municipalities including (but not limited to) emergency management agencies, municipal police, Emergency Medical Service or fire departments, volunteer fire companies or EMS organizations and/or fire districts to provide additional protection against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation damage or destruction to person and property, in those situations when outside aid and assistance is needed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Buena,

County of Atlantic, and State of New Jersey as follows:

- A. That the Borough of Buena is hereby authorized and directed to enter into the Atlantic County Mutual Aid and Assistance Agreement Between Participating Units, a copy of which is attached hereto and made part hereof, on the terms and conditions contained herein.

B. That the Mayor and Clerk Of the Borough of Buena are hereby authorized and directed to execute said Mutual Aid and Assistance Agreement on behalf of the Borough of Buena.

C. That the Clerk is hereby authorized and directed to forthwith forward a copy of this Resolution and an executed copy of Schedule A of the agreement to the offices of the Atlantic County Office of Emergency Management for review and filing by the appropriate Fire, EMS and County Prosecutor or his designee as appropriate.

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

**PERSONNEL:**

**PUBLIC SAFETY DIRECTOR'S REPORT:**

**ADMINISTRATORS' S REPORT:**

**SOLICITOR'S REPORT:**

**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 9, 2015. If no corrections or additions, entertain a motion to approve M\_\_\_\_\_S\_\_\_\_\_

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

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

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

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

**NEXT MEETING:** December 14, 2015

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