

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
October 10, 2017**

MEETING CALLED TO ORDER: 6:33 P.M.
MEETING ADJOURNED: 6:50 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Tuesday, October 11, 2017 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, 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.

PRESENT: Councilpersons Marolda, Walker, Baker, Alvarez and McAvaddy, Richard Tonetta, Solicitor and Jill McCrea, Administrator, Brianna Pace, Deputy Clerk

ROLL CALL OF ATTENDANCE:

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

PUBLIC PORTION OF MEETING:

Jeff Johnston of Cedar Lake Road stated tree limbs are growing into the road and it's a nuisance sideswiping the car. Bill Nimohay advised he will take care of it as soon as he has a full crew again.

MAYOR'S REPORT:

RECOGNITION: RICHARD CROWELL

ORDINANCE NO. 658: NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**AN ORDINANCE AMENDING ORDINANCE 601 CHAPTER 99,
SECTION 99-4B OF THE CODE OF THE BOROUGH OF BUENA
ENTITLED LICENSE AND INSPECTION FEE
m/Baker s/Walker**

WHEREAS, the Council of the Borough of Buena has determined that in order to assure that all dogs and cats are properly vaccinated for rabies and other diseases which could be life threatening to persons said animals must be licensed and registered with the Borough and the State of New Jersey; and

WHEREAS, the cost of administration and related expenses have increased and Borough Council finds that such cost should not be a burden on the taxpayers but on the owners of dogs residing in the Borough; and

WHEREAS, Chapter 99, Section 99-4B of the Borough Code provided an

automatic escalator on a yearly basis to assure that the full cost of such service was passed on to the owners of the dogs being registered and licensed rather than the taxpayers of the Borough; and

WHEREAS, the mathematical calculation process set forth in Section 99-4B is flawed in that it would never represent an increase in the fee and therefore contrary to the legislative intent of the Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Chapter 99, Section 99-4B of the Code of the Borough of Buena be deleted in its entirety.

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.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and affect.

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

DISCUSSION: None

NEED MOTION TO CLOSE PUBLIC HEARING:
m/Baker s/Walker

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

ORDINANCE NO. 658 ADOPTED:
m/Baker s/Alvarez

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

ORDINANCE NO. 659 NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**AN ORDINANCE AMENDING ORDINANCE 446, AS AMENDED,
CHAPTER 82-9E OF THE CODE OF THE BOROUGH OF BUENA
ENTITLED REGISTRATION AND INSPECTION FEE
m/Baker s/Walker**

WHEREAS, the Council of the Borough of Buena has determined that inspections of rental units in the Borough are necessary to assure rental housing meets the minimum standards for living quarters set forth in the Borough Code including the International Property Maintenance Code adopted by the Borough Council; and

WHEREAS, the cost of inspections, administration and related expenses have increased and Borough Council finds that such cost should not be a burden on the taxpayers but on the landlords renting such units; and

WHEREAS, Section 82-9E of the Borough Code provided an automatic cost escalator on a yearly basis to assure that the full cost of such service was passed on to the owners of the rental units being inspected rather than the taxpayers of the Borough; and

WHEREAS, the mathematical calculation process set forth in Section 82-9E is flawed in that it would never represent an increase in the fee and therefore contrary to the legislative intent of the Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Chapter 82, Section 82-9E of the Code of the Borough of Buena be deleted in its entirety.

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.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and affect.

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

DISCUSSION: None

**NEED MOTION TO CLOSE THE PUBLIC HEARING:
m/Baker s/Alvarez**

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

**ORDINANCE NO. 659 ADOPTED:
m/Baker s/Alvarez**

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

**RESOLUTION 121-17 A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE RESIGNATION OF JOHN M. ECKLER, JR AS CONSTRUCTION CODE OFFICIAL WITH REGRETS.
m/Baker s/Walker**

WHEREAS, John M. Eckler, Jr. has served the Borough of Buena in the capacity of Construction Code Official; and

WHEREAS, during his tenure, John M. Eckler, Jr. has provided effective and compassionate representation to the Borough of Buena; and

WHEREAS, John M. Eckler, Jr. has submitted a letter of resignation, resigning his positions as Construction Code Official.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the resignation of John M. Eckler, Jr. be regrettfully accepted effective October 10, 2017.

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

**RESOLUTION 122-17 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 CONCERNING PERSONAL MATTERS AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN
m/Baker s/Alvarez**

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 personnel matters; and

WHEREAS, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff, concerning the terms and conditions of employment of Dennis Steudle, Police Officer, Jill McCrea, Administrator and Dolores Andrews, Assessing Clerk.

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 October 10, 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 a personnel matters involving Dennis Steudle, Police Officer, Jill McCrea, Administrator and Dolores Andrews, Assessing Clerk.
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, shall be made following final negotiations 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 10 days, however, any personal confidential information may not be released.

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

**RESOLUTION 123-17 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND AN OVERPAYMENT.
m/Baker s/Walker**

WHEREAS, there exists an overpayment on Block 201, Lot 48.20 as a result of a duplicate payment; and

WHEREAS, it has been determined by the collector that the overpayment should be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, in the County of Atlantic, State of New Jersey that the following be refunded.

Block 201, Lot 48.20

Refunded to: Foundation Title, LLC

57 Euclid Street

Woodbury, NJ 08096

Amount: \$2,441.77

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

ADMINISTRATORS' S REPORT: Bob provided CBDG info - eligible report will be forwarded.

ENGINEER' S REPORT

FY2015 NJDOT Municipal Aid Project - Resurfacing of Plymouth Street

We received the permit for the culvert replacement from the NJDEP. We are still awaiting word from The Pinelands Commission to determine if the project can proceed under the County's Memorandum of Agreement with The Commission. The bid documents for the culvert replacement were approved and signed by Atlantic County. Our office proposes to advertise for public bids the week of October 9, 2017.

A contract for the resurfacing project was awarded to Arawak Paving Company, Inc. at the May 8, 2017 Borough Council Meeting. The initial Payment Voucher was submitted to the NJDOT for processing. Contracts were sent to Arawak for signature. The resurfacing component of the project will proceed once the culvert replacement is complete.

Melini Park Senior Recreation Facility – CDBG Project

Bids for the project were received on September 13, 2017. The bids exceeded the project budget.

Master Plan Re-Examination

Our office has completed our initial planning review. We are coordinating a meeting with the Borough to review.

Resurfacing of Forest Grove Road

The Borough received \$196,000.00 in FY2016 NJDOT funding for the resurfacing of Forest Grove Road. The Borough did not receive FY2017 funding. A contract utilizing the FY2016 funds must be awarded by March 24, 2018 to avoid jeopardizing the funding. Our office is preparing a revised proposal for this project.

FY2018 Municipal Aid Applications

Our office submitted the application for the Reconstruction/Resurfacing of Forest Grove Road on October 4, 2017.

SOLICITOR'S REPORT: None

COMMITTEE REPORTS:

ROADS/RECYCLING: (COUNCILMAN MAROLDA) Councilman Marolda advised he is working on a couple things for next meeting.

ECONOMIC DEVELOPMENT: (COUNCILMAN WALKER) Councilman Walker reported he is working with Bill Nimohay regarding the landfill and has a meeting with the DEP soon.

RECREATION: (COUNCILWOMAN BAKER) Councilwoman Baker advised Saturday, October 14th is Buena Pride Day at BRHS from 11am to 7pm. Next, the Landisville Fire Company will have its Annual Roast Beef Sandwich Fundraiser. It will be held on Saturday October 28th from 11am to 2pm. Donation is \$10 for 2 sandwiches and potato chips. Lastly, trick or treat will also be held on Saturday, October 28th from 2pm to 4pm.

FINANCE: (COUNCILMAN MANCUSO) No report

PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN ALVAREZ) Councilman Alvarez reported the police statistics for last month. Also, our EMS was nominated as an outstanding agency and Rhonda Ciruolo was nominated as an outstanding administrator.

Mayor Zappariello asked Officer in Charge Martinelli if there were any updates on the shooting at the MVP bar. He responded the Atlantic County Prosecutors office took over the investigation immediately and won't release any details until it's finalized.

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY) No report

CLERK'S REPORT:

Minutes of the meeting of were approved m/Baker s/Alvarez

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

UNFINISHED BUSINESS: None

NEW BUSINESS: None

BILLS PAID AS LISTED: m/Baker s/Walker

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

NEXT MEETING: OCTOBER 23, 2017 AT 6:30 P.M.

MEETING ADJOURNED: m/Baker s/Walker

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

BRIANNA PACE
DEPUTY CLERK