

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
OCTOBER 26, 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, October 26, 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 and Cugini, Richard Tonetta, Solicitor and Dr. Paul Trivellini, Administrator, Dan Careganto, Public Safety Directory and Maryann Coraluzzo, Borough Clerk

ABSENT: Councilman McAvaddy

MAYOR'S REPORT: First order of business.

RECOGNITION: WILLIAM NIMOHAY, ROAD DEPARTMENT SUPERVISOR

Councilman Robert James, Chairman of Streets and Roads, read the following speech:

On September 1, 2015, through the efforts of Road Supervisor Bill Nimohay, the Borough of Buena received the prestigious Environmental Stewardship Award from the New Jersey Department of Environmental Protection for engaging in activities eligible for recognition. This Award came in time to celebrate Bill's 20th year of tireless and dedicated service to the Borough of Buena.

In 2012, the Borough participated in South Jersey Energy's Direct Install Program and received funding to install low wattage high efficiency light bulbs in an effort to reduce energy costs. Bill was instrumental in this program; gathering data, verifying wattage demand, completing facility surveys for three buildings, and overseeing the process. Through his efforts, Bill earned recognition in the "Green Building Implementation" category of the Stewardship Program.

The second category the Borough received recognition in is the "Innovative Program" for collecting and transporting all leaves gathered in the Borough to an organic farmer for free to use as compost. Bill and his department keep leaves out of the storm drains and eliminates the need to transport the foliage to a state approved facility. This saves our taxpayers the burden of an additional expense and helps the environment thrive.

On behalf of the Borough of Buena, I would like to present the New Jersey Department of Environmental Protection's "Environmental Stewardship" Award to William "Bill" Nimohay, to hang proudly in his office as a small testament to his last 20 years of tireless and dedicated service to the Borough of Buena.

In addition to the Stewardship Award, Mr. Nimohay was presented with a Certificate of Recognition for completing his twentieth year of dedicated service to the Borough of Buena.

ORDINANCE NO. 632 PUBLIC HEARING OPENED ON:

**AN ORDINANCE AMENDING ORDINANCE NO. 604, AS
AMENDED, CHAPTER 45 OF THE CODE OF THE BOROUGH OF
BUENA. m/Cugini s/Baker**

WHEREAS, Borough Council adopted Ordinance 604 and amendments thereto, Chapter 45 of the Code of the Borough of Buena entitled Public Safety Department; and

WHEREAS, in accordance with Reuter of the Borough of Fort Lee, 167 NJ 38, municipalities are required to adopt Ordinances specifying the authorized number of officers at each ranks and line of authority and Council finds it necessary to amend Ordinance 604, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 604, as amended, Chapter 45 of the Code of the Borough of Buena, shall be amended as follows:

1. Section 45-2 shall be amended as follows:

§45-2 Police Force and Division of Emergency Medical Services.

A. There shall be and hereby is established with the Department of Public Safety a full-time Police Force for the Borough of Buena, which shall consist of such number of superior officers and patrolmen as are hereinafter set forth and shall be appointed by resolution of the Borough Council, upon recommendation of the Director of Public Safety and consistent with the annual budget of the Borough of Buena. This subsection is intended to ratify the existence and operation of the Police Department which has historically operated within and served the Borough of Buena and to satisfy statutory requirements of the enabling legislation as amended.

The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of the State of New Jersey and the Ordinances of the Borough of Buena; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.

B. The Police Force shall consist of the following police officers in the following descending ranks and order of authority:

- i. Lieutenant - not more than one (1);
- ii. Sergeants - not more than two (2); and
- iii. Police Officers - not more than 4 full time and not more than 2 part-time.

The powers, functions and duties of the members of the Police Force shall be as currently prescribed by the Buena Borough Police Department Rules and Regulations Manual and as are generally set forth herein.

C. The Division of Emergency Medical Services is established and created in accordance with Ordinance No. 605 within the Buena Borough Police Department which is headed by the Emergency Medical Technician, appointed by the Mayor with the advice and consent of Borough Council. The Emergency Medical Technician shall directly report to and act under the direct supervision and authority of the Director of Public Safety and in his or her absence the two (2) Assistant Directors of Public Safety.

2. Section 45 B (4) shall be deleted in its entirety and replaced as follows:

B (4) Delegate his/her authority as he/she may deem necessary for the efficient operation of the Emergency Medical Services and to the extent of the authority allowed hereunder and permitted in accordance with the laws of the State of New Jersey delegate his/her authority as he/she may deem necessary for the efficient operation of the Police Department. Such authority shall be exercised under his/her direction and supervision.

BE IT FURTHER ORDAINED that any portion of Ordinance 604, as amended, not so amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that if an 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 Ordinance 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.

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

DISCUSSION:

Councilman James questioned the staffing levels of the Class II Officers. Solicitor Tonetta responded that this is covered under state statute.

PUBLIC HEARING CLOSED:

m/Cugini s/Zappariello

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

ORDINANCE NO. 632 ADOPTED:

m/Baker s/Cugini

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

RESOLUTION 108-15 A RESOLUTION APPROVING AN ALCOHOLIC BEVERAGE LICENSE FOR THE 2015-2016 TERM. m/Baker s/Zappariello

WHEREAS, application for renewal of liquor licenses for the 2015-2016 year have been filed with the Borough Clerk; and

WHEREAS, all filing fees have been paid and all applications hereinafter identified are complete.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the retail consumption license listed below be and is hereby renewed for the 2015-2016 licensing year.

SALOON 54 LLC
0104-33-013-008

BE IT FURTHER RESOLVED that the Municipal Clerk is instructed to issue said license.

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

PERSONNEL:

RESOLUTION 104-15 A RESOLUTION APPOINTING EDWARD CASTELLARI JR. TO THE POSITION OF LAND USE BOARD MEMBER CLASS IV TO FILL THE UNEXPIRED TERM OF WILLIAM SCHIARETTA. m/Cugini s/Baker

WHEREAS, a vacancy exists on the Land Use Board; and

WHEREAS, the Mayor and Council of the Borough of Buena have agreed to appoint Edward Castellari Jr. to fill the unexpired term of William Schiaretta.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that Edward Castellari Jr. be appointed to the position of Land Use Board Member Class IV commencing October 26, 2015 and expiring December 31, 2018.

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

RESOLUTION 105-15 A RESOLUTION APPOINTING RONALD FRANCIS TO THE POSITION OF LAND USE BOARD MEMBER ALTERNATE I TO FILL THE UNEXPIRED TERM OF EDWARD CASTELLARI JR. m/Cugini s/Baker

WHEREAS, a vacancy exists on the Land Use Board; and

WHEREAS, the Mayor and Council of the Borough of Buena have agreed to appoint Ronald Francis to fill the unexpired term of Edward Castellari Jr..

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that Ronald Francis be appointed to the position of Land Use Board Member Alternate I commencing October 26, 2015 and expiring December 31, 2016.

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

**RESOLUTION 106-15 A RESOLUTION APPOINTING ALDO PALMIERI TO THE POSITION OF LAND USE BOARD MEMBER ALTERNATE II TO FILL THE UNEXPIRED TERM OF RONALD FRANCIS.
m/Cugini s/Baker**

WHEREAS, a vacancy exists on the Land Use Board; and

WHEREAS, the Mayor and Council of the Borough of Buena have agreed to appoint Aldo Palmieri to fill the unexpired term of Ronald Francis.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that Aldo Palmieri be appointed to the position of Land Use Board Member Alternate II commencing October 26, 2015 and expiring December 31, 2016.

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

**RESOLUTION 107-15 A RESOLUTION APPOINTING KENNETH CHELI TO THE POSITION OF LAND USE BOARD MEMBER ALTERNATE III TO FILL THE UNEXPIRED TERM OF ALDO PALMIERI
m/Baker s/Zappariello**

WHEREAS, a vacancy exists on the Land Use Board; and

WHEREAS, the Mayor and Council of the Borough of Buena have agreed to appoint Kenneth Cheli to fill the unexpired term of Aldo Palmieri.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that Kenneth Cheli be appointed to the position of Land Use Board Member Alternate III commencing October 26, 2015 and expiring December 31, 2015.

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

PUBLIC SAFETY DIRECTOR'S REPORT: none

ADMINISTRATORS' S REPORT:

ADMINISTRATOR'S REPORT TO COUNCIL-OCTOBER 26, 2015

Introduction

I began my employment with the Borough on October 16th, 2012 and have now worked here over three years. I believe that a comprehensive report of where we were, where we are, and where we need to go is important on this anniversary. That said any of our accomplishments happened because of a great team. Many have "stepped up to the plate" during this time, working hard to improve the conditions of the citizens of Buena Borough. For the most part, I am really proud of our employee's actions and their demonstrable desire to improve the town.

There are criteria of great places to live and we need to apply them to our community if we wish to strive for greatness. Some of the standard criteria are: 1. Amenities; 2. Demographics; 3. Economy; 4. Education; 5. Health Care; 6. Housing; 7. Social and Civic Capital; and 8. Transportation. Called by a number of other terms and used for ranking of towns by many, these essentially determine the difference between average places to live and great places to live. And within each of these criteria, there are many indicators of progress. If we can improve on any of these, the Borough will get better.

Where We Were

1. Finances-Cash Reserve (Free Balance)-At the rate that the Borough was spending additional reserves; it was my best estimate that bank balances would be reduced to \$0 in approximately 13 months. We spent the better part of my first three months reviewing, revamping, and approving changes to ordinance that had not been amended in decades. This allowed us to predict additional revenue, relieving the tax burden for future years and allowing us to retain free balance. The payment of bills was customarily delayed due to insufficient funds.
2. Personnel-The general lack of harmony was a hallmark that was noticeable to the employees and the public. Departments did not speak to other departments. The Police were four years without a contract. We had just dismissed the Police Chief and the interim Officer-In-Charge fought a daily fight to improve community relations, deal with an ever changing staff, and to repair the damage done in the past. Staff was not cross-trained and it was not uncommon for offices to be closed to customer service.
3. Park Facilities-Previous storm damage to dugouts and other structures remained. The funds to repair these facilities had been placed improperly in the budget and were not accessible. The promised netting to prevent damage to cars was never ordered. The children's play set was rotten, creating a tremendous liability for the Borough.
4. Road Projects-Borough vehicles fueled in a variety of locations including Buena Regional School District, Buena MUA, and commercial locations. Numerous roads needed repair.
5. Public Buildings-The EMS Building was virtually uninhabitable due to the smell from the spice processor located next door. Borough Hall leaked in every rainstorm, causing slippery surfaces in hallways, and calcifications to appear behind paint on the walls. The sidewalks were

buckled to create trip hazards. The handicapped bathrooms in the Senior Center had been modified to remove handicapped accessibility and were in dirty, generally deplorable condition.

6. Computer wiring in Borough Hall was so poorly modified to generally cause 2-3 hours of down time every week.
7. Equipment-the Borough had bonded for the replacement of one ambulance, when two were really needed (one was a 2003 and the other 1997). The Borough had bonded for a pickup truck for Public Works. We had little equipment that was necessary for permanent small road repairs. Generally, police vehicles were in deplorable condition and the Borough owned too many vehicles.
8. Economic Development-No plan for Economic Development existed. The Borough had two Redevelopment Zones, one that contains only the Commerce Center and another on Route 54 that cannot be supported by utilities.

Where We Are

1. Finances-Cash Reserve (Free Balance)-We have stemmed the tide of reducing the Free Balance annually and are paying all bills on time. Fees for service have automatic increases built-in to prevent us from making taxpayers support the specialized services of a few. The addition of the License Plate reader has improved the Police Department income.
2. Personnel-Employee harmony is greatly improved with all departments working together. While not all of the appropriate needs of the individual departments have been met, many have and the improvements have been applied to all departments. All have seen some of their needs met. We settled two police contracts at one time, each for four years. The second contract will expire at the end of 2016. A number of employees have been cross-trained to provide much better customer service.
3. Park Facilities-The dugouts have been professionally repaired and, with the help of the Little League, the protective netting has finally been installed. A youth practice field has been added. Parking has been delineated. The dangerous playground apparatus was removed and the unused playground was relocated by our Public Works Employees to replace it (Kudos to Bill and the guys). The Borough, through the clever observation of Mayor Baruffi, was able to purchase another play area for the park to be installed at a later date. We have removed numerous dead and dying trees.
4. Road Projects-We have repaired a number of roads by both awarding contracts and the hard work of our Public Works employees.
5. Public Buildings-The smell in the EMS building was corrected by sealing the walls from adjacent operations (thanks Public Works) and the installation of an air intake for their HVAC system, creating positive pressure in the building. Unplugging and reinstalling the proper scupper covers rectified the leaking problem in Borough Hall. Using a USDA Small Communities grant, we were able to make the following improvements to Borough Hall: replacement of the tanked water heater with a tankless model; re-caulking all of windows and doors; waterproofing of all of the exterior masonry surfaces; re-coated the roof and HVAC penetrations; leveled all of the sidewalk to remove trip hazards; installing a cover over the rear entrance; installing a completely updated fire detection warning system; installing a Closed Circuit Television Security System; and updating the filing system for records retention. Additionally, we recently installed a more secure and attractive service window for the Clerk/Tax Collectors Offices.
6. Equipment-Public Works has wisely used available funds to purchase and rehab equipment that allows them to do an increasing number of jobs, saving the taxpayers many dollars. The most recent, a used pavement roller, has allowed them to make repairs on Janet Street and repairs to roads in our senior complex.

7. Economic Development-Status Quo

Where We Need to Go

1. Finances-We need to subdivide and sell property on Kennedy Drive. The receipt of the proceeds of this will greatly improve the Cash Reserve (Free Balance). This money should not be spent! Likewise, we need to complete the cleanup of the Mazzoni Property on North Boulevard, subdivide it into two lots, and market them. Side benefits will be that our Public Works personnel will not use valuable time to keep the properties clean and they will finally be returned to the tax rolls. The Borough needs re-assessment. We were re-assessed at the top of the property value market, so most challenges to the assessed value are being won by the property owners. Over the long run this leaves the Borough short of expected funds and the other property owners paying an unfair portion of the taxes.
2. Park Facilities- We are working with our Engineers to utilize CDBG Funds, not useable for road projects, to create an exercise area in the park that is appropriate for our senior citizen population.
3. Road Projects-Complete the planned projects on Plymouth Road, Louis Drive, and Forest Grove Road. As we move forward, we need to budget for the Borough matching funds.
4. Public Buildings-We have a drainage problem in the front of Borough Hall that keeps water from the roof against the building. Because of the USDA grant, hallway tiles will soon be replaced and the hallways painted. Most of the Borough offices need to be repainted and new tile floors installed.
5. Equipment-We need to keep funds in the budget for recurring purchases and routine maintenance. Failure to do this causes bubble tax increases when these emergency needs arise. A stable tax increase keeps residents content.
6. Economic Development-The Redevelopment Zone on RT 54 needs to have water and sewer made available in order for it to be developed. The Redevelopment Zone that encompasses the Commerce Center needs to be expanded to include the property east of the Center and westerly, around the corner on Central to at least the existing doctor's office. A new Redevelopment Zone needs to be created to include continuously the old Scott Paper site, the Landisville Produce Auction, the businesses on North Boulevard, and minimally to the corner of Rt. 40. In the future, the largest impact would be the creation of a Redevelopment Zone on Route 40 from Route 54 minimally to the Padre Pio Shrine. This cannot be of immediate importance due to the lack of continuous water/sewer capacity. The Master Plan is due to be updated/re-written. It had questionable approvals, seems to spot zone, and seemed to be afraid to create pre-existing, non-conforming sites. The largest benefit of good Redevelopment Zones would be the ability to market properties. Other benefits would be the ability to sell properties for the best use, not the highest offer.

I must mention that none of the "future directions" that are mentioned above will make a noticeable change on their own. There is no one solution. Combinations of these and other ideas, such as reviewing the incorporation of the MUA, the current structure of providing services, staffing, and future needs will produce results that save taxes, apply the taxes that we collect fairly and provide improved benefits for the residents.

Respectfully Submitted,
Dr. Paul D. Trivellini, Administrator

SOLICITOR'S REPORT: none

COMMITTEE REPORTS:

RECYCLING: (COUNCILMAN MAROLDA)

Councilman Marolda congratulated Bill Nimohay and extended his thanks for always being there when needed.

STREETS/ROADS: (COUNCILMAN JAMES)

Councilman James congratulated and thanked Bill Nimohay. The Councilman reported meeting with Joseph Rosemont to determine where storm drains were located. Drains located in the area of East Pacific Avenue will take priority.

Flower Street paving should begin sometime this week.

FINANCE: (COUNCILWOMAN BAKER)

Council President Baker extended her thanks to Bill Nimohay.

The Council President and finance department continue to stress the need to stay within department budgets.

As President of the Atlantic County League of Municipalities, Council President Baker conducted the meeting on October 16, 2015 at the Crab Trap. Atlantic County Executive Levinson gave a report on the PILOT Program and recommended the Governor veto it. Howard Kyle, Chief of Staff for the County Executive, reported on the new Economic Development Plan for Atlantic County. The League passed a resolution to send a letter to the Governor stating the League's recommendation to conditionally veto the PILOT Program in its present form.

Council President Baker reminded everyone that the Atlantic County Association of Township Officials will have its meeting on Friday, November 13, 2015 at DiThomasi's Five Points Inn.

RECREATION: (COUNCILMAN ZAPPARIELLO)

Councilman Zappariello reported on upcoming events including the Annual Christmas Parade, which will be held on December 12, 2015, and the probability of the Recreation Commission hosting a Christmas House Decorating Contest.

PUBLIC SAFETY/STREET LIGHTS: (COUNCILMAN CUGINI)

Councilman Cugini extended his thanks to Bill Nimohay.

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY) none

PUBLIC PORTION OF MEETING: There was no one wishing to address Mayor and Council.

CORRESPONDENCE:

- 1. Our Lady of the Blessed Sacrament request for a Raffle License dated for December 24, 2015 was approved m/Cugini s/Baker.

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

- 2. Our Lady of the Blessed Sacrament request for the annual Raffle License and Bingo License for the 2016 calendar year were approved. m/Baker s/Cugini

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

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

CLERK'S REPORT:

Minutes of the meeting of October 13, 2015 were approved m/Cugini s/Baker

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

UNFINISHED BUSINESS:

Councilman Zappariello attended a meeting with various officials regarding New Jersey Transit Bus 553. The Councilman reported that alternative routes were reviewed by NJ Transit and the Borough was given the following three recommended options:

1. Continue with our current routing.

- NJT Planning analysis - Recommended (first choice)
 - The maximum amount of Buena and Buena Vista residents will have easy access to the route.
 - Buses would serve the maximum number of businesses within Buena.

1. Operate via US 40 , Wheat Road and Lincoln Ave (buses enter Buena for a very brief period of time)

- NJT Planning analysis - Recommended (second choice)

- Route would provide service to destinations along US 40 in Buena Vista (Country Club, retirement community, municipal building, etc.).
- However, route would not provide easy access to the 553 for most Buena residents.

1. Discontinue new Buena routing and return to the route that was effective before June 2015.

- NJT Planning analysis - Not recommended.
- Route would take service away from existing US 40 Buena Vista passengers, as well as Buena passengers.

Mayor and Council discussed each option in detail with Mayor Baruffi suggesting the NJ Transit officials revisit the North-South Boulevard option because Notre Dame School is closed. If this is still not viable, the Mayor is in favor of keeping the route as is because many of our residents use the service to go back and forth to work. Council President Baker agreed that our residents are in fact benefiting from the current service. Councilman James stated that in his experience as police chief, NJ Transit bus service had no impact on crime. Councilman Marolda stated he will look into County shuttle service.

A committee was formed and a special meeting will be held on October 29, 2015 at 4:30.

NEW BUSINESS: none

BILLS PAID AS LISTED: m/Baker s/James

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

NEXT MEETING: November 9, 2015

MEETING ADJOURNED: m/Baker s/James RCVU

MARYANN CORALUZZO
BOROUGH CLERK