

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 12, 2016**

**MEETING CALLED TO ORDER: 6:33 P.M.
MEETING ADJOURNED: 7:10 P.M.**

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, September 26, 2016 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 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 Walker, Baker, and James, Mancuso, McAvaddy, Richard Tonetta, Solicitor and Dr. Paul Trivellini, Cindy LoGuidice, CFO and Brianna Pace, Clerk 1

ROLL CALL OF ATTENDANCE:

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

**MAYOR'S REPORT:
ORDINANCE 641**

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**ORDINANCE AMENDING CHAPTER 150 SECTION 7 OF
THE CODE OF THE BOROUGH OF BUENA ESTABLISHING FEES FOR
ZONING PERMITS ISSUED BY THE BUENA BOROUGH ZONING
OFFICER
m/Baker s/James**

WHEREAS, the Borough Council of the Borough of Buena has determined the need to review the fees charged for the issuance of Zoning Permits, Certificates of Zoning Compliance and Certificates of Preexistence Nonconforming Use or Structures by the Zoning Officer;

WHEREAS, The Borough Council finds it to be in the best interest of the Borough to increase the fees for said services in order to cover the increase in costs associated with the research, review and issuance process of the Zoning Officer.

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

1. Zoning Officer fee for a Zoning Permit shall be \$30.00.
2. Zoning Officer fee for certification of Zoning Compliance shall be \$30.00.
3. Zoning Officer fee for Certificate of preexisting non-conforming structure shall be \$30.00.

BE IT FURTHER ORDAINED that the fees set forth herein above shall

take effect upon adoption according to law.

BE IT FURTHER ORDAINED that the fees set forth herein above shall automatically increase by 2% commencing January 1, 2017 and shall increase on the first day of January of each year thereafter.

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FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

DISCUSSION: none

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

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

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

**ORDINANCE 641 ADOPTED:
m/Baker s/McAvaddy**

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

ORDNANCE NO. 642 NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**AN ORDINANCE AMENDING ORDINANCE NO. 492, CHAPTER 181 OF THE CODE OF THE BOROUGH OF BUENA, AS AMENDED, ENTITLED "PROPERTY MAINTENANCE CODE."
m/Baker s/McAvaddy**

WHEREAS, the Borough of Buena finds it necessary to regulate and govern the conditions and maintenance of all property, buildings and structures within

the Borough by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and further to provide for the condemnation and demolition of buildings and structures unfit for human occupancy and use as well as providing for the issuance of permits and collection of fees therefore;

WHEREAS, the Borough has adopted Ordinance 492 as amended adopting the International Property Maintenance Code which has been updated in 2015.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Buena that Ordinance 492, as amended, is further amended as follows:

181-1.1 Adoption of Property Maintenance Code

That a certain document, three copies of which are on file in the office of the Clerk of the Borough of Buena, being marked and designated as the INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 Edition, as published by the INTERNATIONAL CODE COUNCIL, be and is hereby adopted as the PROPERTY MAINTENANCE CODE of the Borough of Buena in the State of New Jersey for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said PROPERTY MAINTENANCE CODE on file in the Office of the Clerk of the Borough of Buena are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 181-1.2.

181-1.2 Additions, Insertions and Changes

The following sections of the INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 Edition, are hereby amended and revised in the following respects:

Section 101.1 Insert: Borough of Buena

Section 102.3 insert "Nothing in this Code shall be construed to cancel, modify, set aside any provision of any Ordinance or Code except to the extent of a conflict herewith."

Section 103.5 Insert: \$50.00 (Fifty) Dollars to \$1,000.00 (One Thousand) Dollars or as outlined in all Borough Ordinances and Regulations.

Section 106.3 Insert: "For purposes of costs of use of equipment, the Borough adopts the FEMA Schedule of Equipment Rates 44 CFR Section 206.228. Rates for equipment not listed will be charges according to actual costs. Additional costs for personnel and soft costs will be in addition hereto."

Section 111 shall be deleted in its entirety.

Section 112.4 Insert: Not less than \$250.00 (Two Hundred and Fifty) Dollars or more than \$1,000.00 (One Thousand) Dollars.

Section 302.4 Insert: Eight inches in height

Section 304.14 Insert: From May 1st to October 1st

Section 602.3 Insert: From October 1st to May 1st

Section 602.4 Insert: From October 1st to May 1st

Section 181-1.3 Repealer. Ordinance No. 492, Chapter 18 of the Borough of Buena, as amended, entitled "PROPERTY MAINTENANCE" and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of the conflict and the balance shall remain in full force and effect.

Section 181-1.4 Saving Clause. That if any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council of the Borough of Buena hereby declares that it would have passed this law, and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses and phrases be declared unconstitutional.

Section 181-1.5 Further, nothing in this Ordinance or in the PROPERTY MAINTENANCE CODE hereby adopted shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or Ordinance hereby repealed as cited in Section 181-1.3 of this Ordinance nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. Nothing in this Chapter shall be construed to abrogate or impair the power of the Borough of Buena or any officer or department to enforce any provisions of its ordinances or regulations nor to prevent or punish violations thereof, and the powers conferred by this Chapter shall be in addition and supplemental to the powers conferred upon the Borough by any other law or ordinance.

BE IT FURTHER ORDAINED that the Clerk of Borough of Buena is hereby Ordered and Directed to cause this Ordinance to be published in accordance with the laws of the State of New Jersey.

BET IT FURTHER ORDAINED that this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on and after the date of its final passage and adoption according to law.

DISCUSSION:

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

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

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

**ORDINANCE 642 ADOPTED:
m/Baker s/James**

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

**RESOLUTION 96-16 AWARDING BANKING SERVICES TO NEWFIELD NATIONAL BANK
m/Baker s/James**

WHEREAS, the Borough of Buena requested proposals for a money management system for banking series to be implemented on or after September 1, 2016; and

WHEREAS, on July 7, 2016 obtained Request for Proposals of said banking services, the Borough of Buena, consistent with the local Public

Contracts Law (N.J.S.A. 40A:11-1 et.seq.), for such municipal banking services; and

WHEREAS, in response to the Request for Proposals the Borough received three (3) proposals for banking services on July 22, 2016; and

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Buena award the contract to NEWFIELD NATIONAL BANK, 18 S. West Boulevard, Newfield, New Jersey 08344, to provide the highest level of banking services and the most economic and efficient standards that will be in the best interests of the Borough and its taxpayers; and

BE IT FURTHER RESOLVED that the Mayor, Chief Financial Officer and Borough Clerk are hereby authorized to execute any and all documents in connection with the submitted proposal and the designation of Newfield National Bank as an official depositor of the Borough of Buena, County of Atlantic, State of New Jersey.

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

PERSONNEL:

RESOLUTION 97-16 A RESOLUTION APPOINTING BRIANNA PACE TO THE POSITION OF FULL TIME CLERK 1, EFFECTIVE SEPTEMBER 19, 2016. m/Baker s/Mancuso

WHEREAS, long time Deputy Clerk, Gail Knott, retired effective August 31, 2016; and

WHEREAS, Brianna Pace was appointed to the position of Part Time Clerk 1 on July 1, 2016.

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

1. Brianna Pace is hereby appointed to the position of Full Time Clerk 1, effective September 19, 2016 at a salary of \$25,000.00 per year.

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

RESOLUTION 98-16 A RESOLUTION APPOINTING ROBERT DELANO AS A COMMISSIONER OF THE HOUSING AUTHORITY OF THE BOROUGH OF BUENA EFFECTIVE SEPTEMBER 13, 2016 AND EXPIRING SEPTEMBER 12, 2021. m/Baker s/James

WHEREAS, on September 13, 2016, the appointment of Robert Delano will

expire as a Commissioner of the Housing Authority of the Borough of Buena; and

WHEREAS, the Council of the Borough of Buena has determined to reappoint Robert Delano to a full five year term as a Commissioner of the Housing Authority of the Borough of Buena.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA that Robert Delano be and he is hereby appointed as a Commissioner of the Housing Authority of the Borough of Buena for a term of five years, commencing September 13, 2016 and expiring September 12, 2021.

BE IT FURTHER RESOLVED that the Clerk of the Borough of Buena is directed to forward a certified copy of this Resolution to the Executive Director of the Housing Authority of the Borough of Buena in order to advise the Authority of this appointment.

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

ENGINEER' S REPORT :

FY2015 NJDOT Municipal Aid Project - Reconstruction of Plymouth Street

We are awaiting approval of the permits for the culvert replacement from the NJDEP and The Pinelands Commission. We are also awaiting a response from the NJDOT regarding a permit for the project.

Please note that the project cannot be advertised for public bid until the Governor lifts Executive Order No. 210, which effectively closed down all construction related activity with respect to currently active NJDOT Transportation Trust Fund - Local Aid projects as of July 8, 2016 at 11:59 pm.

FY2016 NJDOT Municipal Aid Project - Reconstruction of Forest Grove Road

Our office submitted an engineering services proposal for this project dated August 30, 2016.

ADMINISTRATORS' S REPORT: Dr. Trivellini reported the second shed was moved.

SOLICITOR'S REPORT: Mr. Tonetta provided an update on the noise ordinance. He suggested a few changes needed such as extending the time on the weekends and confirming the distance of the noise. He will revise and provide council with an update.

Also, Mr. Tonetta reviewed the peddling ordinance. He suggested revising it to include fingerprints and a photo done by the police department for approval. He suggested an initial fee of \$55 with an annual renewal fee of \$25. He will revise and provide council with an update.

COMMITTEE REPORTS :

RECYCLING: (COUNCILMAN MAROLDA) No report

RECREATION: (COUNCILMAN WALKER) No report

FINANCE: (COUNCILWOMAN BAKER)

Council President Baker attended the shuttle meeting on July 12, 2016. Ridership for July was 729 students due to sports activity at BRHS. Also,

The Council President attended the Buena Alliance Meeting and reported more discussion was upcoming on August 29, 2016.

On August 16, 2016 Council President Baker participated in a phone conference about the Route 54/40 Shuttle Ridership has gone down and a new shuttle schedule was discussed.

Council President Baker and Councilman James attended the Substance Abuse Summit at BVT Hall on August 29, 2016. The meeting was very informative.

PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN JAMES)

Councilman James reported that a medicine disposal box has now been placed in Borough Hall.

The following represents activity in our Police Department for the month of August.

* Total Calls for Service:	1928
* Total Car Stops Made by Patrol	265
* Total Summonses Issued for the Month	159
* Total Motor Vehicle Crash	8
* Total DWI Arrests	1
* Total Arrests for the Month (Warrants, Etc.)	26
* Total Property Checks Made by Patrol for the Month	943
* Total Community Policing CADS Hit by Patrol	129

ECONOMIC DEVELOPMENT: (COUNCILMAN MANCUSO) No report

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)

Councilman McAvaddy reported the Community Champion Program is up and running and there are currently 155 homes on foreclosure.

PUBLIC PORTION OF MEETING:

Joanne Rosemont of 309 East Pacific Avenue asked if in the ordinance Mr. Tonetta is revising, if it could require the peddlers to have their ID displayed.

Brian Fatcher of Kimberly Lane asked Councilman McAvaddy if we were collecting money on the houses in the Community Champion Program and also if the banks were paying the taxes on the home.

John Skimbo of 112 North Willow Street asked about the rumor of the yard waste being closed.

Joan Skimbo of 112 North Willow Street asked Mr. Tonetta questions regarding the noise ordinance.

CLERK'S REPORT:

Minutes of the meeting of August 15, 2016 were approved m/McAvaddy s/Walker

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

UNFINISHED BUSINESS: None

NEW BUSINESS: None

BILLS PAID AS LISTED: m/Baker s/Mancuso

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

NEXT MEETING: September 26, 2016

MEETING ADJOURNED: m/Baker s/Mancuso

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

**BRIANNA PACE FOR MARYANN CORALUZZO
BOROUGH CLERK**