

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING MINUTES  
SEPTEMBER 14, 2015**

MEETING CALLED TO ORDER: 6:30 P.M.  
MEETING ADJOURNED: 7:05 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, September 14, 2015 commencing at 6:30 p.m. at the Borough Hall with Council President Rosalie M. Baker presiding. Council President Baker 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 Dr. Paul Trivellini, Administrator, Dan Careganto, Public Safety Directory,

ABSENT: Mayor Baruffi

**MAYOR'S REPORT:**

**RESOLUTION 86-15      A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH DM MEDICAL BILLINGS, LLC, FOR BILLING AND ACCOUNTS RECEIVABLE SERVICES FOR BUENA BOROUGH EMERGENCY MANAGEMENT SERVICES. (tabled for review)**

WHEREAS, the Borough of Buena operates an Emergency Management Services (EMS) for the residents of the Borough as well as surrounding communities as needed; and

WHEREAS, the Borough requires the service of a billing agent to provide competent and reliable billing practices and procedures to ensure proper filing of insurance claims, invoicing patients and processing reimbursement payments; and

WHEREAS, DM Medical Billings, LLC, has extensive experience and staff to provide the services as required which allow the Buena Borough EMS to have a faster turn-around time at the hospitals for patient registration.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Buena that the Mayor and Clerk are authorized to execute an Agreement for Billings and Accounts Receivable Services with DM Medical Billings, LLC, Berlin, New Jersey, for the term on September 8, 2015 to September 7, 2016 in accordance with the form on file with the Clerk of the Borough of Buena.

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

**RESOLUTION 87-15      A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND OVERPAYMENT. m/Cugini s/McAvaddy**

WHEREAS, there exists tax overpayment for Block 175, Lot 1.01, 101 North West Avenue on tax map; and

WHEREAS, it has been determined by the Tax Collector that the overpayment should be refunded and the tax account adjusted to reflect said refund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, in the County of Atlantic, State of New Jersey that Block 175. Lot 1.01, 101 North West Avenue, overpayment in the amount of \$4,162.87 be refunded. The Tax Collector is hereby authorized to adjust the tax account.

BLOCK	LOT	NAME AND ADDRESS	REFUND
175	1.01	PAYABLE TO: CHASE ATTN: REFUND DEPT. P.O. BOX 961227 FT. WORTH, TX 76161-0227	\$4,162.87

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

**RESOLUTION 88-15      A RESOLUTION AUTHORIZING THE ENGINEER TO APPLY FOR  
FY2016 NJDOT TRUST FUND MUNICIPAL AID "STATE AID"  
APPLICATIONS. m/Marolda s/McAvaddy**

WHEREAS, the New Jersey Department of Transportation's (NJDOT) Bureau of Local Government Services recently notified all Municipalities of the upcoming FY2016 New Jersey Department of Transportation Trust Fund (State Aid) program and application deadline; and

WHEREAS, the NJDOT will solicit funding requests for four categories; and

WHEREAS, the Mayor and Council of the Borough of Buena feel it prudent to apply for the following grants:

- **Municipal Aid**
- **Bikeway**
- **Transit Village**
- **Safe Streets to Transit**

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the engineer is hereby authorized to make application for the above grants at a cost not to exceed \$1,900.00 subject to and contingent upon the receipt of a Certificate of Availability of Funds from the Acting Chief Financial Officer.

BE IT FURTHER RESOLVED that the Council desires grant funding for Forest Grove Road.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
JAMES	X			
BAKER	X			

ZAPPARIELLO	X			
CUGINI	X			
MCAVADDY	X			

**RESOLUTION 89-15      A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CREDIT TAXES PURSUANT TO A SUBDIVISION AND SELL-OFF. m/McAvaddy s/Marolda**

WHEREAS, Block 122 Lot 1.02 was comprised of 4.67 acres including additional Block 122 Lot 1.03 and assessed for the total acreage in 2014 and,

WHEREAS, the property owner sold the additional lot in October 2014,

WHEREAS, the total assessment and acreage tally were not processed to the 2015 tax bill and,

WHEREAS, the tax assessor has verified the sale of the additional lot and the necessity for correction of the assessment for Block 122 Lot 1.02 as well as the separate taxation of Block 122 Lot 1.03 for 2015 and,

WHEREAS, the Tax Collector seeks to balance the account in recognition of the corrected reduced assessment

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Tax Collector is hereby authorized to credit the 2015 4<sup>th</sup> quarter tax for Block 122 Lot 1.02 in the amount of \$977.62 and the 2016 first half in the amount of \$488.81 (Calculation: 294,000 actual - 260,600 corrected - 33,400 x 2.927 2015 rate = \$977.62. 2016 first half is one half of the 2015 credit.)

A certified copy of this resolution shall be forwarded to the Tax Collector, Tax Assessor and property owner.

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

**RESOLUTION 91-15      A RESOLUTION ACCEPTING A CHANGE ORDER TO AMEND A CONTRACT WITH PERNA CONSTRUCTION, LLC FOR FY2013 AND FY2014 NJDOT MUNICIPAL AID PROJECT - RECONSTRUCTION OF FLOWER STREET. m/McAvaddy s/Zappariello**

WHEREAS, in accordance with the project FY2013 ABD FY2014 NJDOT MUNICIPAL AID PROJECT- RECONSTRUCTION OF FLOWER STREET, the Borough's Engineer, Edward J. Walberg, P.E., has prepared a change order recommending an increase in the contract price by \$46,550.00.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that the change order submitted by the Borough's Engineer, Edward J. Walberg, P.E. providing for an increase in the contract amount of by \$46,550.00 is hereby accepted and approved by the Council of the Borough of Buena, as an amendment to said contract, contingent upon a Certified of Availability of

Funds from the Acting Chief Financial Officer.

BE IT FURTHER RESOLVED that Joseph Baruffi, Mayor of the Borough of Buena, is authorized to execute the change order aforesaid in order to increase the contract price for emergent replacement of a sanitary sewer lateral that conflicted with the proposed storm drain pipe, installation of two doghouse inlets on Franklin Street, installation of one doghouse manhole on Laurel Street, box out and repave settled sanitary sewer trenches and replace a storm drain crossing on South Boulevard.

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

**RESOLUTION NO. 94-15      A RESOLUTION APPROVING AN ALCOHOLIC BEVERAGE LICENSE FOR THE 2015-2016 TERM. m/Zappariello s/Cugini**

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.

BABES TAVERN INC.  
0104-33-011-003

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			

**RESOLUTION 95-15      A RESOLUTION ACCEPTING A CHANGE ORDER TO AMEND A CONTRACT WITH DECOTIIS, FITZPATRICK & COLE, LLP FOR AFFORDABLE HOUSING LITIGATION IN THE AMOUNT OF \$1,138.61. m/Zappariello s/McAvaddy**

WHEREAS, as a result of the failure of the Council on Affordable Housing (COAH) to enact Round 3 Rules upon which municipalities may base their application for fair share plans, the Supreme Court requires all municipalities within the jurisdiction of COAH to file a Declaratory judgment action and Motion for Immunity in the Superior Court; and

WHEREAS, the Law Firm of DeCotiis, Fitzpatrick & Cole, Teaneck, New Jersey, (Law Firm) have attorneys who specialize in this field of law and are capable of representing the Borough of Buena in this litigation and has agreed to charge an hourly rate of \$175.00 per hour with an amount not to exceed \$10,000.00 for a period of one year beginning June 23, 2015; and

WHEREAS, additional legal preparation has arisen.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that the change order submitted by Law Firm of DeCotiis, Fitzpatrick & Cole, Teaneck, New Jersey increasing the original contract by \$1,138.61.

BE IT FURTHER RESOLVED that the Temporary Chief Financial Officer has provided a Certificate of Availability of Funds.

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

**PERSONNEL:**

**RESOLUTION 90-15      A RESOLUTION ACCEPTING THE RESIGNATION OF STEVE PRIEST AS EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS. m/Cugini s/McAvaddy**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the following resignation be regrettfully accepted effective immediately:

STEVE PRIEST

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

**RESOLUTION 92-15      A RESOLUTION ACCEPTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES REAPPOINTING CINDI LOGUIDICE AS TEMPORARY CHIEF FINANCIAL OFFICER FOR A THIRD YEAR TERM EXPIRING SEPTEMBER 30, 2016. m/Cugini S/McAvaddy**

WHEREAS, pursuant to N.J.S.A. 40A:9-140.13(f) a non-certified Temporary Chief Financial Officer may be appointed for a one year term when a vacancy exists; and

WHEREAS, with approval of the Director of the Division of Local Government Services, a second and third year appointment are permissible; and

WHEREAS, the Borough of Buena received approval to reappoint Cindi LoGuidice for a third term; and

WHEREAS, the Mayor and Council of the Borough of Buena recognize the outstanding job performed by Ms. LoGuidice, specifically her role in securing a perfect audit during her first year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the approval of the Director of the Division of Local Government Services appointing Cindi LoGuidice to a second year term is hereby accepted. BE IT FURTHER RESOLVED that Ms. LoGuidice will be appointed as Temporary Chief Financial Officer for a third year term, commencing October 1, 2015 and expiring September 30, 2016.

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

**RESOLUTION 93-15      A RESOLUTION ACCEPTING THE RESIGNATION OF VIRGINIA ORME AS EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS. m/Cugini s/Marolda**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the following resignation be regretfully accepted effective immediately:

VIRGINIA ORME.

	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:      none**

**SOLICITOR'S REPORT: none**

**ENGINEER'S REPORT:**

**Kimberly Lane Storm Drain Pipe:**

The contractor has not returned to complete the outstanding punchlist items.

**FY2013 and FY2014 NJDOT Municipal Aid Project - Reconstruction of Flower Street:**

The contractor has completed storm drain and concrete curb installation.

**Louis Drive Drainage:**

Our office is working on the legal descriptions for the proposed storm drain easements.

**Resurfacing of Forsythe Street:**

Paving of the roadway is complete. Stop bars are left to be installed. A punchlist was sent to the contractor.

**COMMITTEE REPORTS:**

**RECYCLING: (COUNCILMAN MAROLDA)**

Councilman Marolda is working with the Cross County Connection.

**STREETS/ROADS: (COUNCILMAN JAMES)**

Councilman James provided those present with the road department itinerary. Some items on the itinerary are Bruno Melini Park bathrooms and park cleaned and grass cut. Fourteen dead trees were cut down. Branch collection is now in progress. Emergency pipe repairs on intersection of South Boulevard and South Laurel Street.

**FINANCE: (COUNCILWOMAN BAKER)**

Council President Baker reported the Finance Department sent out an email asking all departments to stay within their budgets.

Councilwoman Baker, Mr. Baker and Helen Cigala, planted flowers around Borough Hall which the Bakers purchased.

**RECREATION: (COUNCILMAN ZAPPARIELLO)**

Councilman Zappariello reported on upcoming events.

**PUBLIC SAFETY/STREET LIGHTS: (COUNCILMAN CUGINI) none**

**BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)**

Councilman McAvaddy reported the Community Center bathrooms are completed. The Borough halls are scheduled to be painted sometime in October and the tax window is being replaced.

**PUBLIC PORTION OF MEETING:**

Ms. Tofinetti, resident of Buena Vista Township, New Jersey had concerns with the New Jersey Transit Bus Service on Central Avenue. Solicitor Tonetta informed Ms. Tofinetti that the New Jersey Transit Authority sets the bus schedule three months in advance. Mr. Tonetta also explained that the current bus schedule should be finished sometime in January 2016.

Joanne Rosemont, 309 East Pacific Avenue, concerns with the following: The Police blotter in newspaper, street drain cleaning, buses on Central Avenue and the schedule for pickup of branches and leaves.

Brianna Pace, 305 East Pacific Avenue, Ms. Pace had questions regarding the removal of park benches along the Boulevard. The Road Supervisor will follow up with this matter.

John Redmond, 1304 S. Central Avenue, also had concerns with the bus service along Central Avenue. In addition, Mr. Redmond had concerns with trash at a house near the Cleary School. The Solicitor informed Mr. Redmond that this property is being pursued by our enforcement department.

**CLERK'S REPORT:**

Minutes of the regular meeting of August 10, 2015 were approved m/Marolda s/Zappariello

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

**CORRESPONDENCE:**

1. Italian Cultural Foundation of South Jersey, Inc., request for a Bingo License. m/Cugini s/McAvaddy

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

Need motion to file correspondence m/Cugini s/McAvaddy

	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/McAvaddy s/Marolda**

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

**NEXT MEETING: September 28, 2015**

**MEETING ADJOURNED: s/Cugini s/McAvaddy RCVU**