

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
SEPTEMBER 25, 2017**

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

CALL MEETING TO ORDER: Flag Salute

ROLL CALL OF ATTENDANCE:

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

SUNSHINE LAW: This meeting is 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.

MAYOR'S REPORT: First order of business.

PUBLIC PORTION OF THE MEETING:
Anyone wishing to address Mayor and Council only, please step forward and give your name and address for the record.

ORDINANCE NO. 657 NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**AN ORDINANCE ESTABLISHING FEES FOR THE CALCULATION OF
LIENS PURSUANT TO NJSA 54:5-54 FOR THE BOROUGH OF
BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY
M _____ S _____**

SECTION 1. In accordance with NJSA 54:5-54, the tax collector shall provide to any party entitled to redeem a certificate pursuant to this section, two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation request from the tax collector there shall be a \$50.00 fee. A request for a redemption calculation shall be made in writing to the tax collector.

In accordance with NJSA 54:5-97.1, the tax collector may charge \$50.00 for the calculation of the amount due to redeem the tax lien as required. Any request for a redemption calculation shall specify the date to be used for the calculation. Neither the tax collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the line and shall not be passed on to any party entitled to redeem.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

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SECTION 3. If any section, sentence, or any other part of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

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

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

M _____ S _____

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

ORDINANCE NO. 657 ADOPTED:

M _____ S _____

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

ORDINANCE NO. 658: NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

**AN ORDINANCE AMENDING ORDINANCE 601 CHAPTER 99,
SECTION 99-4B OF THE CODE OF THE BOROUGH OF BUENA
ENTITLED LICENSE AND INSPECTION FEE
M _____ S _____**

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				
WALKER				
BAKER				
MANCUSO				
ALVAREZ				
MCAVADDY				

ORDINANCE NO. 659 NEED MOTION TO INDRODUCE AND PASS ON FIRST READING:

**AN ORDINANCE AMENDING ORDINANCE 446, AS AMENDED,
CHAPTER 82-9E OF THE CODE OF THE BOROUGH OF BUENA
ENTITLED REGISTRATION AND INSPECTION FEE
M _____ S _____**

WHEREAS, the Council of the Borough of Buena has determined that

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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				
WALKER				
BAKER				
MANCUSO				
ALVAREZ				
MCAVADDY				

RESOLUTION 117-17 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FARNSWORTH & SEMPTIMPHALTER, LLC, FOR BILLING AND ACCOUNTS RECEIVABLE SERVICES FOR BUENA BOROUGH EMERGENCY MANAGEMENT SERVICES.

M _____ S _____

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

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WHEREAS, Farnsworth & Semptimphehler, 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 Farnsworth & Semptimphehler, LLC, Lumberton, New Jersey, for the term beginning on October 1, 2017 for a term of one year with the option of two additional one year extensions in accordance with the terms and conditions of bid proposal submitted on August 4, 2017 and file with the Clerk of the Borough of Buena.

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

RESOLUTION 118-17 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PROJECT.

M _____ S _____

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Buena formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Reconstruction/Resurfacing of Forest-00431 to the New Jersey Department of Transportation on behalf of the Borough of Buena.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Buena and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
WALKER				
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MCAVADDY				

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RESOLUTION 119-17 **A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, REJECTING ALL BIDS RECEIVED FOR SOLID WASTE COLLECTION SERVICES AND AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE ATLANTIC COUNTY UTILITIES AUTHORITY FOR SOLID WASTE COLLECTION SERVICES IN ACCORDANCE WITH NJSA 40A:65-1 ET SEQ.**
M _____ S _____

WHEREAS, the Council of the Borough of Buena adopted a resolution authorizing the advertisement for bids to be received on or before September 19, 2017 for solid waste collection services; and

WHEREAS, the Atlantic County Utilities Authority (ACUA) is authorized to engage in the collection of solid waste in accordance with NJSA 48:13A-6 and NJSA 48:13A-9; and

WHEREAS, NJSA 40A:65-4 of the Shared Services and Consolidation Act permits any local unit to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its jurisdiction; and

WHEREAS, the ACUA has expressed an interest in providing solid waste collection services to the Borough pursuant to a Shared Services Agreement which will reflect a cost savings to the residents of the Borough; and

WHEREAS, the Council finds that it is in the best interest of the Borough to reject all bids received for solid waste collection services and abandon its interest to consider the bidding process and enter into a Shared Services Agreement with the ACUA for the collection of solid waste as stated in the bid specifications received on September 19, 2017 and the correspondence of the ACUA dated September 19, 2017 attached hereto and made a part hereof, more particularly Option 5.

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

1. All bids received on or before September 19, 2017 for the collection of solid waste are hereby rejected in accordance with NJSA 40A:11-13.2 in as much as the Borough is abandoning the bidding process in favor of a Shared Services Agreement.
2. All bid bonds of the unsuccessful bidders are directed to be returned.
3. The Mayor and Clerk are authorized to execute a Shared Services Agreement for the collection of solid waste with the Atlantic County Utilities Authority in accordance with the terms and conditions as outlined in the bid specifications and letter dated September 19, 2017 from the Atlantic County Utilities Authority for Option 5; the agreement to be in the form approved by the Borough Solicitor.

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ALVAREZ				
MCAVADDY				

RESOLUTION 120-17 A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO AND EXECUTE A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF FRANKLIN FOR THE PROVISION OF POLICE PROTECTION AND MUNICIPAL COURT SERVICES.

M _____ S _____

WHEREAS, the Borough of Buena ("Borough") wishes to ensure the safety and welfare of its residents by having police protection and municipal court services available at all times; and

WHEREAS, the Township of Franklin ("Township") has in place a Police Department that is qualified and able to provide the Borough with police coverage and protection in accordance with the terms set forth herein; and

WHEREAS, the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq., permits and provides for a mechanism for contracting between local units by entry into a Shared Services Agreement; and

WHEREAS, the Borough and Township agree that it makes financial and geographical sense for the parties hereto to enter into a Shared Services Agreement for the provision of such services; and

WHEREAS, the Borough and the Township agree that their mutual public purposes and best interests will be promoted by the execution and delivery of this Shared Services Agreement pursuant to the powers conferred by the Uniform Shared Services and Consolidation Act.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the attached Shared Services Agreement by and between the Borough of Buena and the Township of Franklin is hereby approved.

BE IT FURTHER RESOLVED that Mayor of Buena, David Zappariello, is hereby authorized to execute the aforesaid Agreement on behalf of the Borough.

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ADMINISTRATORS' S REPORT:

SOLICITOR'S REPORT:

COMMITTEE REPORTS:

ROADS/RECYCLING..... CHAIRMAN JEFFREY MAROLDA
 JOSEPH MANCUSO, GREG MCAVADDY

ECONOMIC DEVELOPMENT.....CHAIRMAN MATTHEW WALKER
 JOSEPH MANCUSO, ROSALIE M. BAKER

RECREATIONCHAIRWOMAN ROSALIE M. BAKER, JORGE
 ALVAREZ, MATTHEW WALKER

FINANCE.....CHAIRMAN JOSEPH MANCUSO, ROSALIE M.
 BAKER, MATTHEW WALKER

PUBLIC SAFETY/STREET LIGHTS.....CHAIRMAN JORGE ALVAREZ, GREG
 MCAVADDY, JEFFREY MAROLDA

BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRMAN GREG MCAVADDY,
 MATTHEW WALKER, JORGE ALVAREZ

CLERK'S REPORT:

Minutes of the workshop meeting of September 11, 2017. If no corrections or additions, entertain a motion to approve M_____S_____

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				
WALKER				
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MANCUSO				
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MCAVADDY				

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Minutes of the regular meeting of September 11, 2017. If no corrections or additions, entertain a motion to approve M _____ S _____

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

Minutes of the executive session of September 11, 2017. If no corrections or additions, entertain a motion to approve M _____ S _____

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

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED: M _____ S _____

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

**NEXT MEETING: Tuesday October 10, 2017
 6:00 Workshop Meeting
 6:30 Regular Meeting**

MEETING ADJOURNED: M _____ S _____

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