

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
AUGUST 14, 2017**

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

CALL MEETING TO ORDER: Flag Salute

ROLL CALL OF ATTENDANCE:

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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| MAROLDA | | | | |
| WALKER | | | | |
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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.

PRESENTATION: EVELYN DIMARTINO, RED CROSS COMMUNITY VOLUNTEER LIASON FOR ATLANTIC COUNTY

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**ORDINANCE NO. 652: AN ORDINANCE SETTING THE SPEED LIMIT FOR TRAFFIC ON KIMBERLY LANE, BOROUGH OF BUENA AT 20 MILES PER HOUR IN ACCORDANCE WITH N.J.S.A. 39:4-98
M _____ S _____**

WHEREAS, several residents of the Borough of Buena have complained of the excessive speed of motorists traveling on Kimberly Lane in the Borough of Buena and unsafe condition it is causing, Kimberly Lane being a residential street with on street parking is permitted on both sides of the public street to accommodate its residents, school children walk to school ; and

WHEREAS, in accordance with NJSA 39:4- 98 the Council of the Borough of Buena adopted a resolution authorizing the Borough engineer to conduct an engineering and traffic study to determine whether the standard speed for residential neighborhoods should be reduced from 25 miles per hour (mph) on Kimberly Lane due to the residential density, lack of sidewalks, presence of school children, community residences, traffic count, accident and speed

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sampling data; and

WHEREAS, on June 7, 2017, the Borough engineer, Remington and Vernick, completed a vehicle speed study for Kimberly Lane who, in conjunction with the absence of sidewalks and the presence of a group home at 106 Kimberly Lane, recommended a speed limit reduction from 25 mph to 20 mph along the Kimberly Lane, which said report is attached hereto and made a part hereof; and

WHEREAS, the Council of the Borough of Buena finds it to be in the best interests of its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that the speed limit for Kimberly Lane, Borough of Buena, shall be set at 20 mph subject to final approval by the Commissioner of Transportation of the State of New Jersey and the Public Works Department is directed to post speed limit signs along Kimberly Lane at locations as specified by the Borough engineer and in accordance with MUTCD advising motorists traveling upon Kimberly Lane that the speed limit there on is 20 miles per hour.

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: |
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DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

M _____ S _____

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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| MAROLDA | | | | |
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ORDINANCE NO. 652 ADOPTED:

M _____ S _____

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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| MAROLDA | | | | |
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ORDINANCE NO. 653 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION OF PLYMOUTH ROAD AND APPROPRIATING THREE HUNDRED SIXTY-FIVE THOUSAND EIGHT HUNDRED FIVE DOLLARS (\$365,805) TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF THREE HUNDRED FORTY-SEVEN THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$347,514) OF BONDS TO FINANCE THE APPROPRIATION, AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS

M _____ S _____

THE BOROUGH COUNCIL OF THE BOROUGH OF BUENA, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Appropriations for Projects-Down Payment

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general improvements to be made or acquired by the Borough of Buena, in the County of Atlantic, New Jersey (the "**Borough**"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to THREE HUNDRED SIXTY-FIVE THOUSAND EIGHT HUNDRED FIVE DOLLARS (\$365,805), including the aggregate sum of Six Thousand Dollars (\$6,000), which is hereby appropriated from the Capital Improvement Fund of the Borough and the amount of Twelve Thousand Two Hundred Ninety-One Dollars (\$12,291) which has been made available by an emergency appropriation as the down payments for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the Borough for capital improvements and down payments, or by an emergency appropriation, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or

agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. Authorization of Bonds

For the financing of said improvements or purposes and to meet the THREE HUNDRED SIXTY-FIVE THOUSAND EIGHT HUNDRED FIVE DOLLARS (\$365,805) appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the maximum principal amount of THREE HUNDRED FORTY-SEVEN THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$347,514) pursuant to the Local Bond Law of New Jersey (the "**Local Bond Law**") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the Borough in the maximum principal amount of THREE HUNDRED FORTY-SEVEN THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$347,514) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Projects

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

| IMPROVEMENT OR PURPOSE | APPROPRIATION AND ESTIMATED COST | AMOUNT OF BONDS OR NOTES |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------|
| Reconstruction of Plymouth Road, including replacement of the twin culverts crossing the roadway, including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, demolition of unfit structures, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Borough Clerk and hereby approved, including the costs of | | |

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| surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration. | | |
| Total | \$365,805 | \$347,514 |

The excess of the appropriation made for such improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as stated above, not including the amount of any grant, is the amount of the said down payments for said purposes.

Section 4. Authorization of Notes

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the Borough in a principal amount equal to the said principal of bonds not exceeding of THREE HUNDRED FORTY-SEVEN THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$347,514) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Council of the Borough at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Capital Budget

The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

Section 6. Additional Matters

The following additional matters are hereby determined, declared and recited and stated:

(a) **Capital Expenditures**. The said purposes described in Section 3 of this Bond Ordinance are not current expenses and are properties or improvements which the Borough may lawfully require or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) **Average Period of Usefulness**. The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **ten (10) years**.

(c) **Supplemental Debt Statement**. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by of THREE HUNDRED FORTY-SEVEN THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$347,514), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) **Soft Costs**. Amounts not exceeding SEVENTY THOUSAND DOLLARS (\$70,000) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Borough in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 7. Ratification of Prior Actions

Any action taken by any officials of the Borough in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 8. Application of Grants

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. Full Faith and Credit

The full faith and credit of the Borough are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the Borough for the payment of said obligations and interest thereon without

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limitation of rate or amount.

Section 10. Official Intent to Reimburse Expenditures

The Borough reasonably expects to reimburse any expenditures towards the cost of the improvements or purposes described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 11. Effective Date

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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ORDINANCE NO. 654 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

AN ORDINANCE AMENDING ORDINANCE 644 THE SALARIES AND WAGES RANGES OF MUNICIPAL OFFICIALS AND EMPLOYEES OF THE BOROUGH OF BUENA FOR THE YEAR 2017
M _____ S _____

BE IT ORDAINED by the Council of the Borough of Buena, in the County of Atlantic and State of New Jersey, that the following salary and wage ranges are hereby established for municipal officials and employees in the Borough of Buena,

Qualified Purchasing Agent

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| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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ORDINANCE NO. 655 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AMENDING CHAPTER 40 ENTITLED "OFFICERS AND EMPLOYEES" OF THE CODE OF THE BOROUGH OF BUENA, TO ESTABLISH THE POSITION OF QUALIFIED PURCHASING AGENT
 M _____ S _____**

WHEREAS, the Local Public Contracts Law ("LPCL") provides that the position of Qualified Purchasing Agent must be created by Ordinance; and

WHEREAS, the LPCL further provides that once the Qualifying Purchasing Agent ("QPA") position has been created and the QPA has been appointed, the governing body of the contracting unit may establish the bid threshold to be up to the higher threshold amount adjusted by the Governor pursuant to N.J.S.A. 40A:11-3(e); and

WHEREAS, the Mayor and Council of the Borough of Buena desired to establish the position of QPA by Ordinance and avail itself to the higher bid threshold amount.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Buena, County of Atlantic, State of New Jersey, as follows:

Section A

Chapter 40, *Officers and Employees*, Code of the Borough of Buena is hereby amended by creating a new section 35, *Qualified Purchasing Agent*, as set forth below:

Chapter 40-35 Qualified Purchasing Agent,

- A. There is hereby created the position of Purchasing Agent for the Borough of Buena.
- B. The Purchasing Agent shall be appointed by the Mayor upon the advice and consent of the Council.
- C. The Purchasing Agent is required to possess a valid Qualified Purchasing Agent Certificate as issued by the New Jersey Division of Local Government Services, Department of Community Affairs.
- D. The Purchasing Agent shall have, on behalf of the Mayor and Council of the Borough of Buena, the authority, responsibility and

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accountability for: the purchasing activity pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., to prepare public advertising for and to receive bids and requests for proposals for the provision of performance of goods, services and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forums and procedures promulgated by state regulatory agencies; the establishment and enforcement of any and all local purchasing policies adopted by the governing body; the purchasing and claims approval authority of the Borough Purchasing Officer set forth by Ordinance; and the conduct of any activities as may be necessary or appropriate to the purchasing function of the Borough of Buena.

E. Having appointed a Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-9, the Borough will take advantage of the higher bid threshold (currently \$40,000.00, with a quote threshold of 15% or \$6,000.00), pursuant to N.J.S.A. 40A:11-3(a), as such threshold may be adjusted from time to time pursuant to N.J.S.A. 40A:11-3(e), but may at its discretion go to bid at a lower amount to encourage greater competition among bidders.

Section B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

Section C

If any section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section D

This ordinance shall take effect immediately upon final publication as provided by law.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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ORDINANCE NO. 656 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

AN ORDINANCE AMENDING ORDINANCE 571, AS AMENDED,
CHAPTER 115, ARTICLE II OF THE CODE OF THE BOROUGH OF
BUENA ENTITLED FEES FOR EMERGENCY SERVICES
M _____ S _____

WHEREAS, on September 13, 2010, the Council of the Borough of Buena adopted Ordinance 571, as amended, Chapter 115, Article II which sets the fees and payment obligations for Emergency Services provided by the Buena Borough Emergency Medical Services (EMS); and

WHEREAS, the Council of the Borough of Buena intends upon considering the ability to waive or reduce fees for EMS Services provided to residents of the Borough, should said residents have no insurance to cover all or any portion of the cost for such service.

WHEREAS, the Council of the Borough of Buena finds it to be in the best interests of its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 571, as amended, Chapter 115, Article II of the Code of the Borough of Buena be amended as follows:

Chapter 115, Article II, Section 115-6B shall be deleted in its entirety and amended as follows:

Section 115-6B

In the event the taxpayer or domiciled resident has insurance of any nature with coverage insufficient to pay the bill in full, the Council of the Borough of Buena may accept such partial payment to the extent of the insurance policy(s) limits, including deductible and co-insurance requirements, as payment in full.

Chapter 115, article II, Section 115-6C shall be deleted in its entirety and replaced as follows:

Section 115-6C

In the event a taxpayer or domiciled resident of the Borough of Buena does not have insurance of any nature to cover all or any portion of the fees for EMS billings, payment may be waived by the Council of the Borough of Buena after consideration of the financial ability of the person or persons having used the service to pay, including assets, income, dependents and living expenses.

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.

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| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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RESOLUTION 98-17 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE BOROUGH ENGINEER TO ADVERTISE FOR BIDS TO BE RECEIVED FOR THE MELINI PARK RECREATION FACILITY
M S

WHEREAS, the engineer received authorization from the Atlantic County Utilities Authority to advertise for the receipt of bids for the Melini Park Senior Recreation Facility; and

WHEREAS, the Borough intends upon moving forward with this project, which is part of a Community Development Block Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Borough engineer is authorized to advertise for bids to be received for the Melini Park Recreation Facility.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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RESOLUTION 100-17 A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE COUNTY OF ATLANTIC AND THE BOROUGH OF BUENA REGARDING THE REPLACEMENT OF PLYMOUTH ROAD CULVERT (BV-111)
M S

WHEREAS, the Borough of Buena owns and maintains the right of way of Plymouth Road within Buena Borough and is currently engaged in a project to reconstruct Plymouth Road; and

WHEREAS, the County of Atlantic owns and operates the Plymouth Road Culvert (BV-111) which is located within the limits of the Borough project; and

WHEREAS, the Atlantic County Engineer has advised that the Plymouth Road Culvert (BV-111) should be replaced; and

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WHEREAS, the County Culvert Project has an estimated total cost of \$365,805.00, which includes all costs associated with the purchase and installation of the replacement culvert; and

WHEREAS, the Borough of Buena and County of Atlantic have determined that it would be prudent and economical to incorporate purchase and installation of said culvert into the Borough project.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that the Mayor and Clerk are hereby authorized and directed to execute the attached Agreement contingent upon approval by the Borough Solicitor.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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**RESOLUTION 102-17 RESOLUTION OF THE BOROUGH OF BUENA COUNTY OF ATLANTIC,
 AUTHORIZING THE PAYMENT OF ONE THOUSAND DOLLARS TO THE
 MT. LAUREL ESCROW ACCOUNT FOR COAH LITIGATION
 M _____ S _____**

WHEREAS, the Borough of Buena is presently seeking Court approval of its low/moderate income fair share housing obligation in the matter docketed in the Superior Court of New Jersey, Atlantic County, Docket No. ATL-L-1523-15; and

WHEREAS, the Honorable Nelson Johnson, JSC has granted the Borough immunity from builder's remedies provided the affected municipalities' deposit in escrow funds to cover the costs incurred for the Court appointed experts and Master in the amount of \$1,000.00.

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the CFO is directed to submit a payment of \$1,000.00 to the "Mt. Laurel Litigation Escrow Account", Attention William McGroarty, Esq. 401 New Road, Suite 104, Linwood, New Jersey.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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**RESOLUTION 105-17 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE
 ISSUANCE OF AN AMENDATORY SUPPLEMENTAL CHANGE ORDER
 NO.1 TO A CONTRACT ISSUED TO GOLD MEDAL ENVIRONMENTAL
 OF NJ INC FOR SOLID WASTE COLLECTION
 M _____ S _____**

WHEREAS, the Borough Council of the Borough of Buena adopted Resolution 84-15, a resolution awarding a contract for solid waste collection to Gold Medal Environmental of NJ Inc., for a two-year period commencing on September 1, 2015 and expiring on August 31, 2017; and

WHEREAS, the contract for solid waste collection shall expire prior to providing the statutory time period required for submission of bids for solid waste and recyclable collection; and

WHEREAS, Gold Medal Environmental of NJ Inc. provides a necessary service to the Borough which, without said service, would present a health hazard to the residents of the Borough; and

WHEREAS, N.J.S.A. 40 A: 11-6 authorizes the execution of a contract, notwithstanding that the contract price will exceed the bid threshold when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services exists or may exist and the award of the contract may be necessary to respond to the emergent needs; and

WHEREAS, in order to provide the essential services necessary, it is in the best interest of the Borough of Buena to amend and supplement the existing contract issued to Gold Medal Environmental of NJ Inc. until a new contract may be awarded in accordance with New Jersey Statutes

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Mayor and Clerk are authorized to execute an amendment to a contract issued to Blue Diamond Disposal, Inc., now Gold Medal Environmental of NJ Inc., so as to extend the existing contract and its terms until September 30, 2017 or until the award of a new solid waste and recycling agreement, whichever shall first occur.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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**RESOLUTION 106-17 EMERGENCY APPROPRIATION
 M _____ S _____**

WHEREAS, two emergencies have arisen with respect to the replacement of the twin 42" diameter corrugated metal culverts that are currently failing under Plymouth Street in the amount of \$347,514.00 and a there is a five percent (5%) down payment due for a Bond Ordinance in the amount of \$12,291.00; and

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WHEREAS, no adequate provision was made in the 2017 budget for the aforesaid purpose, and the N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$359,805.00 and three percent of the total operations in the budget for the year 2017 is \$117,182.14,

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Buena in the County of Atlantic (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:

Reconstruction of Plymouth Street \$347,514.00

Down Payment on Improvements \$ 12,291.00

2. That said emergency appropriation shall be provided in full in the year 2018 budget.

3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of government Services.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA | | | | |
| WALKER | | | | |
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| MANCUSO | | | | |
| ALVAREZ | | | | |
| MCAVADDY | | | | |

**RESOLUTION 107-17 RESOLUTION OF THE BOROUGH OF BUENA,
 COUNTY OF ATLANTIC, URGING THE
 BUENA BOROUGH REGIONAL SCHOOL DISTRICT
 TO CONTINUE PROVIDING ADVANCED PLACEMENT
 CHEMISTRY AND EUROPEAN HISTORY TO STUDENTS
 ATTENDING BUENA REGIONAL HIGH SCHOOL
 M _____ S _____**

WHEREAS, Advanced Placement (AP) courses offered to students attending high school in the State of New Jersey provides an educational advantage to those students who excel in certain courses of study by:

- (1) Assisting in College admissions, as AP courses show colleges that the student is prepared for the challenges of College
- (2) Saving College expenses by providing College credits and advance placements to enrolling College students

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- (3) Allowing a student to advance and avoid required introductory courses in that student's College major
- (4) Building College skills by teaching time management and study skills, among other benefits; and

WHEREAS, the Buena Regional School District Board is considering the elimination of two AP courses; AP Chemistry and AP European History, which will deny students and their parents the benefits of taking an AP courses in the Board's attempt to cut costs; and

WHEREAS, whatever cost savings the Board may realize will be greatly diminished by the obvious losses which this decision will bestow on our children and their parents.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the Buena Borough Regional School District is urged to continue to provide Advanced Placement courses presently offered and to consider offering more Advanced Placement courses to better assist our children and their families in the rigors of College and their future.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA | | | | |
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| MCAVADDY | | | | |

PERSONNEL:

RESOLUTION 99-17 A RESOLUTION RE-APPOINTING CARLA GIOVINAZZI AS A COMMISSIONER OF THE HOUSING AUTHORITY OF THE BOROUGH OF BUENA EFFECTIVE SEPTEMBER 16, 2017 AND EXPIRING SEPTEMBER 15, 2022.

M S

WHEREAS, on September 15, 2017, the appointment of Carla Giovinazzi 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 Carla Giovinazzi 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 Carla Giovinazzi 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 16, 2017 and expiring September 15, 2022.

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.

**BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
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 AUGUST 14, 2017**

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA | | | | |
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**RESOLUTION 101-17 RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES
 M _____ S _____**

WHEREAS, it is the policy of the Borough of Buena to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that Michael Benson is hereby appointed as Employment Attorney to advise the Borough in personnel matters.

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BE IT FURTHER RESOLVED that the Administrator and all managerial/supervisory personnel are responsible for these employment practices and shall assist in the implementation of the policies and procedures in this manual.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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RESOLUTION 103-17 A RESOLUTION APPOINTING ANDY VERA TO THE POSITION OF OFFICER IN THE BOROUGH OF BUENA POLICE DEPARTMENT EFFECTIVE AUGUST 14, 2017 AND AUTHORIZING HIM TO ATTEND THE NEW JERSEY POLICE TRAINING COMMISSION PROGRAM AT A CERTIFIED POLICE ACADEMY
M _____ S _____

WHEREAS, there are presently vacancies in the Borough of Buena Police Department which need to be filled so as to provide for the continued public safety to the Borough residents; and

WHEREAS, the Director of Public Safety and the Borough of Buena Police Officer in Charge have reviewed applications from the Civil Service List of Eligibles and have performed necessary investigations, evaluations and interviews of said applicants; and

WHEREAS, the Director of Public Safety and the Borough of Buena Police Officer in Charge have recommended Council favorably consider appointing Andy Vera as Full Time Officer to the Buena Borough Police Department subject to his successful completion of all required training including attendance at a certified police academy.

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

1. Andy Vera shall be appointed to the position of Police Officer in the Borough of Buena Police Department Full Time conditioned upon his successful completion of the Police Academy.
2. Upon his successful completion of the Police Academy as well as any other necessary requirements, Andy Vera shall serve as Full Time Patrol Officer for the Borough of Buena subject to the current Collective Bargaining Agreement.

**BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 AGENDA
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| | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA | | | | |
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**RESOLUTION 104-17 A RESOLUTION APPOINTING MATHEW STRICKER TO THE
 POSITION OF FULL TIME POLICE OFFICER IN THE BOROUGH OF
 BUENA POLICE DEPARTMENT EFFECTIVE AUGUST 14, 2017
 M _____ S _____**

WHEREAS, there are presently vacancies in the Borough of Buena Police Department which need to be filled so as to provide for the continued public safety to the Borough residents; and

WHEREAS, the Director of Public Safety and the Borough of Buena Police Officer in Charge have reviewed applications from the Civil Service List of Eligibles and have performed necessary investigations, evaluations and interviews of said applicants; and

WHEREAS, Mathew Stricker is currently a Part Time Police Officer in the Borough of Buena Police Department; and

WHEREAS, Mathew Stricker is duly qualified and certified by the Department of Personnel; and

WHEREAS, the Director of Public Safety and the Borough of Buena Police Officer in Charge have recommended Council favorably consider appointing Mathew Stricker to the position of full time police officer in the Borough of Buena effective August 14, 2017, at a rate of \$43,791.32 as set forth in the wage scale of the current Police Officers Contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Mathew Stricker be and he is hereby appointed to the position of full time police officer in the Borough of Buena Police Department effective August 14, 2017, at the rate of pay of \$43,791.32 as set forth in the wage scale of the current Police Officers Contract.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA | | | | |
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| ALVAREZ | | | | |
| MCAVADDY | | | | |

ADMINISTRATORS' S REPORT:

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 are complete and were sent to the County for review.

The County has authorized our office to proceed with advertising the project for bid. We need Borough authorization also.

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.

Melini Park Senior Recreation Facility – CDBG Project

The bid documents have been approved by the ACIA for bid advertisement. Once we receive approval from Borough Council, we will advertise the project for public bid.

Master Plan Re-Examination

Our office has completed our initial planning review. We will be requesting 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 the deadline to avoid jeopardizing the funding. Our office has requested a copy of the grant agreement from the NJDOT to determine the contract award deadline. Our office had previously submitted a proposal for this project.

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

**BOROUGH OF BUENA
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CLERK'S REPORT:

MINUTES OF THE REGULAR MEETING OF JULY 10, 2017. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE M _____ S _____

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA | | | | |
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| BAKER | | | | |
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MINUTES OF THE WORKSHOP MEETING OF JULY 10, 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:

RESOLUTION 108-17 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 THE NEGOTIATIONS OF A CONTRACT AND A PERSONAL MATTER AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN
M _____ S _____

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 the negotiation of a contract in which the public body is or may become a party; 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 negotiations of a contract between Rhonda Ciraolo, Buena Borough EMS and the Borough of Buena and a personnel matter involving the payment of health benefits at retirement for Dolores Andrews.

**BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 AGENDA
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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 August 14, 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 negotiations of a Memorandum of Agreement by and between Chief Rhonda Ciraolo, Buena Borough EMS and the Borough of Buena and a personnel matter involving the payment of health benefits at retirement for Dolores Andrews.
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: |
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| MAROLDA | | | | |
| WALKER | | | | |
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| MCAVADDY | | | | |

RESOLUTION 109-17 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BY AND BETWEEN RHONDA CIRAOLO, BUENA EMS AND THE BOROUGH OF BUENA.
M S

WHEREAS, Rhonda Ciraolo and the Borough of Buena have negotiated a Memorandum of Agreement (MOA) regarding terms and conditions and wages from September 1, 2017 through December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the attached Memorandum of Agreement between Rhonda Ciraolo of Buena EMS and the Borough of Buena is hereby authorized.

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA | | | | |
| WALKER | | | | |
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| ALVAREZ | | | | |
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**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
AUGUST 14, 2017**

22

NEW BUSINESS:

BILLS PAID AS LISTED: M _____ S _____

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
|----------|------|------|----------|---------|
| MAROLDA | | | | |
| WALKER | | | | |
| BAKER | | | | |
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| ALVAREZ | | | | |
| MCAVADDY | | | | |

**NEXT MEETING: SEPTEMBER 11, 2017
WORKSHOP 6:00
REGULAR 6:30**

MEETING ADJOURNED: M _____ S _____

| | AYE: | NAY: | ABSTAIN: | ABSENT: |
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| MAROLDA | | | | |
| WALKER | | | | |
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