

BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
FEBRUARY 27, 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 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.

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: COUNCIL PRESIDENT ROSALIE M. BAKER INDUCTION INTO THE ELECTED OFFICIALS HALL OF FAME.

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 645 ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING CERTAIN UNEXPENDED PROCEEDS OF THE SALE OF PREVIOUSLY ISSUED BONDS AND NOTES TO FINANCE THE COST OF ADDITIONAL CAPITAL IMPROVEMENTS AND TAKING RELATED ACTIONS
M _____ S _____

WHEREAS, the Borough of Buena, County of Atlantic, New Jersey (the "**Borough**") has, pursuant to the Local Bond Law, Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented ("**Local Bond Law**"), and Ordinance Nos. 518, 597 and 606 (the aforesaid Ordinances are hereinafter referred to collectively as the "**Ordinances**"), all having been duly published as required by law, authorized, issued and sold General Obligation Bonds in the year 2013 (collectively, the "**Obligations**") to finance the costs of various municipal projects and improvements as are more fully described in the Ordinances (collectively, the "**Prior Projects**"); and

WHEREAS, payment of all of the costs of the Prior Projects under the Ordinances has been made or provided for and \$88,317.14 of the proceeds of the Obligations for the Prior Projects are not necessary for such purposes and remain unexpended ("**Unexpended Proceeds**"); and **WHEREAS**, Section 40A:2-39 of the Local Bond Law provides that, if, in the opinion of the Borough Council of the Borough ("**Council**"), it is in the best interest of the Borough, the Unexpended Proceeds may be appropriated to and used to

finance the cost of any other purpose or purposes for which bonds may be issued; and

WHEREAS, Council has determined that it is in the best interest of the Borough to appropriate the Unexpended Proceeds towards the costs of additional capital improvements and projects for the Borough as hereinafter specified.

NOW, THEREFORE, THE BOROUGH COUNCIL OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), does hereby ordain as follows:

Section 1. Capital Character of Additional Projects; Authorization.

It is hereby determined that the Unexpended Proceeds shall be used to finance the construction of roadway repairs and improvements, including storm water drainage improvements, preparation of revisions to the Borough's Master Plan, and improvements to municipally-owned properties required to enhance salability thereof, including obtaining all required permits and approvals (collectively, the "**Additional Projects**"). The Additional Projects constitute purposes for which bonds may be issued pursuant to the Local Bond Law, having a period of usefulness in excess of five (5) years, as required by Section 40A:2-21 of the Local Bond Law. The implementation of the Additional Projects is hereby authorized to be made as general improvements in and for the Borough.

Section 2. Appropriation of Unexpended Proceeds.

It is hereby determined that, in the opinion of Council, it is in the best interest of the Borough to appropriate the Unexpended Proceeds in the amount of **\$88,317.14** under this Ordinance to finance the costs associated with the Additional Projects, and accordingly, said sum is hereby appropriated.

Section 3. Capital Budget Amendment.

The capital budget is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital improvement program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 4. No Additional Indebtedness Authorized.

This Ordinance does not authorize any additional indebtedness, but merely appropriates proceeds of the Obligations in excess of the amount required to complete the improvements for the financing of which such Obligations were originally issued.

Section 5. Repeal of Inconsistent Legislation.

All ordinances and resolutions or parts thereof to the extent inconsistent herewith are hereby repealed or rescinded.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication as required 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. 645 ADOPTED:

M _____ S _____

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

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 646 BOND ORDINANCE AUTHORIZING IMPROVEMENTS AND REPAIRS TO VARIOUS MUNICIPAL ROADWAYS AND APPROPRIATING NINETY-SIX THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$96,875) TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF NINETY-TWO THOUSAND THIRTY-ONE DOLLARS (\$92,031) 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 NINETY-SIX THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$96,875), including the aggregate sum of FOUR THOUSAND EIGHT HUNDRED FORTY-FOUR DOLLARS (\$4,844), which is hereby appropriated from the Capital Improvement Fund of the Borough 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, 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 NINETY-SIX THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$96,875) appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the maximum principal amount of NINETY-TWO THOUSAND THIRTY-ONE DOLLARS (\$92,031) 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 NINETY-TWO THOUSAND THIRTY-ONE DOLLARS (\$92,031) 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
Improvements and repairs to various municipal roadways, 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 surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.		
Total	\$96,875	\$92,031

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 NINETY-TWO THOUSAND THIRTY-ONE DOLLARS (\$92,031) 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**. This Bond Ordinance does not authorize any additional indebtedness, but merely serves to reappropriate a portion of a previously adopted bond ordinance of the Borough that has been temporarily funded, as more fully set forth in Section 11, below, the net debt of the Borough as provided in the Local Bond Law is not increased by this Bond Ordinance, and no supplemental debt statement is required to be filed. 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 TEN THOUSAND DOLLARS (\$10,000) 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 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. Portion of Prior Bond Ordinance Cancelled

The total appropriation amount of this Bond Ordinance represents the unexpended portion of the following listed previously adopted bond ordinance of the Borough (the "**Prior Bond Ordinance**") that has been temporarily funded in the aggregate amount of **\$96,875**. Such prior appropriation is hereby cancelled and superceded by this Bond Ordinance as of the effective date of this Bond Ordinance.

Ordinance No. and Adoption Date	Unfunded Amounts

All actions previously taken pursuant to the Prior Bond Ordinance for the aforesaid appropriation shall be deemed taken pursuant to this Bond Ordinance, and those actions are hereby ratified and confirmed to the extent necessary.

Section 12. 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.

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

M _____ S _____

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

ORDINANCE NO. 646 ADOPTED:

M _____ S _____

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

RESOLUTION 38-17 RESOLUTION OF SUPPORT

M _____ S _____

WHEREAS, there is a need to promote the health and safety of our children; and

WHEREAS, nearly one out of three children (31%) ages 10-17 are overweight or obese in New Jersey and New Jersey has the second highest rate of obesity (17.9%) for low-income children ages 2-5; and

WHEREAS, lack of physical activity has had a significant impact on children's health and well-being, resulting in higher rates of obesity, diabetes, heart disease, and other related health concerns compared to 30 years ago; and

WHEREAS, driving children to school by private vehicle and idling in the school vicinity contributes to traffic congestion and air pollution near the school; and

WHEREAS, air pollution near schools can have adverse effects on student health, including decreased lung development, allergies and asthma, as well as on the local environment; and

WHEREAS, Congress has designated federal funding to develop the National Safe Routes to School Program to address these challenges; and

WHEREAS, bicycling and walking to school can have a positive mental and physical impact on the health of children and youth, and helps them arrive at school ready to learn; and

WHEREAS, providing safer routes to and from schools aims to decrease pedestrian and bicycling related injuries, not just for students but for the entire community; and

WHEREAS, the Safe Routes to School program uses education, encouragement, infrastructure and enforcement strategies to help make walking and bicycling to school safer and more attractive to children; and

WHEREAS, a successful Safe Routes to School program involves schools, school boards, citizens and local government to collaborate to enable and encourage children, including those with disabilities, to walk and bicycle to school safely; now, therefore, be it

RESOLVED, that the Borough of Buena support the Safe Routes to School program and are proponents of developing and maintaining safe ways to walk and bicycle to school.

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

PERSONNEL:

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 regular meeting of February 13, 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 February 13, 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 February 13, 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: March 13, 2017

MEETING ADJOURNED: M _____ S _____

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