

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
MARCH 28, 2016**

MEETING CALLED TO ORDER: 6:35 P.M.

MEETING ADJOURNED: 7:40 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, March 28, 2016 commencing at 6:30 p.m. at the Borough Hall with Mayor Zappariello presiding. Mayor Zappariello led the flag salute and announced that this meeting was being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided to the Press of Atlantic City, the Daily Journal and the Atlantic County Record as well as having been posted on the bulletin board at Borough Hall.

PRESENT: Councilpersons Marolda, Walker, Baker, and James, Mancuso, McAvaddy, Richard Tonetta, Solicitor, Dr. Paul Trivellini, Maryann Coraluzzo, Borough Clerk, Cindi LoGuidice, Chief Financial Officer and Michael Garcia, Auditor

ABSENT: All Present

MAYOR'S REPORT:

MOMENT OF SILENCE: A Moment of Silence was held for longtime Borough resident and community leader, Edith Cheli, who recently passed away.

PRESENTATION: LAND USE CHAIRMAN, THOMAS DRALLE
Tabled to a future meeting

ORDINANCE NO. 638 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

**CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)
m/Baker s/Walker**

In response to Councilman Mancuso's question, Auditor Garcia provided an overview of N.J.S.A. 40A: 4-45.14.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Buena in the County of Atlantic finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$119,735.84 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Buena, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Buena shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$119,735.84, and that the CY 2016 municipal budget for the Borough of Buena be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

RESOLUTION 45-16 A RESOLUTION INTRODUCING AND APPROVING THE 2016 MUNICIPAL BUDGET. m/Baker s/James

Council discussed various areas of the budget to determine if any additional line items could be reduced. Auditor Garcia stated that, although Council is being asked to introduce and approve the budget, a public hearing and adoption must occur prior to striking a rate. It was decided that the Finance Committee will meet to determine what, if any, expenditures can be reduced prior to final adoption.

Mayor Zappariello called on Auditor Garcia to provide a five year financial projection. The Auditor stated that, based upon his research, the Borough will have a deficit of approximately \$200,000.00 by 2018. This is due to a lack of revenue and not a spending issue.

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

PROCLAMATION

WHEREAS, the Borough of Buena having made this Proclamation on behalf of Fibrodysplasia Ossificans Progressiva known as F.O.P. to hopefully one day display a Proclamation/Resolution book in Washington, D.C. on behalf and in support of the Children/Young Adults in the State of New Jersey afflicted with F.O.P. and equally show concern for all other Children afflicted with F.O.P., and

WHEREAS, Fibrodysplasia Ossificans Progressiva is a rare genetic condition in which the body makes additional bone where bone should not form, such as within muscle, tendons, ligaments and other connective tissues. Symptoms of FOP include excruciating pain and distortion of the existing skeletal frame; and

WHEREAS, a gene has been identified after 15 years of hard research by the University of Pennsylvania, the only known research facility currently investigating a cure for this; and

WHEREAS, Discoveries made in the F.O.P. lab by scientists and researchers may aid in the treatment or cure for other genetic diseases such as osteoporosis, arthritis, and spinal cord injuries; and

WHEREAS, the symptoms of FOP usually begin in the first or second decade of life, with the majority of patients diagnosed by age 10, depriving children of normal development. One in every seven Americans suffers from musculoskeletal impairment causing physical disability and severe long term- pain. FOP affects approximately 2,500 people worldwide; and

NOW, THEREFORE BE IT RESOLVED that the Borough of Buena commends Gary W. Whyte, a F.O.P. Advocate for his dedication in making the Borough of Buena and others aware of this affliction and for his work.

ORDINANCE NO. 636 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

AN ORDINANCE AMENDING ORDINANCE NO. 446 AND CHAPTER 82-9 OF THE CODE OF THE BOROUGH OF BUENA BY INCREASING REGISTRATION FEES AND INSPECTION FEES FOR OCCUPANCY PERMITS. m/Baker s/McAvaddy

Councilman Mancuso made reference to a Shared Service Agreement with the Borough of Woodbine. The Councilman took issue with charging another municipality \$25.00 per inspection and Borough taxpayers \$50.00 for a re-inspection. The Councilman also asked for clarification Subsection D. Solicitor Tonetta changed the wording to prevent property owners for being penalized for registering the rental unit after February 28th of the current year if it was not tenant occupied prior to December 31st of the prior year.

BE IT ORDAINED by the Council of the Borough of Buena that:

This Ordinance shall take effect immediately after final passage and publication as required by law. Any Ordinances inconsistent with this Ordinance are hereby repealed.

1: The provisions of Ordinance 446 relating to registration fees and inspection fees for occupancy permits, as codified under Chapter 82-9 of the Code of the Borough of Buena shall be deleted in its Entirety and written and amended and supplemented to read as follows:

- A. Each rental unit shall be registered annually with the Borough Clerk on or before February 28 of each calendar year. Upon registration of each rental unit, the owner/applicant shall pay a registration fee of seventy-five dollars (\$75.00) for each rental unit and includes one inspection.
- B. Prior to the re-renting to a subsequent tenant of any rental unit, the owner/applicant shall pay a new inspection fee of seventy-five dollars (\$75.00) per unit for the inspection.
- C. In the event that subsequent inspections are necessary because of the failure of a rental unit to comply with the requirements of this chapter, the owner/applicant shall pay a re-inspection fee of fifty dollars (\$50.00) for each inspection after the first inspection.
- D. Notwithstanding anything herein to the contrary, in the event that the unit is a rental unit which was not tenant occupied or registered in the previous year as required by this Chapter and is thereafter registered subsequent to February 28 of the year in which it is registered as required by this Chapter, the initial registration and inspection fee shall be \$75.00 which shall be prorated to December 31 of the year registered.

2: Fees listed above shall take effect January 1, 2017 and shall be increased annually, beginning January 1, 2018 by 2.5% and rounded normally

(.49 or less rounded down, .50 and greater rounded up to the nearest dollar).

3. All other provisions of Ordinance No. 446 and Chapter 82 of the Code of the Borough of Buena shall remain in full force and effect.

4. This Ordinance shall take effect immediately after final passage and publication as required by law. Any Ordinances inconsistent with this Ordinance are hereby repealed.

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

ORDINANCE NO. 637 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

AN ORDINANCE SUPPLEMENTING CERTAIN PROVISIONS OF CHAPTER 99 OF THE MUNICIPAL CODE OF THE BOROUGH OF BUENA ENTITLED "ANIMALS" m/Baker s/Marolda

BE IT ORDAINED by the Council of the Borough of Buena, in the County of Atlantic and State of New Jersey, that the following shall be added to the code of the Borough of Buena.

No person shall keep, harbor, raise, or permit to be harbored, raised or maintained in excess of four domestic pets at or upon any residential property consisting of three acres or less. For purposes of this ordinance, domestic pets apply to dogs and cats only.

This section shall not apply to any duly licensed business, organization or facility that is a veterinary establishment, kennel, breeder, pet shop, animal shelter, animal rescue or animal adoption agency or operating farm.

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

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

RESOLUTION 43-16 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING ONLINE BANKING AND CREDIT CARD PAYMENTS FOR THE PAYMENT OF TAXES AND VARIOUS FEES IN ALL DEPARTMENTS. m/Baker s/Marolda

WHEREAS, the provisions of NJSA 40A:5-45 allow for a municipality to establish a credit card payment system or an electronic funds transfer system; and

WHEREAS, the provisions of NJAC 5:30-9.1, et seq. include the rules and guidelines for municipalities utilizing credit cards, debit cards and electronic funds transfer as a means for collecting financial obligations due to the municipality; and

WHEREAS, the Borough of Buena wishes to accept credit card payments for amounts due for property taxes and other various fees in all departments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that property taxes and other obligations due the Borough may be paid by credit card, debit card and electronic funds transfer pursuant to the aforementioned Statute and Regulations.

BE IF FURTHER RESOLVED that the following Convenience Fees will be charged:

- ACH OR e-check \$1.05
- Visa Debit Card \$3.95

-All other credit or debit card payments will be charged approximately 2.95% of the total bill.

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

RESOLUTION 44-16 A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO A NUTRITION SITE LEASE WITH THE COUNTY OF ATLANTIC, NEW JERSEY, TO LEASE TO THE COUNTY OF ATLANTIC PREMISES KNOWN AS THE BUENA SENIOR HALL TO BE USED SOLELY BY THE ATLANTIC COUNTY NUTRITION PROJECT AND PERMITTING THE LESSEE TO PROVIDE OTHER PROGRAMS SPECIFIED UNDER THE "OLDER AMERICANS ACT" FOR A TERM OF TWO YEARS. m/Baker s/McAvaddy

WHEREAS, the Borough of Buena presently owns the Buena Senior Hall, located at Central Avenue, in the City of Minotola and State of New Jersey, recorded as Block 126, Lot 27, in the Borough of Buena Tax map; and

WHEREAS, said Buena Senior Hall currently houses programs for senior adults residing in the Borough of Buena; and

WHEREAS, the County of Atlantic and the Atlantic County Nutrition Project is desirous of providing meals to senior adults residing in the Borough of Buena; and

WHEREAS, the County of Atlantic may also provide programs specified under the "Older Americans Act"; and

WHEREAS, the County of Atlantic has agreed to pay one dollar per year for a term of two (2) years beginning January 1, 2016 and ending on December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA that the Mayor and Clerk are hereby authorized to enter into a Nutrition Site lease agreement with the County of Atlantic for the purpose of serving meals to senior adults residing in the Borough of Buena under a federally funded program which

operates through the Atlantic County Nutrition Project and for the purpose of permitting the County of Atlantic to provide other programs for senior adults specified under the "Older Americans Act", which lease agreement shall provide for a rent of one dollar per year for a term of two years retroactive to January 1, 2016 and ending on December 31, 2017 and permitting the County of Atlantic to renew the lease agreement on a two year basis.

BE IT FURTHER RESOLVED that the Clerk be and she is hereby authorized to forward an executed copy of said Nutrition Site Lease agreement, together with a certified copy of this Resolution to the above named County of Atlantic.

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

**RESOLUTION 46-16 A RESOLUTION AUTHORIZING THE RELEASE OF SURETY
POSTED BY SHERWOOD FOREST HOMES, LLC.
m/Baker s/Marolda**

WHEREAS, applicant posted surety in the form of an alternate Maintenance Guarantee for certain improvements to Block 114, Lot 5.03; and

WHEREAS, the Land Use Board Engineer has confirmed that the improvements have been completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the surety posted by Sherwood Forest Homes, LLC is hereby approved to be released contingent upon the payment of all outstanding Remington, Vernick and Walberg invoices.

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

**RESOLUTION 47-16 A RESOLUTION OF THE BOROUGH OF BUENA
AUTHORIZING A CONTINUING DISCLOSURE AGENT
SERVICES AND INDEPENDENT REGISTERED MUNICIPAL
ADVISOR OF RECORD WITH PHOENIX ADVISORS,
LLC. m/Baker s/McAvaddy**

WHEREAS, the Securities and Exchange Commission ("SEC") implemented its Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative") on March 10, 2014 to address alleged widespread violations of federal securities laws by municipal and local authority issuers (the "Issuers"), and underwriters of an Issuer's securities, in connection with certain

representations about timely continuing disclosures in bond offering documents;

WHEREAS, the MCDC Initiative aims to correct past failures to timely post information required by the Municipal Securities Rulemaking Board ("MSRB"), which Issuers agree to post through the execution of a secondary market disclosure undertaking, on the Electronic Municipal Market Access system ("EMMA");

WHEREAS, under the MCDC Initiative, the SEC will recommend favorable settlement terms to Issuers if they self-report to the SEC possible violations involving materially inaccurate statements relating to prior compliance with the continuing disclosure obligations specified in Rule 15c2-12 under the Securities Exchange Act of 1934; and

WHEREAS, the Borough of Buena, a municipal corporation of the State of New Jersey (the "Borough") desires to determine if its participation in the MCDC Initiative is necessary and advisable; now therefore,

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BUENA as follows:

Section 1. The Borough hereby authorizes the Chief Financial Officer to engage the services of Phoenix Advisors, LLC to conduct an audit of the Borough's continuing disclosure obligations and filings as related to the MCDC Initiative (the "Disclosure Audit").

Section 2. The Borough hereby authorizes and directs the Chief Financial Officer to participate in the MCDC Initiative if, after reviewing the findings of the Disclosure Audit and consulting with the Borough's Bond Counsel, the Chief Financial Officer determines that it is advisable for the Borough to participate in the MCDC

Section 3. The Borough hereby authorizes payment to Phoenix Advisors in the amount of \$950.00 for up to three outstanding issues, plus \$100.00 for each additional outstanding issue, if any, for which filings are required.

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

ADMINISTRATORS' S REPORT: no report

SOLICITOR'S REPORT: no report

COMMITTEE REPORTS:

RECYCLING: (COUNCILMAN MAROLDA)

Councilman Marolda provided those present with the road department itinerary. In addition, the Councilman, together with Public Safety Director James, toured Kimberly Lane to address signage, delineation marks and other issues in the area.

RECREATION: (COUNCILMAN WALKER)

Councilman Walker reported that Opening Day for Buena Baseball/Softball is April 9th. The Councilman provided dates for our annual concert series and reported that Marina Barsuglia has taken the vacant seat on the Board of Education.

FINANCE: (COUNCILWOMAN BAKER) No report

PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN JAMES)

Director James reported that EMS responded to sixty four calls in March with eighteen occurring outside the Borough. The Director explained the difference between mutual aid and shared service.

ECONOMIC DEVELOPMENT: (COUNCILMAN MANCUSO) No report

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)

Councilman McAvaddy reported that fencing has been repaired throughout the Borough.

PUBLIC PORTION OF MEETING:

Pam Grenier of 348 Wheat Road had questions regarding grants.

Brian Fatcher of 102 Kimberly Lane asked for clarification regarding issues on Kimberly Lane.

Charles Terranova of 504 South Brewster Road asked for help with a bump on his road that was created when railroad tracks were removed. In addition, Mr. Terranova is having problems with speeding, noise from area bars and flooding. Mayor Zappariello will follow up with Mr. Terranova.

CLERK'S REPORT:

Minutes of the meeting of March 14, 2016 was approved m/Baker s/Walker

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

CORRESPONDENCE:

1. Our Lady of the Blessed Sacrament Parish requesting a Raffle License dated May 15, 2016. m/Baker s/James

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

Need motion to file correspondence m/Baker s/McAvaddy

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

UNFINISHED BUSINESS: None

NEW BUSINESS: None

BILLS PAID AS LISTED: m/Baker s/McAvaddy

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

NEXT MEETING: April 11, 2016

MEETING ADJOURNED: m/Baker s/Walker

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

Maryann Coraluzzo
Borough Clerk