

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

MEETING CALLED TO ORDER: 6:30 P.M.

MEETING ADJOURNED: 7:09 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, November 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, Alvarez McAvaddy, Richard Tonetta, Solicitor and Dr. Paul Trivellini, Maryann Coraluzzo, Borough Clerk

ROLL CALL OF ATTENDANCE:

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

MAYOR'S REPORT:

**RESOLUTION 120-16 A RESOLUTION ESTABLISHING AND IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION OF VARIOUS PROFESSIONAL SERVICE AGREEMENTS.
m/Baker s/Marolda**

WHEREAS, the Borough Council of the Borough of Buena acknowledges the need for Professional Services to be provided to the Borough of Buena; and

WHEREAS, the Borough Council of the Borough of Buena has adopted Ordinance No.543, an Ordinance Restricting and Controlling the Award of Professional Service Agreements in the Borough of Buena which prohibits the award of a Professional Service Agreement where such professional has made a political contribution to a city elected official; and

WHEREAS, N.J.S.A. 19:44A-20.4 requires municipalities to adopt fair and open procedures for awarding professional service agreements which are otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Council of the Borough of Buena believes it is in the best interest of the Borough of Buena to select professionals primarily on the basis of their qualifications, including qualifications uniquely suited to the needs of the Borough of Buena; and

WHEREAS, to receive statements of qualifications in a manner that fosters a fair and open process, it is necessary and advisable to establish advance general criteria and specific minimum requirements; and

WHEREAS, the Borough Council of the Borough of Buena has determined that a fair and open process requires public advertisement of professional services required in a manner and with sufficient time to provide notice in advance of the contemplation of retaining the services of a professional and the criteria to be considered in determining the best professional for the position; and

WHEREAS, a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the Borough Council and then published in accordance with N.J.S.A. 40A:11-5.

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

- 1) All appointments for Professional Services contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.
- 2) The Borough Clerk shall cause all legal notices to be published on the website for the Borough of Buena stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualification, will be posted at Borough Hall beginning no later than December 5, 2016.
- 3) The criteria for each position contained on Schedule A follows immediately subsequent to the Listing on Schedule A. The criteria shall be disclosed, together with the posting of the listed positions at Borough Hall.
- 4) The website posting shall inform potential applicants that all submissions must be made to the Borough Clerk and received no later than 12:00 noon, December 19, 2016.
- 5) Commencing 12:01 p.m. on December 19, 2016, or as soon thereafter as may be available, the Borough Clerk of the Borough of Buena or her designee shall publicly open and announce all submissions in the Borough Council Chambers at Buena Borough Hall.
- 6) The appropriate department heads and the representatives from the appropriate boards shall thereafter review all submissions and report to the Mayor with recommendations.

- 7) Appointments shall thereafter be made at a public meeting of the Borough Council at their next meeting.
- 8) Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED that those positions included on Schedule A are those positions which the Borough of Buena Council reasonably believes shall be subject to appointment for the year 2017. However, all such appointments are subject to the availability of funds and the continuing needs of the Borough of Buena. Accordingly, inclusion of a position on Schedule A is not a representation or warranty that such position will be filled, but that if filled, it will be subject to the terms and conditions contained herein.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Buena has determined that the terms of this Resolution constitute a fair and open process in accordance with N.J.S.A. 19:44A-20, et seq, and Ordinance No. 543 of the Borough of Buena.

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

**RESOLUTION 121-16 RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES
TRANSFER RESOLUTION #2
m/Baker s/Marolda**

Whereas, N.J.S. 40A:4-58 permitting the transfer to appropriate balances where needed for purposes specified in the budget in an amount in excess of the sum appropriated therefore from an appropriation balance deemed to be in excess of the amount necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be made in the Borough of Buena Budget:

TRANSFER FROM

Maintenance of Tax Map \$ 2,000.00
 Group Health Benefits \$ 6,500.00

TOTAL TRANSFER \$8,500.00

TRANSFER TO

Tax Assessor O/E \$ 700.00
 Legal O/E \$ 7,000.00
 Land Use Board O/E \$ 100.00
 Construction O/E \$ 100.00
 Unemployment \$ 600.00

TOTAL TRANSFER \$8,500.00

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

PERSONNEL:

RESOLUTION 122-16 A RESOLUTION ACCEPTING THE RESIGNATION OF CHARLES FELLENBAUM FROM THE POSITION OF LAND USE BOARD MEMBER. m/Baker s/Mancuso

WHEREAS, Charles Fellenbaum served as a member of the Land Use Board; and

WHEREAS, Charles Fellenbaum has decided to resign effective November 15, 2016.

WHEREAS, Mayor and Council would like to extend their gratitude to Charles Fellenbaum for his dedicated service to the Borough of Buena and our community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the resignation of Charles Fellenbaum be regretfully accepted effective November 15, 2016.

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

**RESOLUTION 123-16 A RESOLUTION APPOINTING JOHNATHON ALVAREZ TO THE POSITION OF BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY MEMBER ALTERNATE I TO FILL THE UNEXPIRED TERM OF JORGE ALVAREZ
m/Baker s/Marolda**

WHEREAS, there presently exists a vacancy in the position of Buena Borough Municipal Utilities Authority Member Alternate I.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that Johnathon Alvarez is hereby appointed to the position of Borough of Buena Municipal Utilities Member, Alternate I, to fill the unexpired term of Jorge Alvarez (February 2, 2013 - February 1, 2018).

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

**RESOLUTION 124-16 A RESOLUTION APPOINTING JEFFREY JOHNSTON TO THE POSITION OF BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY MEMBER EFFECTIVE NOVEMBER 28, 2016.
m/Baker s/Marolda**

WHEREAS, there presently exists a vacancy in the position of Buena Borough Municipal Utilities Authority Member.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that Jeffrey Johnston is hereby appointed to the position of Borough of Buena Municipal Utilities Member, effective November 28, 2016 and expiring February 1, 2021.

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

MAYOR'S UPDATE:

Mayor Zappariello has met with EMS Supervisor, Rhonda Ciruolo, and staff to discuss ways to strengthen emergency medical services in our town. Mayor Zappariello thanked Ms. Ciruolo for her endless dedication and service to our town.

Mayor Zappariello will be meeting with Buena Baseball and Softball representatives.

Mayor Zappariello asked everyone to patronize our local businesses.

ADMINISTRATORS'S REPORT: no report

SOLICITOR'S REPORT:

Solicitor Tonetta provided an update on our COAH litigation to date.

COMMITTEE REPORTS:

ROADS/RECYCLING: (COUNCILMAN MAROLDA)

Councilman Marolda reported that leaf and branch collection in the Borough is ongoing.

The truck body and sander has been installed. Work is ongoing and the truck will be ready for winter.

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN WALKER)

Councilman Walker reported that salt has been purchased and put in the Borough Hall. In addition, the shovels and snow blower are operational.

The road department employees have blown the water out of the pipes in the park.

FINANCE: (COUNCILWOMAN BAKER)

Council President Baker reported on the transfer resolution that was adopted this evening.

ECONOMIC DEVELOPMENT: (COUNCILMAN MANCUSO) none

RECREATION: (COUNCILMAN ALVAREZ)

Councilman Alvarez reported on upcoming events in the Borough.

PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN MCAVADDY)

Councilman McAvaddy read the following report of police activities in October:

- * **Total Calls for Service: 1853**
- * **Total Car Stops Made by Patrol 245**
- * **Total Summonses Issued for the Month 119**
- * **Total Motor Vehicle Crash 9**
- * **Total DWI Arrests 0**
- * **Total Arrests for the Month (Warrants, Etc.) 25**
- * **Total Property Checks Made by Patrol for the Month 857**
- * **Total Community Policing CADS Hit by Patrol 133**

PUBLIC PORTION OF MEETING:

Ray Keller of 104 East Pacific Avenue expressed his dissatisfaction with the governing body's method of handling the police department. Mr. Keller stated that he has spoken with officers who informed him they were told by a member or members of the governing body that they will not have a job in the future. Mr. Keller also stated that he is in favor of a police chief and feels a public safety director is a waste of money. Mayor Zappariello stated that the public safety committee is meeting and exploring all options.

Maria Dare of 108 East Pacific Avenue agreed with Mr. Keller. Ms. Dare stated that the safety of our residents should be priority.

Debbie Welsford of Cedar Lake Road commended the police department on their rapid responses when called. Ms. Welsford had concerns with speeding in her area. Lt. Capehart will follow up on the matter.

Joanne Rosemont of Pacific Avenue thanked Councilman Mancuso for his concern for the taxpayers and requested an update on economic development. The Councilman responded that he reviewed the economic report that was given at the last meeting and reiterated the projects listed by Administrator Trivellini.

With regard to the possibility of closing or downsizing the police department, Steve Vandzura of Pacific Avenue advised the governing body that a price tag can't be placed on the safety of the residents of our town.

Brian Fatcher of Kimberly Lane requested an update on the new public safety director. Mr. Fatcher asked if Lt. Capehart was considered for the position. Mayor Zappariello responded that Mr. Capehart was not considered for the position however, at the time the committee was considering a separation of the two positions. Mr. Fatcher asked for an update on Central Avenue. Mayor Zappariello stated he has been in contact with the county and is confident the road will be repaired by 2018.

CLERK'S REPORT:

Minutes of the meeting of November 14, 2016 were approved m/Baker s/Alvarez

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

UNFINISHED BUSINESS: none

NEW BUSINESS: none

BILLS PAID AS LISTED: m/Baker s/Mancuso

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

NEXT MEETING: December 12, 2016

MEETING ADJOURNED: m/Baker s/Alvarez

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

MARYANN CORALUZZO
BOROUGH CLERK