

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING MINUTES  
September 11, 2017**

MEETING CALLED TO ORDER: 6:35 P.M.  
MEETING ADJOURNED: 8:14 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, September 11, 2017 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, 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.

PRESENT: Councilpersons Marolda, Walker, Baker, and Alvarez, Richard Tonetta, Solicitor and Jill McCrea, Administrator, Brianna Pace, Deputy Clerk

**ROLL CALL OF ATTENDANCE:**

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

**MAYOR'S REPORT:**

Mayor Zappariello invited the American Legion Post 270, VFW Post 158, Police Department, Landisville and Minotola Fire Companies, EMS and Office of Emergency Management for a brief ceremony to commemorate the tragedy that took place on September 11, 2001. Frank Donato from the American Legion Post 270 had a moment of silence and then led the flag salute.

**PUBLIC PORTION OF MEETING:** There was no one wishing to address Mayor and Council.

**ORDINANCE NO. 653      NEED MOTION TO OPEN THE PUBLIC HEARING ON:**

**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/Baker s/Walker

**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 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 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:
MAROLDA	X			
WALKER	X			
BAKER	X			
MANCUSO				X
ALVAREZ	X			
MCAVADDY				X

**DISCUSSION: None**

**NEED MOTION TO CLOSE THE PUBLIC HEARING:  
m/Baker s/Alvarez**

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

**ORDINANCE NO. 653 ADOPTED:  
m/Baker s/Walker**

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

**ORDINANCE NO. 654 NEED MOTION TO OPEN THE PUBLIC HEARING ON:**

**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/Baker s/Walker**

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 \$1,000.00 - \$5,000.00

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

**DISCUSSION: None**

**NEED MOTION TO CONTINUE THE PUBLIC HEARING:  
m/Baker s/Alvarez**

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

**ORDINANCE NO. 654 ADOPTED:**

**M \_\_\_\_\_ S \_\_\_\_\_**

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

**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 \_\_\_\_\_  
TABLED**

**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 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:
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. 655 ADOPTED:**

**M \_\_\_\_\_ S \_\_\_\_\_**

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

**ORDINANCE NO. 656 NEED MOTION TO OPEN THE PUBLIC HEARING ON:**

**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/Baker s/Alvarez**

**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.

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

**DISCUSSION: None**

**NEED MOTION TO CONTINUE THE PUBLIC HEARING:  
m/Baker s/Walker**

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

**ORDINANCE NO. 656 ADOPTED:**

**M \_\_\_\_\_ S \_\_\_\_\_**

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

**ORDINANCE NO. 657 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:**

**AN ORDINANCE ESTABLISHING FEES FOR THE CALCULATION OF LIENS PURSUANT TO NJSA 54:5-54 FOR THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY  
m/Baker s/Alvarez**

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

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

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

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

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

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

**RESOLUTION 111-17 A RESOLUTION APPROVING AN ALCOHOLIC BEVERAGE LICENSE FOR THE 2017-2018 TERM.  
m/Baker s/Marolda**

WHEREAS, application for renewal of liquor licenses for the 2017-2018 year have been filed with the Borough Clerk; and

WHEREAS, all filing fees have been paid and all applications hereinafter identified are complete.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the retail consumption license listed below be and is hereby renewed for the 2017-2018 licensing year.

SALOON 54 LLC  
0104-33-013-008

BE IT FURTHER RESOLVED that the Municipal Clerk is instructed to issue said license.

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

**RESOLUTION 112-17 A RESOLUTION OF THE BOROUGH OF BUENA PLACING LIENS ON PROPERTY FOR FAILURE TO MAINTAIN PROPERTY IN ACCORDANCE WITH ORDINANCE 642  
m/Baker s/Alvarez**

WHEREAS, the Borough of Buena established legal right to clear and lien unkempt properties in accordance with Ordinance 642; and

WHEREAS, Buena Borough has identified a property or properties that have not been maintained over a period of time; and

WHEREAS, Buena Borough has noticed property owners of record following all established procedures; and

WHEREAS, the property or properties listed have been cleared by the Borough of Buena and charges established for time and equipment per Ordinance 642;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the properties attached to this Resolution shall have a lien for lot clearance, similar to a tax lien, placed upon them upon passage of this resolution

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

**RESOLUTION 113-17     A RESOLUTION APPOINTING PART-TIME EMERGENCY  
MEDICAL SERVICE EMPLOYEES OF THE BOROUGH OF BUENA  
EFFECTIVE SEPTEMBER 11, 2017  
m/Alvarez s/Baker**

**BE IT RESOLVED** by the Council of the Borough of Buena that:

The following individuals are hereby appointed and employed, effective September 11, 2017 as part-time Emergency Medical Technicians who shall regularly work 20 hours or under per week and shall be paid in accordance with the current salary resolution:

**Michael Koh**

**Morgan Koh**

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

**RESOLUTION 114-17     RESOLUTON AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY  
m/Baker s/Walker**

**WHEREAS**, the Borough of Buena is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Council are desirous of selling said surplus property in an "as is" condition without express or implied warranties.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA**, in Minotola, New Jersey as follows:

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available in the Finance office.
2. The sale will be conducted online and the address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. The surplus property to be sold is attached.
5. The surplus property as identified shall be sold in an "as is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Borough of Buena reserves the right to accept or reject any bid submitted.

**Equipment to be sold on GovDeals:**

- 2 Aluminum Scoop Stretchers
- 1 Ferno EZ Glide Stair Chair

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

**RESOLUTION 115-17     A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL OR REFUND OVERPAYMENTS AND UNDERPAYMENTS.  
m/Baker s/Walker**

WHEREAS, there exists two discrepancies of tax overpayments and underpayments; and

WHEREAS, it has been determined by the tax assessor and collector that the overpayments and underpayments should be canceled or refunded.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, in the County of Atlantic, State of New Jersey that the following be canceled or refunded.

Block 207, Lot 45.02 QFarm owned by RIGI Holdings \$131.24- Refund (subdivision and sale)

Block 152, Lot 8 owned by Mark Pastore \$47.23- Cancelled (computer error)

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

**RESOLUTION 116-17     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 PERSONAL MATTERS AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN  
m/Baker s/Alvarez**

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 personnel matters; 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 terms and conditions of employment of Cindi LoGuidice, Chief Financial Officer and Valerie Jones, Keyboarding Clerk.

**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 September 11, 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 personnel matters involving CFO LoGuidice and Keyboarding Clerk Jones
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:
MAROLDA	X			
WALKER	X			
BAKER	X			
MANCUSO				X
ALVAREZ	X			
MCAVADDY				X

**ADMINISTRATORS' S REPORT:**

1. Employee handbooks were issued and they are signing a receipt
2. Administrator McCrea will be going with Bob to the meeting with DOT
3. Reached out to Atlantic City electric to find out the costs involved to replace the street lights with LED
4. Requested energy audit
5. Spent time with Bill, mainly regarding Kennedy Drive with Pinelands requirements
6. Looking into bike path lighting
7. Suggested revising the ordinances regarding rental registration and dog license fees

Councilman Walker asked what the issue was regarding Kennedy Drive. Bob replied that there are issues with storm water management and their office can't do the work since they are the board so they will need to hire another engineer.

Councilman Marolda asked what the costs involved are and that if it is too much we should just sell the lots as is.

Councilman Alvarez asked if there were any grants for the lighting. Administrator McCrea responded that she is waiting on the costs and then will check into the grants.

**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 and the Borough have authorized our office to proceed with advertising the project for bid.

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**

Bids for the project are due on September 13, 2017 at 11:00 am.

### **Master Plan Re-Examination**

Our office has completed our initial planning review. We are 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 March 24, 2018 to avoid jeopardizing the funding. Our office had previously submitted a proposal for this project.

### **FY2018 Municipal Aid Applications**

Applications are due on October 6, 2017. Our office has a meeting scheduled with the NJDOT on September 21, 2017 to review last year's applications. If the Borough is interested, we can resubmit the same applications as last year pending the feedback we receive from the NJDOT. Last year, we submitted the following:

- Reconstruction/Resurfacing of Forest Grove Road
- Bikepath Improvements at Route 40
- Safe Streets to Transit - Intersection Crossing Improvements at Route 40/South Boulevard/North Boulevard Intersection

**SOLICITOR'S REPORT:** Solicitor Tonetta reported he has not received a response from the performance bond company regarding Lauren Court. He will follow up with another letter requiring a response within 10 days. Then a choice will have to be made. Bob asked if there is any recourse for the resident that damaged their car. Solicitor Tonetta advised they could go after the contractor. When Bill was advised of the emergent repairs needed, we fixed it and are going after the bond company.

#### **COMMITTEE REPORTS:**

**ROADS/RECYCLING: (COUNCILMAN MAROLDA)** Councilman Marolda said they are waiting for the results from the DOT meeting. Also, the road department uses high visibility vests but they recently bought t-shirts and sweatshirts at a good price thanks to Pam Griener.

**ECONOMIC DEVELOPMENT: (COUNCILMAN WALKER)** Councilman Walker stated that he and the Mayor attended a meeting with ACIA. Some companies are looking at the Boro. They need to meet with the engineer to look at the remaster plan. Also, he's looking into information regarding the train and the possibility of companies utilizing it. Councilman Walker stated information is power. The Mayor thanked Councilman Walker for moving in the right direction and said the meeting was excellent and there is potential for companies to come to the Boro.

**RECREATION: (COUNCILWOMAN BAKER)** Councilwoman Baker reported the July ridership for the Route 54/40 shuttle was 1,126. Average passengers per day was 59. Next, the recreation commission will have a meeting tomorrow night at 7:30 pm in Boro Hall. Upcoming events: Macaroni dinner held at Landisville Fire Hall benefiting Historic Friendship Church on Sunday, October 8<sup>th</sup> from 12 pm to 5pm. Donation is \$10, children under 12 is \$5.

**FINANCE: (COUNCILMAN MANCUSO)** No report

**PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN ALVAREZ)** Councilman Alvarez reported for the month of August the police had 182 calls, 20 animal complaints, 30 false alarms, 14 arrests, 6 warrants, 24 accidents, 3 injuries and 28 citations.

**BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)** No report

**CLERK'S REPORT:**

Minutes of the workshop meeting of August 14, 2017 were approved  
m/Baker s/Walker

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

Minutes of the regular meeting of August 14, 2017 were approved  
m/Baker s/Alvarez

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

Minutes of the executive meeting of August 14, 2017 were approved  
m/Baker s/Walker

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

Minutes of the special meeting of August 21, 2017 were approved  
m/Alvarez s/Baker

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



Minutes of the executive meeting of August 21, 2017 were approved  
m/Baker s/Alvarez

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

**UNFINISHED BUSINESS:** Councilman Marolda requested Administrator McCrea to look into and provide an update on 701 Central Ave foreclosure. Solicitor Tonetta advised he would take care of it.

Pam Griener of Wheat Road stated the restaurant on Central Avenue has a stainless steel sink and tent outside that is an eye sore. Council asked Pam Johnston if she knew anything and she stated that she will look into it but she does know they did take out construction permits.

**NEW BUSINESS:** None

**BILLS PAID AS LISTED:** m/Baker s/Alvarez

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

**NEXT MEETING:** September 25, 2017

**MEETING ADJOURNED:** m/Alvarez s/Marolda

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

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**BRIANNA PACE**  
**DEPUTY CLERK**