

**BOROUGH OF BUENA  
 REGULAR COUNCIL MEETING MINUTES  
 SEPTEMBER 25, 2017**

**MEETING CALLED TO ORDER: 6:30 P.M.  
 MEETING ADJOURNED: 6:58 P.M.**

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, September 25, 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, Maryann Coraluzzo, Borough Clerk

**ROLL CALL OF ATTENDANCE:**

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

**PUBLIC PORTION OF MEETING:**

Roy Gazzara of Louis Drive requested an update on the sewer project. Mr. Gazzara also requested this project not be completed in conjunction with the flooding issue also taking place on Louis Drive. Councilman Marolda has been in contact with the engineer and representatives of the BBMUA and is hopeful the project will go out for bid next month.

Toni Mattioli requested an update on the Brunini Pool. Ms. Mattioli is concerned with rodents and mosquitos due to the condition of the abandoned property. Solicitor Tonetta advised Ms. Mattioli to contact the health department. Mayor Zappariello will follow up as well.

Ms. Mattioli and Joanne Sangataldo expressed their dissatisfaction with dissolution of the police department.

**ORDINANCE NO. 657 NEED MOTION TO OPEN THE PUBLIC HEARING ON:**

**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/Marolda**

**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

**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. 657 ADOPTED:  
 m/Baker s/Walker**

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA	X			
WALKER	X			
BAKER	X			
MANCUSO				x

ALVAREZ	X			
MCAVADDY				X

**ORDINANCE NO. 658: NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:**

**AN ORDINANCE AMENDING ORDINANCE 601 CHAPTER 99,  
SECTION 99-4B OF THE CODE OF THE BOROUGH OF BUENA  
ENTITLED LICENSE AND INSPECTION FEE  
m/Baker s/Marolda**

**WHEREAS**, the Council of the Borough of Buena has determined that in order to assure that all dogs and cats are properly vaccinated for rabies and other diseases which could be life threatening to persons said animals must be licensed and registered with the Borough and the State of New Jersey; and

**WHEREAS**, the cost of administration and related expenses have increased and Borough Council finds that such cost should not be a burden on the taxpayers but on the owners of dogs residing in the Borough; and

**WHEREAS**, Chapter 99, Section 99-4B of the Borough Code provided an automatic escalator on a yearly basis to assure that the full cost of such service was passed on to the owners of the dogs being registered and licensed rather than the taxpayers of the Borough; and

**WHEREAS**, the mathematical calculation process set forth in Section 99-4B is flawed in that it would never represent an increase in the fee and therefore contrary to the legislative intent of the Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Buena that Chapter 99, Section 99-4B of the Code of the Borough of Buena be deleted in its entirety.

**BE IT FURTHER ORDAINED** that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED** that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and affect.

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

**ORDINANCE NO. 659 NEED MOTION TO INDRODUCE AND PASS ON FIRST READING:**

**AN ORDINANCE AMENDING ORDINANCE 446, AS AMENDED,  
CHAPTER 82-9E OF THE CODE OF THE BOROUGH OF BUENA**

**ENTITLED REGISTRATION AND INSPECTION FEE  
m/Baker s/Walker**

**WHEREAS**, the Council of the Borough of Buena has determined that inspections of rental units in the Borough are necessary to assure rental housing meets the minimum standards for living quarters set forth in the Borough Code including the International Property Maintenance Code adopted by the Borough Council; and

**WHEREAS**, the cost of inspections, administration and related expenses have increased and Borough Council finds that such cost should not be a burden on the taxpayers but on the landlords renting such units; and

**WHEREAS**, Section 82-9E of the Borough Code provided an automatic cost escalator on a yearly basis to assure that the full cost of such service was passed on to the owners of the rental units being inspected rather than the taxpayers of the Borough; and

**WHEREAS**, the mathematical calculation process set forth in Section 82-9E is flawed in that it would never represent an increase in the fee and therefore contrary to the legislative intent of the Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Buena that Chapter 82, Section 82-9E of the Code of the Borough of Buena be deleted in its entirety.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and affect.

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

**RESOLUTION 117-17      A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE  
EXECUTION OF AN AGREEMENT WITH FARNSWORTH &  
SEMPTIMHELTER, LLC, FOR BILLING AND ACCOUNTS  
RECEIVABLE SERVICES FOR BUENA BOROUGH EMERGENCY  
MANAGEMENT SERVICES.  
m/Baker s/Alvarez**

**WHEREAS**, the Borough of Buena operates an Emergency Management Services (EMS) for the residents of the Borough as well as surrounding communities as needed; and

**WHEREAS**, the Borough requires the service of a billing agent to provide competent and reliable billing practices and procedures to ensure proper filing of insurance claims, invoicing patients and processing

reimbursement payments; and

**WHEREAS**, Farnsworth & Semptimpelther, LLC, has extensive experience and staff to provide the services as required which allow the Buena Borough EMS to have a faster turn-around time at the hospitals for patient registration.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Buena that the Mayor and Clerk are authorized to execute an Agreement for Billings and Accounts Receivable Services with Farnsworth & Semptimpelther, LLC, Lumberton, New Jersey, for the term beginning on October 1, 2017 for a term of one year with the option of two additional one year extensions in accordance with the terms and conditions of bid proposal submitted on August 4, 2017 and file with the Clerk of the Borough of Buena.

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

**RESOLUTION 118-17 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PROJECT.  
m/Baker s/Walker**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Buena formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Reconstruction/Resurfacing of Forest-00431 to the New Jersey Department of Transportation on behalf of the Borough of Buena.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Buena and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

**RESOLUTION 119-17     A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, REJECTING ALL BIDS RECEIVED FOR SOLID WASTE COLLECTION SERVICES AND AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE ATLANTIC COUNTY UTILITIES AUTHORITY FOR SOLID WASTE COLLECTION SERVICES IN ACCORDANCE WITH NJSA 40A:65-1 ET SEQ. m/Alvarez s/Marolda**

**WHEREAS**, the Council of the Borough of Buena adopted a resolution authorizing the advertisement for bids to be received on or before September 19, 2017 for solid waste collection services; and

**WHEREAS**, the Atlantic County Utilities Authority (ACUA) is authorized to engage in the collection of solid waste in accordance with NJSA 48:13A-6 and NJSA 48:13A-9; and

**WHEREAS**, NJSA 40A:65-4 of the Shared Services and Consolidation Act permits any local unit to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its jurisdiction; and

**WHEREAS**, the ACUA has expressed an interest in providing solid waste collection services to the Borough pursuant to a Shared Services Agreement which will reflect a cost savings to the residents of the Borough; and

**WHEREAS**, the Council finds that it is in the best interest of the Borough to reject all bids received for solid waste collection services and abandon its interest to consider the bidding process and enter into a Shared Services Agreement with the ACUA for the collection of solid waste as stated in the bid specifications received on September 19, 2017 and the correspondence of the ACUA dated September 19, 2017 attached hereto and made a part hereof, more particularly Option 5.

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

1. All bids received on or before September 19, 2017 for the collection of solid waste are hereby rejected in accordance with NJSA 40A:11-13.2 in as much as the Borough is abandoning the bidding process in favor of a Shared Services Agreement.
2. All bid bonds of the unsuccessful bidders are directed to be returned.
3. The Mayor and Clerk are authorized to execute a Shared Services Agreement for the collection of solid waste with the Atlantic County Utilities Authority in accordance with the terms and conditions as outlined in the bid specifications and letter dated September 19, 2017 from the Atlantic County Utilities Authority for Option 5; the agreement to be in the form approved by the Borough Solicitor.

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

**RESOLUTION 120-17     A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO AND EXECUTE A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF FRANKLIN FOR THE PROVISION OF POLICE PROTECTION AND MUNICIPAL COURT SERVICES.  
m/Alvarez s/Baker**

WHEREAS, the Borough of Buena ("Borough") wishes to ensure the safety and welfare of its residents by having police protection and municipal court services available at all times; and

WHEREAS, the Township of Franklin ("Township") has in place a Police Department that is qualified and able to provide the Borough with police coverage and protection in accordance with the terms set forth herein; and

WHEREAS, the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq., permits and provides for a mechanism for contracting between local units by entry into a Shared Services Agreement; and

WHEREAS, the Borough and Township agree that it makes financial and geographical sense for the parties hereto to enter into a Shared Services Agreement for the provision of such services; and

WHEREAS, the Borough and the Township agree that their mutual public purposes and best interests will be promoted by the execution and delivery of this Shared Services Agreement pursuant to the powers conferred by the Uniform Shared Services and Consolidation Act.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the attached Shared Services Agreement by and between the Borough of Buena and the Township of Franklin is hereby approved.

BE IT FURTHER RESOLVED that Mayor of Buena, David Zappariello, is hereby authorized to execute the aforesaid Agreement on behalf of the Borough.

**Mayor Zappariello stated the following language will be added to the Agreement:**

**Section 1.5.5: "To the extent there is any inconsistency between the terms and conditions of the Proposal and this Agreement, this Agreement shall control."**

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

**ADMINISTRATORS' S REPORT:**

Administrator McCrea gave an update 701 South Central Avenue. The Borough has received Final Judgment on the property.

The Administrator will discuss the CBDG Grants at the next work session.

**SOLICITOR'S REPORT:**

Solicitor Tonetta gave an update on COAH litigation. The solicitor is confident of a favorable outcome.

**COMMITTEE REPORTS:**

**ROADS/RECYCLING: (COUNCILMAN MAROLDA)**

Signage is complete on Kimberly Lane. Councilman Marolda reported that a resident and property owner on Cedar Lake Road is receptive to the placement of a retention basin on her property.

**ECONOMIC DEVELOPMENT: (COUNCILMAN WALKER)** no report

**RECREATION: (COUNCILWOMAN BAKER)**

Council President Baker attended the Recreation Commission Meeting on September 12, 2017. Discussion topics included Buena Pride Day at Buena Regional High School and Trick or Treat which will be held on October 28<sup>th</sup> from 2:00 - 4:00 p.m.

Council President Baker participated in a phone conference about the Route 54/40 Shuttle. Ridership was 1,207 passengers in August.

Council President Baker attended the Buena Baseball Softball Association meeting. Election of 14 Board members for 2018 was held. Election for the 2018 officers will be held at the October 12<sup>th</sup> meeting.

**Upcoming Events:**

October 8<sup>th</sup>: Macaroni Dinner at the Landisville Fire Company to benefit the Historic Friendship Church.

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

**PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN ALVAREZ)**

With regard to the horrific double homicide that took place in the Borough, Director Alvarez said all questions must be answered by the Atlantic County Prosecutor's office.

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

**CLERK'S REPORT:**

**Minutes of the workshop meeting of September 11, 2017 were approved m/Bakers/Walker**

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



**BOROUGH OF BUENA  
 REGULAR COUNCIL MEETING MINUTES  
 SEPTEMBER 25, 2017**

**Minutes of the regular meeting of September 11, 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 executive session of September 11, 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: none**

**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: Tuesday October 10, 2017  
 6:00 Workshop Meeting  
 6:30 Regular Meeting**

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING MINUTES  
SEPTEMBER 25, 2017**

**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**