

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING MINUTES  
February 13, 2017**

**MEETING CALLED TO ORDER: 6:33 P.M.**

**MEETING ADJOURNED: 7:52 P.M.**

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, February 13, 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 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 Walker, Baker, Mancuso, and Alvarez, Richard Tonetta, Solicitor, Mike Benson, Labor Attorney, Dr. Paul Trivellini and 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 Zappariello called for a moment of silence in honor of Frank Marolda, father of Councilman Jeffrey Marolda, who passed away.

**PUBLIC PORTION OF MEETING:**

Mayor Zappariello started the meeting with an overview of the Borough's five year financial projection which included the current and future costs to run the police department.

Mayor Zappariello further stated that in addition to active dialogue regarding the police department, he has also been engaged in conversations regarding the future of the Buena Emergency Medical Services.

Ray Keller of 104 E. Pacific Ave. inquired about the police closing and having Vineland cover the area. He wanted to know if the officers would have health care and if they would still be there to monitor the school's dismissal. He said the Buena police officers know the town and people and that we wouldn't have the same service having Vineland come in. Also, asked if they were considering having Vineland cover our EMS as well. The Mayor stated he is having active dialogue with neighboring towns regarding shared services.

Maria Dare of 108 E. Pacific Ave. stated Vineland will cost more than keeping our own officers in town.

Dave Giraffo of 564 Forest Grove Road, asked if they were considering other options besides Vineland Police. Mayor Zappariello stated that he started with Vineland however, they could also look into state police, other neighboring communities or raise taxes.

Bill Coltri of Forest Grove Road followed up asking if state police was really an option and the Mayor responded yes.

Brian Fatcher of Kimberly Lane requested an update regarding a speed bump being put on Kimberly Lane. Mayor Zappariello said he had the engineer look into it. Bob Smith gave some simple ideas possibly to try - static speed limit signs, stripping, radar signs and then speed humps. The Mayor stated he wasn't in favor of the speed humps. Mr. Smith advised they would need two for that street and since it's a community request they would have to do a poll of the street to make sure the majority would favor them.

Duke Mattioli of 109 Edwards Ave requested a status of Brunini pool. Mr. Mattioli stated the property is not being maintained. Mayor Zappariello will pursue the matter starting with Newfield Bank in an effort to determine if a final judgement was ordered.

**MAYOR'S REPORT:**

**INTRODUCED AND PASSED ON FIRST READING:**

**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/Baker s/Mancuso**

**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				X
WALKER	X			
BAKER	X			
MANCUSO	X			
ALVAREZ	X			
MCAVADDY				X

**INTRODUCED AND PASSED ON FIRST READING:**

**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/Baker s/Mancuso

**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
621, April 28, 2014	\$96,875

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.

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

**RESOLUTION 28-17      A RESOLUTION COMMEMORATING THE 30<sup>TH</sup> ANNIVERSARY OF THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND m/Baker s/Walker**

**WHEREAS**, the Atlantic County Municipal Joint Insurance Fund has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and

**WHEREAS**, the Borough of Buena is a member of the Atlantic County Municipal Joint Insurance Fund; and

**WHEREAS**, the Atlantic County Municipal Joint Insurance Fund commenced operations on January 1, 1987 with seven charter members who, when challenged with an unfavorable market for their insurance, decided to join together to avoid the high costs and limited coverage associated with traditional insurance for fire and property, liability and workers compensation risks; and

**WHEREAS**, over the past 30 years the Fund has grown to 41 members and stands today as one of the greatest examples of an inter-local service agreement in the State of New Jersey's history; and

**WHEREAS**, municipalities participating in the ACMJIF have saved their local taxpayers millions of dollars in the form of lower premiums and the return of nearly \$31 million dollars in surplus distributions; and

**WHEREAS**, the elected officials and the municipal employees covered by the Atlantic County Municipal Joint Insurance Fund are the foundation of the Fund's success and without whose dedication to the Fund Safety and Risk Management programs the Fund would not have achieved the status it enjoys today; and

**WHEREAS**, the Borough of Buena wishes to recognize and commemorate the Fund on its 30<sup>th</sup> year of successful operation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Buena assembled in a public

session on February 13, 2017, that this body does hereby recognize and commemorate 2017 as the 30<sup>th</sup> year of the successful operation of the Atlantic County Municipal Joint Insurance Fund; and

**BE IT FURTHER RESOLVED** that the Borough of Buena wishes to acknowledge this 30<sup>th</sup> Anniversary as a milestone event in the history of the Fund and wishes the Fund continued success for many years to come; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be provided to the Executive Director of the Atlantic County Municipal Joint Insurance Fund for his information and distribution to the membership.

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

**RESOLUTION 29-17      A RESOLUTION AMENDING RESOLUTION NO. 15-17 ENTITLED  
OFFICIAL DEPOSITORY/AUTHORIZED SIGNATURES  
m/Baker s/Walker**

**WHEREAS**, N.J.S.A 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies, a bank or trust company having its business in the State of New Jersey and organized under the laws of the United States or this State.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Buena that Newfield National Bank, TD Bank, BB&T, Sun National Bank and Capital Bank be and the same are hereby designated the official Depositories of the Borough of Buena; and

**NOW, THEREFORE, BE IT RESOLVED**, that authorized signatures for depositories for the year 2017 are hereby amended as follows:

David Zappariello, Mayor, Rosalie Baker, Council President, Maryann Coraluzzo, Cynthia LoGuidice, Brianna Pace, Diane Bassetti, and Paul Trivellini are authorized for the following:

Community Policing

Buena Police Association

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

**RESOLUTION 31-17      RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES  
TRANSFER RESOLUTION #2  
m/Baker s/Alvarez**

**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**

Police Salary & Wages	\$2,060.00
<b>TOTAL TRANSFER</b>	<b><u>\$2,060.00</u></b>

**TRANSFER TO**

Finance O/E	\$ 60.00
EMS O/E	\$ 2,000.00
<b>TOTAL TRANSFER</b>	<b><u>\$2,060.00</u></b>

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

**RESOLUTION 32-17      2017 EMERGENCY TEMPORARY BUDGET**  
**m/Baker s/Walker**

**WHEREAS**, an emergent condition has arisen with respect to providing appropriation for expenditures and no adequate provision has been made in the 2017 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.40A:4-20) including this resolution total \$1,533,715.23:

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with the provisions of N.J.S. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for the attached list of line items.
2. That said emergency temporary appropriations will be provided for in 2017 municipal budget as adopted.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

**2017**

<b>General Government:</b>	
<b>Municipal Clerk's Office</b>	
Other Expenses	\$ 5,000.00
<b>Governing Body</b>	
Salary & Wages	\$ 1,000.00
Other Expenses	\$ 2,000.00
<b>Finance Office</b>	
Other Expenses	\$ 8,000.00
<b>Computer Operations</b>	
Other Expenses	\$ 3,000.00
<b>Tax Assessor</b>	
Other Expenses	\$ 2,000.00

<b>Land Use Board</b>		
Salary & Wages		\$ 5,000.00
Other Expenses		\$ 1,000.00
<b>Audit Contract Services</b>		
Other Expenses		\$ 10,000.00
<b>Tax Collector</b>		
Other Expenses		\$ 2,000.00
<b>Public Buildings &amp; Grounds</b>		
Other Expenses		\$ 20,000.00
<b>Uniform Construction Code:</b>		
<b>Construction</b>		
Salary & Wages		\$ 5,000.00
Other Expenses		\$ 3,600.00
<b>Insurance:</b>		
Health Insurance		\$100,000.00
Disability Insurance		\$ 1,000.00
<b>Public Safety:</b>		
<b>Emergency Management</b>		
Salary & Wages		\$ 300.00
Other Expenses		\$ 700.00
<b>EMS</b>		
Salary & Wages		\$ 65,000.00
<b>Streets &amp; Roads:</b>		
<b>Road Repair &amp; Maintenance</b>		
Other Expenses		\$ 5,000.00
<b>Health &amp; Welfare:</b>		
<b>Animal Control</b>		
Other Expenses		\$ 2,000.00
<b>Statutory Expenditures:</b>		
Social Security		\$ 5,000.00
PERS		\$ 74,939.00
PFRS		\$122,562.00
Unemployment		\$ 1,000.00
<b>Inter Local Services Agreements:</b>		
<b>911 Dispatch Services</b>		
Gloucester County 911		\$ 33,000.00

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

**RESOLUTION 33-17**      **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, AND TIFFANY CUVIELLO CONCERNING MATTERS REGARDING PENDING OR ANTICIPATED LITIGATION IN WHICH THE PUBLIC BODY IS OR MAY BECOME A PARTY AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN**  
**m/Baker s/Mancuso**

**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 pending or anticipated litigation in

which the public body is or may become a party; and

**WHEREAS**, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff and Tiffany CuvIELLO concerning The Matter of the Application of the Borough of Buena for a Judgment of Compliance and Repose and Temporary Immunity From Mount Laurel Law Suits (COAH Litigation)

**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 February 13, 2017 in the Council Chambers immediately following the regular session of Borough Council.
2. The general nature of the subject matter of the closed meeting shall pertain to pending or anticipated litigation in which the public body is or may become a party, as set forth hereinabove.
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 and Tiffany CuvIELLO shall be made following a final decision 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 180 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

**RESOLUTION 34-17      A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING  
CHANGES TO NEW JERSEY CIVIL SERVICE CATEGORIES  
m/Baker s/Walker**

WHEREAS, the Borough of Buena participates in the New Jersey Department of Personnel Civil Service Program; and

WHEREAS, Buena Borough's current categories are outdated; and

WHEREAS, Buena Borough's current salary titles are not compliant with the aged, existing categories; and

WHEREAS, a resolution is necessary to create the categories necessary; and

WHEREAS, this revision is supported by Civil Service personnel;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the following categories be created and all existing categories shall be deleted from Buena Borough's records. New titles: Administration, Construction/Inspectors, Mayor and Council, EMS, Public Facilities, Finance, Land Use Board, Public Safety, Public Utilities, and Tax Assessment.

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

**PERSONNEL:**

**RESOLUTION 30-17**

**A RESOLUTION ACCEPTING THE RESIGNATION/RETIREMENT OF DR. PAUL TRIVELLINI AS ADMINISTRATOR FOR THE BOROUGH OF BUENA  
m/Baker s/Mancuso**

WHEREAS, Dr. Paul Trivellini served as Administrator for the Borough of Buena; and

WHEREAS, during his tenure, Dr. Paul Trivellini performed his duties in an efficient and professional manner; and

WHEREAS, Dr. Paul Trivellini has decided to resign/retire effective April 30, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the resignation/retirement of Dr. Paul Trivellini be regrettably accepted effective April 30, 2017.

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

**ADMINISTRATORS' S REPORT: No report**

**ENGINEER' S REPORT:**

**FY2015 NJDOT Municipal Aid Project - Resurfacing of Plymouth Street**

We are awaiting approval of the permit for the culvert replacement from the NJDEP.

**FY2016 NJDOT Municipal Aid Project - Resurfacing of Forest Grove Road**

Our office submitted an engineering services proposal for this project dated August 30, 2016. The Borough has decided to aggregate the funds with FY2017 funds, if approved.

**Melini Park Senior Recreation Facility – CDBG Project**

The survey scheduled for February 9, 2017 was postponed due to inclement weather.

**FY2017 State Aid Applications - Reconstruction/Resurfacing of Forest Grove Road, Bike Path Improvements at Route 40 and Safe Streets to Transit**

The applications have been submitted.

**SOLICITOR'S REPORT: No report**

**COMMITTEE REPORTS:**

**ROADS/RECYCLING: (COUNCILMAN MAROLDA)** Dr. Trivellini had an update from Bill. They have been maintaining Borough Hall, branches and leaf collection was completed, roads were plowed and sanded with no issues, equipment is good and the garage is being cleaned. Also, they found a trailer in excellent condition being donated - we just need to transport it.

**ECONOMIC DEVELOPMENT: (COUNCILMAN WALKER)** Councilman Walker informed everyone he is looking at buildings needing to be demolished. Also, he is looking into county and state programs for any aid.

**RECREATION: (COUNCILWOMAN BAKER)** Councilwoman Baker participated in a phone conference on the route 54/40 shuttle. January ridership was 912. On February 9<sup>th</sup>, she attended the Buena Baseball Softball Association meeting. Sponsorship pamphlets were distributed. Registration begins this Thursday, February 16<sup>th</sup> at 6 pm in Borough Hall. Little League Constitution and By Laws were ??? and voted upon. Discussion was also done on upcoming year activities. April 8<sup>th</sup> Opening Day Parade. Next meeting is March 9<sup>th</sup> at 7pm. Also, on March 12<sup>th</sup> Recreation Commission will have its annual fundraiser St. Patrick's Day Breakfast at Martin's Catering. It will be held from 8am to 12pm. \$10 donation. April 1<sup>st</sup> will be the Easter Egg Hunt with an April 15<sup>th</sup> rain date.

**FINANCE: (COUNCILMAN MANCUSO)** Councilman Mancuso reported the Annual Finance Statement and Annual Debt Statement were filed with the state and the audit started today and will run through next week.

**PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN ALVAREZ)** Councilman Alvarez advised he didn't have a police report but will have one next meeting. Also, they will be interviewing candidates within the next two weeks for an additional police officer.

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

**CLERK'S REPORT:**

Minutes of the meeting of were approved with the correction of the date of Opening Day. m/Baker s/Walker

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

**CORRESPONDENCE:**

1. Albert and Terry Mancini requesting the placement of a temporary trailer at 406 E. Weymouth Road due to a house fire.  
m/Baker s/Mancuso

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

**Need motion to file correspondence m/Baker s/Walker**

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

**UNFINISHED BUSINESS:**

This resolution was brought up from the floor and adopted at the January 23, 2017 meeting. No action is necessary and is for informational purposes only.

**RESOLUTION 27-17      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, BOROUGH LABOR ATTORNEYS AND STAFF CONCERNING MATTERS REGARDING PENDING OR ANTICIPATED LITIGATION IN WHICH THE PUBLIC BODY IS OR MAY BECOME A PARTY AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN**

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 pending or anticipated litigation in which the public body is or may become a party; and

WHEREAS, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff, Borough Labor Attorney and staff concerning the matter of Bonilla v. the Borough of Buena, et al.

**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 February 13, 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 pending or anticipated litigation in which the public body is or may become a party, as set forth hereinabove.

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, Borough Labor Attorney and staff shall be made following a final decision 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.

**Mayor Zappariello recessed the meeting to enter into executive session m/Baker s/Mancuso**

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

**Mayor Zappariello called the meeting back to order at 7:49 p.m. m/Mancuso s/Walker**

**ROLL CALL OF ATTENDANCE:**

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

**RESOLUTION 35-17      A RESOLUTION OF THE BOROUGH OF BUENA COUNCIL  
AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT BY AND  
BETWEEN THE BOROUGH OF BUENA AND RONALD S. BONILLA**

WHEREAS, Ronald S. Bonilla, formerly employed by the Borough of Buena as a police officer, brought suit in New Jersey Superior Court (hereinafter "State Court Litigation") against his former attorney, Adam Kleinfeldt, Esquire, and Adam Kleinfeldt's law firm Ginarte, O'Dwyer, Gonzalez, Gallardo

& Winograd, L.L.P., in connection with allegations by Ronald S. Bonilla that certain terms of settlement were not included and/or not adequately addressed in a settlement of a federal lawsuit (hereinafter "Federal Court Litigation") brought by Ronald S. Bonilla against the Borough of Buena (hereinafter "Borough"), under the Conscientious Employee Protection Act (CEPA); and

WHEREAS, the State Court Litigation has been settled, after mediation, between Ronald S. Bonilla and Adam Kleinfeldt and Adam Kleinfeldt's lawfirm Ginarte, O'Dwyer, Gonzalez, Gallardo & Winograd, L.L.P., and to the extent there are remaining claims in that litigation against the Borough regarding clarification of terms of the Federal Court Litigation as they might relate to Ronald S. Bonilla's pension payments from the State Division of Pensions, those claims have been resolved, after mediation, between Ronald S. Bonilla and the Borough, as set forth in a Settlement Agreement and Release (attached); and

WHEREAS, said agreement provides principally for the filing with the Division of Pensions of a Revised Certification of Employer which recognizes that a certain portion of the payment made to Ronald S. Bonilla in settlement of the Federal Court Litigation will be allocated to and be deemed a record of back pay to Ronald S. Bonilla and provide for a record of retroactive pay under previous collective bargaining agreements that would be recognized as attributable to the annual salary used for determining Ronald S. Bonilla's pension. The agreement further specifically provides, however, that the subject settlement of the State Court Litigation between Ronald S. Bonilla and the Borough requires no payment or other financial obligation by the Borough to Ronald S. Bonilla beyond what was provided by the settlement of the Federal Court Litigation and, further, does not constitute an admission or agreement by the Borough that Ronald S. Bonilla was in any way entitled to such back or retroactive pay; and

WHEREAS, it is in the best interests of the Borough to resolve the subject State Court Litigation without further court proceedings and without any payment to Ronald S. Bonilla.

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

1. The statements of the preamble are incorporated herein by this reference.

2. The Mayor of the Borough of Buena be and he is hereby authorized to execute on behalf of the Borough of Buena the attached Settlement Agreement and Release by and between the Borough of Buena and Ronald S. Bonilla providing for the settlement and release of claims made against the Borough of Buena by Ronald S. Bonilla in a lawsuit filed in the Superior Court of New Jersey, Law Division, Atlantic County under Docket No. L-712-15, captioned Ronald Bonilla vs. Adam Klein Feldt, Esquire, et al.

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

**NEW BUSINESS:**

**RESOLUTION 36-17      A RESOLUTION APPOINTING DOUGLAS BRUNINI TO THE POSITION OF LAND USE BOARD MEMBER CLASS IV EFFECTIVE FEBRUARY 13, 2017.  
m/Baker s/Walker**

WHEREAS, a vacancy exists on the Land Use Board; and

WHEREAS, the Mayor and Council of the Borough of Buena have agreed to appoint Douglas Brunini to the position of Land Use Board Member Class IV.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that Douglas Brunini be and is hereby appointed to the position of Land Use Board Member Class IV commencing February 13, 2017 and expiring December 31, 2020.

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

**RESOLUTION 37-17      A RESOLUTION RE-APPOINTING ROBERT DELANO TO THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY, EFFECTIVE FEBRUARY 13, 2017.  
m/Baker s/Alvarez**

WHEREAS, a Robert Delano currently serves on the Borough of Buena Municipal Utilities Authority; and

WHEREAS, the Mayor and Council of the Borough of Buena have agreed to re-appoint Robert Delano

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that Robert Delano be re-appointed to effective February 13, 2017 and expiring February 1, 2022.

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

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

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

**NEXT MEETING: February 27, 2017**

**MEETING ADJOURNED: m/Baker s/Walker**

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

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**BRIANNA PACE  
DEPUTY CLERK**