

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
AUGUST 15, 2016**

MEETING CALLED TO ORDER: 6:30 P.M.
MEETING ADJOURNED: 7:11 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, August 15, 2016 commencing at 6:30 p.m. at the Borough Hall with Mayor Zappariello presiding. Mayor Zappariello led the flag salute and announced that this meeting was being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided to the Press of Atlantic City, the Daily Journal and the Atlantic County Record as well as having been posted on the bulletin board at Borough Hall.

PRESENT: Councilpersons Walker, and James, McAvaddy, Richard Tonetta, Solicitor and Dr. Paul Trivellini, Maryann Coraluzzo, Borough Clerk

ROLL CALL OF ATTENDANCE:

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

**MAYOR'S REPORT:
PRESENTATION**

MAYOR ZAPPARIELLO AND DIRECTOR OF PUBLIC SAFETY JAMES HONORED BUENA EMS STAFF FOR VARIOUS LIVES SAVED USING NARCAN.

ORDINANCE 641

NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

**ORDINANCE AMENDING CHAPTER 150 SECTION 7 OF THE CODE OF THE BOROUGH OF BUENA ESTABLISHING FEES FOR ZONING PERMITS ISSUED BY THE BUENA BOROUGH ZONING OFFICER
m/James s/Walker**

WHEREAS, the Borough Council of the Borough of Buena has determined the need to review the fees charged for the issuance of Zoning Permits, Certificates of Zoning Compliance and Certificates of Preexistence Nonconforming Use or Structures by the Zoning Officer;

WHEREAS, The Borough Council finds it to be in the best interest of the Borough to increase the fees for said services in order to cover the increase in costs associated with the research, review and issuance process of the Zoning Officer.

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

1. Zoning Officer fee for a Zoning Permit shall be \$30.00.
2. Zoning Officer fee for certification of Zoning Compliance shall be \$30.00.

- 3. Zoning Officer fee for Certificate of preexisting non-conforming
- 4. structure shall be \$30.00.

BE IT FURTHER ORDAINED that the fees set forth herein above shall take effect upon adoption according to law.

BE IT FURTHER ORDAINED that the fees set forth herein above shall automatically increase by 2% commencing January 1, 2017 and shall increase on the first day of January of each year thereafter.

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.

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

ORDNANCE NO. 642 NEED MOTION TO INTRODUCE AND PASS ON FIRST READING"

AN ORDINANCE AMENDING ORDINANCE NO. 492, CHAPTER 181 OF THE CODE OF THE BOROUGH OF BUENA, AS AMENDED, ENTITLED "PROPERTY MAINTENANCE CODE." m/James s/Walker

WHEREAS, the Borough of Buena finds it necessary to regulate and govern the conditions and maintenance of all property, buildings and structures within the Borough by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and further to provide for the condemnation and demolition of buildings and structures unfit for human occupancy and use as well as providing for the issuance of permits and collection of fees therefore;

WHEREAS, the Borough has adopted Ordinance 492 as amended adopting the International Property Maintenance Code which has been updated in 2015.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Buena that Ordinance 492, as amended, is further amended as follows:

181-1.1 Adoption of Property Maintenance Code

That a certain document, three copies of which are on file in the office of the Clerk of the Borough of Buena, being marked and designated as the INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 Edition, as published by the INTERNATIONAL CODE COUNCIL, be and is hereby adopted as the PROPERTY

MAINTENANCE CODE of the Borough of Buena in the State of New Jersey for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said PROPERTY MAINTENANCE CODE on file in the Office of the Clerk of the Borough of Buena are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 181-1.2.

181-1.2 Additions, **Insertions and Changes**

The following sections of the INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 Edition, are hereby amended and revised in the following respects:

Section 101.1 Insert: Borough of Buena

Section 102.3 insert "Nothing in this Code shall be construed to cancel, modify, set aside any provision of any Ordinance or Code except to the extent of a conflict herewith."

Section 103.5 Insert: \$50.00 (Fifty) Dollars to \$1,000.00 (One Thousand) Dollars or as outlined in all Borough Ordinances and Regulations.

Section 106.3 Insert: "For purposes of costs of use of equipment, the Borough adopts the FEMA Schedule of Equipment Rates 44 CFR Section 206.228. Rates for equipment not listed will be charges according to actual costs. Additional costs for personnel and soft costs will be in addition hereto."

Section 111 shall be deleted in its entirety.

Section 112.4 Insert: Not less than \$250.00 (Two Hundred and Fifty) Dollars or more than \$1,000.00 (One Thousand) Dollars.

Section 302.4 Insert: Eight inches in height

Section 304.14 Insert: From May 1st to October 1st

Section 602.3 Insert: From October 1st to May 1st

Section 602.4 Insert: From October 1st to May 1st

Section 181-1.3 Repealer. Ordinance No. 492, Chapter 18 of the Borough of Buena, as amended, entitled "PROPERTY MAINTENANCE" and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of the conflict and the balance shall remain in full force and effect.

Section 181-1.4 Saving Clause. That if any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council of the Borough of Buena hereby declares that it would have passed this law, and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses and phrases be declared unconstitutional.

Section 181-1.5 Further, nothing in this Ordinance or in the PROPERTY MAINTENANCE CODE hereby adopted shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or Ordinance hereby repealed as cited in Section 181-1.3 of this Ordinance nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. Nothing in this Chapter shall be construed to abrogate or impair the power of the Borough of Buena or any officer or department to enforce any provisions of its ordinances or regulations nor to prevent or punish violations thereof, and the powers conferred by this Chapter shall be in addition and supplemental to the powers conferred upon the Borough by any other law or ordinance.

BE IT FURTHER ORDAINED that the Clerk of Borough of Buena is hereby Ordered and Directed to cause this Ordinance to be published in accordance with the laws of the State of New Jersey.

BET IT FURTHER ORDAINED that this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on and after the date of its final passage and adoption according to law.

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

RESOLUTION 92-16 A RESOLUTION TO AFFIRM THE BOROUGH OF BUENA'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS
m/James s/Walker

WHEREAS, it is the policy of Borough of Buena to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Borough of Buena has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Council of the Borough of Buena that:

SECTION 1: No official, employee, appointee or volunteer of the Borough of Buena by whatever title known, or any entity that is in any way a part of the Borough of Buena shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person=s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Buena's business or using the facilities or property of the Borough of Buena.

SECTION 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Buena to provide services that otherwise could be performed by the Borough of Buena.

SECTION 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

SECTION 4: The Mayor shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

SECTION 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

SECTION 6: The Mayor shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Buena as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

SECTION 7: The Mayor shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

SECTION 8: At least annually, the Mayor shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Buena. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Buena's web site.

SECTION 9: This resolution shall take effect immediately.

SECTION 10: A copy of this resolution shall be published in the official newspaper of the Borough of Buena in order for the public to be made aware of this policy and the Borough of Buena's commitment to the implementation and enforcement of this policy.

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

RESOLUTION 93-16 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE TEMPORARY SALE OF MOTOR FUEL TO THE BUENA BOROUGH MUA m/James s/Walker

WHEREAS, the Borough of Buena has facilities to provide fueling to municipal vehicles; and

WHEREAS, the Buena Borough Municipal Utilities Authority (MUA) has been purchasing gasoline from the Buena Regional School District; and

WHEREAS, the Buena Regional School District is no longer providing this service to the MUA; and

WHEREAS, from time to time emergencies arise where fuel is unavailable for MUA vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that motor fuel will be provided to the MUA from municipal pumps, at actual cost per gallon, from August 1, 2016 through October 15, 2016. Further, should an emergency arise in the future, the Borough will provide this service by letter requesting it from the Chairperson of the Buena Borough Municipal Utilities Authority or his/her designee.

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

RESOLUTION 94-16 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH DM MEDICAL BILLINGS, LLC, FOR BILLING AND ACCOUNTS RECEIVABLE SERVICES FOR BUENA BOROUGH EMERGENCY MANAGEMENT SERVICES. m/James s/Walker

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, DM Medical Billings, 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 DM Medical Billings, LLC, Berlin, New Jersey, for the term beginning on September 7, 2016 for a term of one year with the option of two additional one year extensions in accordance with the form on file with the Clerk of the Borough of Buena.

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

**RESOLUTION 95-16 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES PURSUANT TO A COMPUTER ERROR.
m/James s/Walker**

WHEREAS, a computer error in the Office of the Tax Assessor resulted the creation of tax bills for two properties fully assessed by the City of Vineland and,

WHEREAS, the Borough Tax Assessor has reviewed the accounts and determined that these taxes must be cancelled.

NOW THEREFORE BE IT RESOLVED that the Tax Collector is hereby authorized and directed to cancel all taxes billed on Block 125, Lot 10 and Block 206, Lot 4, fully assessed by the City of Vineland.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Tax Collector and Tax Assessor.

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

ENGINEER' S REPORT :

FY2015 NJDOT Municipal Aid Project - Reconstruction of Plymouth Street

Our office addressed the comments received from the NJDEP regarding the culvert replacement and resubmitted for approval. We also submitted the project to The Pinelands Commission. We are awaiting a response from the NJDOT regarding a permit for the project.

Please note that the project cannot be advertised for public bid until the Governor lifts Executive Order No. 210, which effectively closed down all construction related activity with respect to currently active NJDOT Transportation Trust Fund - Local Aid projects as of July 8, 2016 at 11:59 pm.

ADMINISTRATORS' S REPORT: No report

SOLICITOR'S REPORT: COAH litigation is moving forward.

COMMITTEE REPORTS :

RECYCLING: (COUNCILMAN MAROLDA) No report

RECREATION: (COUNCILMAN WALKER)

Councilman Walker gave an update on the final concert which is Tuesday, August 16, 2016.

Councilman Walker announced the annual Minotola Methodist Church Chicken BBQ is on August 27, 2016.

FINANCE: (COUNCILWOMAN BAKER) No report

PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN JAMES)

The following represents activity in our Police Department for the month of June.

* Total Calls for Service:	2500
* Total Car Stops Made by Patrol	480
* Total Summonses Issued for the Month	299
* Total Motor Vehicle Crash	17
* Total DWI Arrests	3
* Total Arrests for the Month (Warrants, Etc.)	30
* Total Property Checks Made by Patrol for the Month	1189
* Total Community Policing CADS Hit by Patrol	156

*** On Sunday June 26, 2016 Patrols were detailed to the Bruno Melini Park for both Community Policing and to provide security for the Italian Culture Club Annual BBQ.**

The following represents activity in our Police Department for the month of July.

* Total Calls for Service:	2095
* Total Car Stops Made by Patrol	273
* Total Summonses Issued for the Month	200
* Total Motor Vehicle Crash	13
* Total DWI Arrests	0
* Total Arrests for the Month (Warrants, Etc.)	20
* Total Property Checks Made by Patrol for the Month	1057
* Total Community Policing CADS Hit by Patrol	127

***In the early morning of July 07, 2016 5 Buena PD Officers assisted the FBI, ACPO, & NJSP in a County wide take down of a large Drug Trafficking Organization where 19 Search Warrants were executed (16 of which were tactical entries, and 41 suspects were arrested which resulted in the following:**

- * 20,885 Individual Wax Folds of Heroin were seized**
- * Approx. 12 Ounces of Raw (unpackaged) Heroin was seized**
- * Approx. 8 Ounces of suspected Fentanyl was seized**
- * Approx. 1.25 Kilo's of Cocaine were seized**
- * Various Drug Packaging Materials was seized**
- * Various types of Drug Paraphernalia was seized**
- * 6 Handguns along with a large amount of Ammo were seized**
- * \$155,597.00 in US Currency was seized**

Director James requested the solicitor follow up with the Lt. Capehart regarding revisions to our noise ordinance.

ECONOMIC DEVELOPMENT: (COUNCILMAN MANCUSO) No report

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

PUBLIC PORTION OF MEETING:

Ana and Angel Alvarez of Buena Vista Avenue would like more done in having the property behind them clean up all of the trash and appliances constantly

thrown out. Also, had questions on unregistered vehicles and a commercial truck parked at Buena Vista and Summer.

Pam Grenier of 348 Wheat Road followed up from a previous meeting that the music in the barn was not as loud but they are receiving food deliveries. Wise Buys on Wheat Road always has a ton of trash out front. Also, stated that 346 Wheat Road was broken into. Expressed concerns about police response time and needing more officers.

Joanne Rosemont of 309 East Pacific Avenue asked if there is an ordinance against people knocking on your door to sell things.

Brian Fatcher of 102 Kimberly Lane asked if the Kimberly Lane project was closed out and also if the soil samples were taken.

CLERK'S REPORT:

Minutes of the meeting July 1, 2016 of were approved m/James s/Walker

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

Minutes of the meeting July 11, 2016 of were approved m/James s/Walker

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

UNFINISHED BUSINESS: None

NEW BUSINESS: None

BILLS PAID AS LISTED: m/James s/Walker

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

NEXT MEETING: SEPTEMBER 12, 2016

MEETING ADJOURNED: m/James s/Walker

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

MARYANN CORALUZZO
BOROUGH CLERK