

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

MEETING CALLED TO ORDER: 6:36 P.M.  
MEETING ADJOURNED: 7:38 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, December 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, Mancuso, 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

**PUBLIC PORTION OF MEETING:**

Pam Grenier of 348 Wheat Road asked for updates from Bob Smith.

Bob Smith reported that the developer filed the extension with the Land Use Board. He spoke to Mr. Carpino and he said he is not doing any more work until he receives the approval. Bob also spoke to Mr. Keenan (zoning officer) and he advised that past practice is they don't issue a violation. They normally issue a warning and advise them they need to file.

A discussion between Bob and Pam ensued over the information given.

Councilman Marolda asked if it was Council or Land Use who issues the violation.

Bob Smith answered the zoning officer does, and the process is they notify the applicant and remedy the situation. Past practice doesn't issue fines.

Ashley Grenier 102 Fioocchi Street stated this is an issue of accountability. Mr. Carpino knew what he was doing and didn't receive any repercussion.

Bob Smith advised his office will oversee his work.

Solicitor Tonetta stated the zoning officer issues fines. Mr. Keenan doesn't normally issue fines if it can be remedied. We aren't here to punish we are here to help.

Ernie Merighi of West Flower Street stated Mr. Carpino just cleared his land and is also spraying something. He also pulled out other people's trees.

Bob Smith stated Mr. Carpino will have to restore the other things he took out that wasn't on his property.

Ernie responded he is not stopping, he is still working every day. He wants to know what Mr. Carpino is spraying because every time he tries to take a picture of him he stops.

Bob Smith stated he will stop out there tomorrow to touch base with Mr. Carpino.

Councilman Walker asked Bob to find out what he is spraying and that he has the proper requirements.

Solicitor Tonetta advised anyone that has an issue to contact the DEP.

Pam Grenier stated she has an issue with animal control and explained her story on why she needed them. She was upset animal control wouldn't come out and take the dog. Animal control took the dog the following day for a \$100 fee. She wanted to know why we pay \$18,000 a year for them to take feral cats, spray dogs and pick up road kill.

Darlene Mesiano of 1002 Summer Ave stated that animal control has always been there when she needed them and they always go above and beyond.

Pam Grenier continued that Linda from Animal control is saying it's the policy and part of the issue was John Capehart for saying the dog wasn't vicious.

Ashley Grenier stated they want a revision in the contract for household pets to be taken by animal control when the animals turn on them.

Councilman Marolda advised he read the emails and that they should review the policy. Animal control would have taken the dog if it was an immediate risk.

Councilman Mancuso asked if she wanted this added to the contract.

Pam Grenier responded yes, if the resident is requesting removal from feeling in danger they should come remove the animal.

Brian Fatcher of Kimberly Lane stated the county put 2 pipes in on Weymouth and that was a big issue for flooding on Central and Kimberly.

Bob Smith responded he received calls from Bill Nimohay and Councilman Marolda. He called the county and they sent the plans today so he will review and discuss with Bill. The county did say that it wouldn't have an adverse effect on Kimberly - they did an evaluation.

Councilman Walker asked exactly what was happening.

Brian Fatcher explained the past information and timeline.

**MAYOR'S REPORT:**

**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/Mancuso

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 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 654 ADOPTED:**  
 m/Baker s/Alvarez

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

**RESOLUTION 136-17 A RESOLUTION RE-APPOINTING MARY COOPER AS A COMMISSIONER OF THE HOUSING AUTHORITY OF THE BOROUGH OF BUENA EFFECTIVE DECEMBER 31, 2017 AND EXPIRING DECEMBER 30, 2022.**  
**m/Baker s/Alvarez**

WHEREAS, on January 1, 2018 the appointment of Mary Cooper will expire as a Commissioner of the Housing Authority of the Borough of Buena; and

WHEREAS, the Council of the Borough of Buena has determined to reappoint Mary Cooper to a full five year term as a Commissioner of the Housing Authority of the Borough of Buena.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA that Mary Cooper be and he is hereby appointed as a Commissioner of the Housing Authority of the Borough of Buena for a term of five years, commencing December 31, 2017 and expiring December 30, 2022.

BE IT FURTHER RESOLVED that the Clerk of the Borough of Buena is directed to forward a certified copy of this Resolution to the Executive Director of the Housing Authority of the Borough of Buena in order to advise the Authority of this appointment.

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

**RESOLUTION 137-17 A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A CONTRACT WITH SHORE VETERINARIAN ANIMAL CONTROL SERVICES LLC FOR ANIMAL CONTROL SERVICES IN THE BOROUGH OF BUENA.**  
**M \_\_\_\_\_ S \_\_\_\_\_ TABLED**

WHEREAS, Shore Veterinarian Animal Control Services, LLC has submitted a proposal for animal control services; and

WHEREAS, the Borough wishes to accept said proposal and to authorize the execution of a contract with Shore Animal Control Services, LLC; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Borough Clerk and available for public inspection; and

WHEREAS; Shore Veterinary Animal Control Services LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Shore Veterinarian Animal Control Services LLC has not made any contributions to a political or candidate committee

in the Borough that would bar the award of this contract and that the contract will prohibit Shore Veterinarian Animal Control Services LLC from making any contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Clerk are hereby authorized, directed and empowered to execute a contract with Shore Veterinarian Animal Control Services, LLC to provide animal control services within the Borough commencing January 1, 2018.
3. Shore Veterinarian Animal Control Services, LLC has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Borough of Buena
4. This Contract is awarded without competitive bidding as a "professional service" in accordance with NJSA 40A:11-5(1) (a) of the New Jersey Local Public Contracts Law because Shore Veterinarian Animal Control Services LLC has professional knowledge as to animal control services.
5. The Borough Council has award the contract without competitive bidding as a professional service pursuant to 40A:11-5(1) (a) to Shore Veterinarian Animal Control Services LLC for animal control services. This contract and resolution authorizing same shall be available for public inspection in the office of the Municipal Clerk, Borough of Buena.
6. Contract award is contingent upon a Certificate of Availability of Funds certified by the Chief Financial Officer.
7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Borough of Buena.
8. The Mayor and Clerk are hereby authorized and directed to execute, on behalf of the Borough, a Professional Contract with Shore Veterinarian Animal Control Services LLC, subject to and in accordance with the limitations imposed herein.
9. A notice of this contract award shall be published in the official newspaper of the Borough of Buena within 10 days from the date of adoption.
10. This Resolution shall be effective as of adoption.

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

**RESOLUTION 138-17 A RESOLUTION AUTHORIZING EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR AND BOROUGH COUNCIL, THE BOROUGH CLERK AND THE BOROUGH SOLICITOR CONCERNING PERSONNEL MATTERS- SPECIFICALLY MULTIPLE INSPECTOR VACANCIES, AND AUTHORIZING DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN.  
 m/Baker s/Walker**

**WHEREAS**, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from the meeting of a public body where the subject matter of that meeting involves pending or anticipated litigation and personnel matters in which the public body is or may become a party; and

**WHEREAS**, the Council of the Borough of Buena desires to meet with the Borough Clerk and Staff and the Borough's Solicitor, concerning the personnel matter of multiple inspector vacancies; and

**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 Mayor and Council of the Borough of Buena on Monday, December 11, 2017 at 616 Central Avenue, Buena, New Jersey, immediately following adjournment of the regular meeting of the Council of the Borough of Buena.
2. The general nature of the subject matters of the closed meeting shall pertain to personnel matters- specifically, multiple inspector vacancies
3. Disclosure of the minutes of the closed meeting authorized above between the Council of the Borough of Buena, the Borough Clerk and Borough Solicitor shall be made following a final decision and determination of said

matter which is estimated to be 180 days.

4. The Clerk at the present public meeting shall read the title of said Resolution aloud so that members of the public in attendance can understand as precisely as possible the nature of the matter that will privately be discussed.
5. This Resolution shall take effect immediately.
6. The Clerk on the next business day following this meeting shall furnish a copy of the Resolution to any member of the public who requests one at the fees allowed by N.J.S.A. 47:1A-1, et seq..

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

**RESOLUTION 139-17 A RESOLUTION ACCEPTING THE RESIGNATION OF MATTHEW P. WALKER JR EFFECTIVE DECEMBER 14, 2017.**

**m/Baker s/Alvarez**

WHEREAS, Matthew P. Walker, Jr. served as a police officer with the Borough of Buena; and

WHEREAS, during his tenure, Matthew P. Walker, Jr. performed his duties in an efficient and professional manner; and

WHEREAS, Matthew P. Walker, Jr. has decided to resign effective December 14, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the resignation of Matthew P. Walker, Jr. be regrettfully accepted effective December 14, 2017.

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

**RESOLUTION 140-17     A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO A CONTRACT WITH A RISK MANAGEMENT CONSULTANT AS REQUIRED BY THE BY-LAWS OF THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**  
**m/Baker s/Mancuso**

WHEREAS, the Borough of Buena has resolved to join the Atlantic County Municipal Joint Insurance Fund, a self insurance pooling fund, following a detailed analysis; and

WHEREAS, the by-laws of said fund require that each Municipality appoint a Risk Management Consultant to perform various professional services as detailed by the by-laws; and

WHEREAS, the by-laws indicate that the Risk Management Consultant shall be paid a minimum fee equal to five percent (5%) of the municipal assessment, which expenditure represents reasonable compensation for the services required of the Risk Management Consultant, and was included in the cost considered by the Council and;

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders competitive bidding impractical and;

WHEREAS, the Council has determined that it may enter into a professional services contract with a Risk Management Consultant pursuant to N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Buena does hereby appoint Michael D. Donato/Insurance Agencies Inc. as its Risk Management Consultant pursuant to the provisions of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause of notice of this decision to be published in accordance with N.J.S.A. 40A:11-5(1) (a) (i).

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



**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**

Clerk S/W	\$ 300.00
Clerk O/E	\$ 500.00
Governing Body S/W	\$ 900.00
Finance S/W	\$ 650.00
Finance O/E	\$ 3,000.00
Computer Operations	\$ 3,500.00
Tax Assessor S/W	\$ 7,300.00
Tax Assessor O/E	\$ 1,000.00
Tax Collector	\$ 2,000.00
Administrator S/W	\$ 450.00
Administrator O/E	\$ 500.00
Buildings & Grounds O/E	\$ 6,000.00
Land Use Board S/W	\$ 1,000.00
Land Use Board O/E	\$ 1,500.00
Group Health Insurance	\$ 41,394.00
Police O/E	\$ 20,000.00
Streets & Roads S/W	\$ 16,000.00
Electrical Inspector S/W	\$ 225.00

**TOTAL TRANSFER \$106,219.00**

**TRANSFER TO**

Police S/W	\$ 25,450.00
EMS S/W	\$ 15,450.00
Construction S/W	\$ 164.00
Social Security	\$ 9,000.00
Unemployment	\$ 300.00
PERS	\$ 55,855.00

**TOTAL TRANSFER \$106,219.00**

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

**RESOLUTION NO. 142-17      A RESOLUTION AMENDING THE LAND  
 USE/CONSTRUCTION/FIRE AND QUALIFIED  
 PURCHASING AGENT SALARIES FOR THE YEAR  
 2017  
 m/Baker s/Walker**

**WHEREAS**, pursuant to a Salary Ordinance enacted prior to this Resolution, money was appropriated for the salaries and wages of municipal employees for the year 2017; and

**WHEREAS**, the Council of the Borough of Buena has determined to provide a salary increase for the Land Use/Construction/Fire and Qualified Purchasing Agent of the Borough of Buena;

**NOW, THEREFORE BE IT RESOLVED** BY THE COUNCIL OF THE BOROUGH OF BUENA AS FOLLOWS;

A. That the following Borough employee shall receive the salary hereinafter set forth, current from December 11, 2017:

Valarie Santagata Jones, Land Use/Construction/Fire                      \$37,500.00  
 Cynthia LoGuidice, Qualified Purchasing Agent                              \$3,750.00

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

**ADMINISTRATORS' S REPORT:**

Administrator McCrea has a meeting after this with the Deputy with Franklin Township to tie up loose ends.

Several recent meetings: auditing our bills for possible savings, AC Electric savings with LED - grant money. Also, met with a grant writer that also has experience with closing the landfill. Investing in ourselves to save money in the long term. We need to prepare a long term plan.

The CDBG money could be used for condemned properties - about \$85,000 available.

Also, Administrator McCrea wants to follow up and review the EMS collection rates since going with the new contract.

**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. Kline Construction, Inc. signed the contracts and they were forwarded to the Borough for signature. Once the contracts are signed by the Borough, our office will schedule a pre-construction meeting.

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. Executed contracts were sent to Arawak. The resurfacing component of the project will proceed once the culvert replacement is complete.

**Master Plan Re-Examination**

A meeting will be scheduled in the near future.

**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. Pursuant to Borough authorization, our office is proceeding with the engineering for the first section.

**SOLICITOR'S REPORT:** Solicitor Tonetta advised that a special meeting for the liquor license transfer and the 2<sup>nd</sup> reading on the ordinances tonight will need to take place this year.

**ORDINANCE NO. 660 AN ORDINANCE AMENDING CHAPTER 223 OF THE CODE OF THE BOROUGH OF BUENA ENTITLED VEHICLE TOWING AND STORAGE  
m/Baker s/Walker**

**WHEREAS,** the Council of the Borough of Buena has determined that in order to assure and to provide for the health, safety and welfare of the residents of the Borough of Buena it is necessary to establish a licensing procedure for businesses operating tow vehicles that may be towed by law enforcement for the quick removal and storage of abandoned, illegal and/or inoperable vehicles on public and private property in the Borough of Buena; and

**WHEREAS,** the Council of the Borough of Buena adopted Ordinance , Chapter 223 of the Code of the Borough of Buena, setting forth the process for owners and operators of such facilities to be so licensed, however, as a result of the police services now being provided by the Township of Franklin, Gloucester County (Franklin), it is necessary to amend Chapter 223 to reflect the operation of police services by Franklin.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Buena that Chapter 223 of the Code of the Borough of Buena be amended as follows:

Section 223-1 Definitions

**STORAGE FACILITY** shall be amended as follows:

**STORAGE FACILITY**

A place for the legal storage of motor vehicles in the Borough of Buena.

**POLICE HOLD VEHICLES** shall be amended as follows:

**POLICE HOLD VEHICLES**

Motor vehicles which are alleged to have been involved in illegal activity, involved in a fatal motor vehicle collision, or any vehicle designated by any duly authorized law enforcement officer or agency, to be held for law enforcement purposes.

**RESPONSE TIME** shall be amended as follows:

**RESPONSE TIME**

Not more Than ten minutes from the time of the initial request by the dispatch center or duly authorized law enforcement officer to tow vehicle's arrival at the site of the incident requiring tow services, all traffic regulations being observed.

**STORAGE FACILITY** shall be amended as follows:

**STORAGE FACILITY**

A place for the legal storage of motor vehicles.

**TOWING OPERATOR** shall be amended as follows:

**TOWING OPERATOR**

Any person, firm or legal entity that owns and/or operates a tow business or tow vehicle. For purposes of this Chapter, the terms owner and operator are interchangeable.

Section 223-2 shall be retitled as follows:

**223-2 Licensing of tow vehicle operators for Police  
Department Tow List in The Borough of Buena**

Section 223-2 B (5) shall be amended as follows:

- (5) No license shall be issued to a towing operator/owner located in the Borough of Buena, unless the applicant's towing facility is located within a zoning district where such use is permitted in accordance with the Municipal Land Use Ordinance or unless a use variance has been obtained therefore, and any and all land-use approvals and/or permits have been obtained therefore, or unless sufficient crews are provided by the applicant that said facility was operated at its present location prior to the adoption of the Buena Borough Land Use Ordinance.

Section 223-2 B (6) shall be amended as follows:

- (6) The tow vehicle(s) shall comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment, and shall be subject to inspection at any time by the Franklin Township Chief of Police or a designee.

Section 223-2 B (7) (a) shall be amended as follows:

- (a) A letter from the Public Safety Committee Chairman verifying that the towing operator

has:

- (1) provided proof of a current and valid driver's license for each driver/operator to the Franklin Township Chief of Police and a letter of good standing as submitted, therefrom.

Section 223-2 B (8) shall be amended as follows:

- (8) The Borough of Buena and Franklin Township Chief of Police or designee, shall have the right to verify accuracy of the information supplied in the application by interviewing, investigating and inspecting all personnel, vehicles, equipment, and storage areas proposed for utilization by the applicant, and to determine compliance with all applicable laws, regulations and standards of performance required by this Chapter.

Section 223-2 B (9) shall be amended as follows:

- (9) Upon receipt of a completed application form, the Borough Clerk or a designee shall furnish a copy of the application to the Franklin Township Chief of Police

Section 223-2 B (10) shall be amended as follows:

- (10) The Franklin Township Chief of Police or a designee, upon receipt of a completed application, shall conduct a background investigation on the towing operator. This investigation may include an inspection of the towing facility, the tow vehicles and the towing operation, an inquiry into all relevant matters, to determine the towing operator meets the requirements of all applicable laws, regulations, standards of performance and security of vehicles towed or stored as mandated by N.J.S.A. 40:48-2.49(1) (b).

Section 223-3 A shall be amended as follows:

- A. Upon completion of the aforesaid investigation, the Franklin Township Chief of Police or designee shall file a written report as to the findings and issue a recommendation of approval or disapproval to the Clerk of the Borough of Buena.

Section 223-3 C. shall be amended as follows:

- C. Any towing operator who is denied a license may, after receipt of notification, file an appeal in writing within ten days with the Borough Clerk. The Borough Clerk shall then schedule a hearing before the Public Safety Committee. After that hearing, the Chairman may then remove the towing operator from the Police Department Tow List if it is determined that the performance of the towing operator is unreliable and/or inadequate or does not

otherwise meet the qualifications as specified here in.

Section 223-4 A shall be amended as follows:

- A. In order to be included on the Borough of Buena Tow List, a towing operator shall submit proof of insurance to the Borough Clerk and a copy thereof to the Chief of Police, on or before April 1 of each year providing proof that its towing facility is insured by a reputable insurance company licensed to do business in the State of New Jersey with a standard general liability insurance policy designed to cover garage operations. Said insurance policy shall provide for the minimum monetary limits for any single occurrence as follows:

Section 223-4 C shall be amended as follows:

- C. The insurance company must be an approved carrier licensed to do business in the State of New Jersey. The aforesaid insurance policy shall also be written as to include coverage for the property owned by others, which is in the care, custody or control of the licensed towing operator, including the perils of transportation for any motor vehicle in the possession or control of the towing operator. The storage facility owner's legal liability shall include comprehensive and collision coverage. Said insurance policy shall provide that the insurance company will indemnify on behalf of the Borough for any and all claims against the Borough resulting from the operation of the towing operator, including any and all reasonable attorney's fees.

Section 223-4 D shall be amended as follows:

- D. The insurance coverage shall provide that the insurance policy may not be canceled or materially changed without thirty days prior written notice to the Borough Clerk and the Chief of Police.

Section 223-8 shall be amended as follows:

**223-8 Suspension or revocation of license**

A license may be revoked or suspended at any time for just cause by the Borough of Buena, for violations of any provisions of this Chapter or for violations of New Jersey state law. Once the licensee is notified of the suspension or revocation, the licensee has the opportunity to be heard by the Public Safety Committee after filing a written appeal within ten days with the Borough Clerk. Such license, when so suspended or revoked, shall not be reinstated except for good and sufficient cause.

Section 223-9 A shall be amended as follows:

A. In order to provide services for motor vehicle accidents or for the removal of motor vehicles from private or public property as may be directed by the authorized law enforcement officer, all towing operators must be licensed by the Borough of Buena in accordance with this Chapter.

(1) Towing operators must meet the ten minute response time to be eligible for inclusion on the Buena Borough Tow List.

(2)

C. Licensed towing operators shall be subject to the minimum standards of the performance rules and regulations of the Franklin Township Police Department, including safety, availability, and compliance with the procedures established by this Chapter.

D. If the Franklin Township Chief of Police determines at any time that a towing operator is unable or unwilling to fulfill requirements of this Chapter or the statutes and regulations of the State of New Jersey, the Chief of Police shall file a written report with the Borough Clerk. The Chief of Police shall then notify the towing operator that he/she has been recommended for removal from the Police Department Tow List. The tow operator has ten days to file a written appeal with the Borough Clerk regarding the recommendation of removal by the Chief of Police. The Borough Clerk shall then schedule a hearing before the Public Safety Committee. After the hearing, the Public Safety Committee may then remove the towing operator from the Police Department Towing List if it is determined that the performance of the towing operator is unreliable, and or inadequate or is in violation of any section of this Chapter.

E. The tow operator shall cease the towing of vehicles on behalf of the Borough of Buena upon notification by the Chief of Police that the tow operator is to be recommended for removal from the list. During this interim period between notification and the decision of the Public Safety Committee, the tow operator shall be suspended from list eligibility

Section 223-10 A. (2) shall be amended as follows:

(2) Removal and transporting of a motor vehicle from private or public property as may be directed by an authorized law enforcement officer or Code Enforcement Official of the Borough of Buena.

Section 223-11 F shall be amended as follows:

F. No changes may be made to tow vehicles, facilities

or equipment without prior written approval of the Franklin Township Police Department.

Section 223-11 H (2) shall be amended as follows:

(2) not have any mental or physical impairment which would prohibit towing operators and their employees from performing the duties and obligations set forth in this Chapter.

Section 223-11 H (4) shall be amended as follows:

(4) Be subject to inspection by the Franklin Township Chief of Police or designee and shall be approved by the Chief of Police prior to rendering any services pursuant to this Chapter

Section 223-11 K shall be amended as follows:

K. The tow vehicles provided by the towing operator shall be geographically located so as to permit a response time within ten minutes of being dispatched as herein set forth.

Section 223-11 N shall be amended as follows:

N. In the event that motor vehicles which are towed and stored by the towing operator, are abandoned or unclaimed by the owners thereof, the towing operator shall make no claim against the Borough of Buena, its agents or employees. Only those vehicles towed from private property or public rights of way under authorization of either the Code Enforcement Official or an authorized law enforcement officer, not including accident vehicles, shall be disposed of by the Borough of Buena, pursuant to N.J.S.A.39:10A-1 or other appropriate State statute or state regulations.

Section 223-11 O shall be amended as follows:

O. The towing owner/operator, operating pursuant to this Chapter, is an independent contractor, and in no part an agent, servant or employee of the Borough of Buena. Said owner/operator shall at all times maintain direct supervision, management and control over all of its employees and personnel engaged in the operation or services performed pursuant to this Chapter.

Section 223-11 Q shall be amended as follows:

Q. Towing operators approved for Tow List eligibility, shall be required to fulfill tow requests of the Zoning Officer or Code Enforcement Officer and/or any authorized law enforcement



agency or officer. Failure or refusal to remove a vehicle pursuant to this Chapter, shall be cause for removal from the approved Tow List.

Section 223-12 A (2) shall be amended as follows:

(2) The storage area shall be located either within the limits of the Borough or at such location outside of the Borough so as to accommodate the residents and/or, if applicable, the authorized law enforcement agency requiring the tow.

Section 223-12 A (3) shall be amended as follows:

3. Outside storage areas shall be fully enclosed by a fence of sufficient security to prevent trespassing, having a height of 8 feet. All means of ingress and egress shall be lockable to prevent unlawful access and shall be lighted from dusk to dawn. Outside storage areas located within the Borough of Buena must comply with this section or as otherwise required by the Buena Borough Land Use Ordinance.

Section 223-12A (4) shall be amended as follows:

4. The storage facility shall be available for access by the Franklin Township Police Department twenty-four hours a day, three hundred and sixty-five days per year, and shall be open to the public on weekdays during normal business hours and for limited but reasonable hours on Saturdays. The operator shall specify the hours during which the facility will be open to the public on weekends. The storage facility shall release a stored vehicle to the owner thereof on such date as shall have been requested by said owner during normal business hours, after receiving the total release from the Franklin Township Police Department or authorized law enforcement agency; storage charges shall not accrue beyond the requested date of release provided the vehicle has been removed from the facility on the requested date.

Section 223-12 A shall be amended to add the following paragraph:

(5) All storage facilities located outside of the bounds of the Borough of Buena shall be in compliance with all of the land use regulations and other related regulations of the municipality within which they are located. Failure to do so shall be cause to be removed from the Tow List.

Section 223-14 B shall be amended as follows:

- B. The Franklin Township Police Department may authorize the towing and storage of motor vehicles located on public streets or public property which are unregistered, abandoned, illegally parked, or which are permitted to be towed and stored pursuant state statutes or state regulations. Abandoned or unregistered motor vehicles in violation of the Borough's Property Maintenance Code shall be subject to enforcement procedures as established in the aforesaid municipal code.

Section 223-14 C shall be amended as follows:

- C. A tow operator shall not tow motor vehicles located in the public rights of way or on private property unless authorized to do so by the owner of the vehicle or by an authorized law enforcement officer. This Chapter, however, shall not preclude a towing operator licensed by the Borough or state from towing motor vehicles located on private property in accordance with State licensure privileges.

Section 223-14 E shall be amended as follows:

- E. The Chief of Police or designee shall make periodic inspections of facilities, equipment and service of all tow operators on the Tow List and, upon request, shall be provided access to equipment or property. Such inspections shall be made quarterly, semiannually, or annually, as determined by the Chief of Police, but in no case shall such inspections be made less than annually. The Zoning or Code Enforcement Officers may make inspections of facilities as provided by law.

Section 223-14 F shall be amended as follows:

- F. The Franklin Township Police Department shall establish a procedure to process complaints received by the Police Department or Borough representatives regarding any licensed towing operator, including, without limitation, charging of fees in excess of those permitted hereunder, or damage to vehicles, and to notify a vehicle owner of the location of the motor vehicle towed. The Internal Affairs Division of the Franklin Township Police Department shall investigate any complaints and a summary of its findings shall be submitted to the Public Safety Committee. Any fee not specifically covered in this Chapter, but covered in the Code of Township of Franklin related to this Chapter shall be incorporated herein by reference to the extent it is not covered in this Chapter.

Section 223-14 G shall 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. 661 AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF BUENA, CHAPTER 45 ENTITLED PUBLIC SAFETY DEPARTMENT, CHAPTER 195 ENTITLED STREETS AND SIDEWALKS, CHAPTER 15 ENTITLED EMERGENCY MEDICAL SERVICES, CHAPTER 163 ENTITLED NOISE, CHAPTER 213 ENTITLED TRAFFIC CONTROL IN CONSTRUCTION AND MAINENANCE ZONES, CHAPTER 229 ENTITLED WILDLIFE FEEDING, CHAPTER 173 ENTITLED PARKS AND RECREATION AND CHAPTER 84 ENTITLED CHARITABLE ORGANIZATIONS  
m/Baker s/Walker**

**WHEREAS**, the Council of the Borough of Buena has determined that it is in the best interest of the Borough to enter into a Shared Services Agreement with the Township of Franklin, Gloucester County, for the provision of police services in order to assure and to provide for the health, safety and welfare of the residents of the Borough of Buena while recognizing the cost savings provided by such agreements as recommended by the State of New Jersey; and

**WHEREAS**, the Council of the Borough of Buena adopted Resolution , setting forth the authorization for such an Agreement which, in turn, would alleviate the need for the Borough to maintain its own police department as of December 31, 2017; and

**WHEREAS**, as a result of the dissolution of the Buena Borough Police Department, all of the functions thereof will be performed by the Franklin Township which requires the several Chapters of the Code of the Borough of Buena to be amended to reflect the dissolution of the Buena Borough Police Department.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Buena that the Code of the Borough of Buena be amended as follows:

Chapter 45 entitled PUBLIC SAFETY DEPARTMENT be amended as follows:

Section 45-1A Delete the following definitions;  
POLICE DEPARTMENT shall be deleted in its entirety and replaced as follows:  
POLICE DEPARTMENT shall mean the Franklin Township Police Department.

POLICE FORCE shall be deleted in its entirety and replaced as follows:

POLICE FORCE All uniformed and sworn officers of the Township of Franklin duly appointed to serve in that capacity in accordance with state statute and local ordinances. Such officers shall include Superior Officers and part-time Special Officers.

Section 45-2 POLICE FORCE shall be deleted in its entirety.

Section 45-3. shall be amended as follows:

Section 45-3 A.

Under the general direction of the Mayor and Council, the Public Safety Committee shall be appointed by the Mayor of the Borough of Buena, subject to the confirmation of Council, and may be the Mayor or a member of Council. The Chairman shall be the head of the Committee, and shall have general supervision and direction thereof and shall take such measures as he/she may deem necessary for the preservation of peace and good order and the enforcement of the laws of the State of New Jersey and ordinances of the Borough of Buena. Nothing herein shall empower the Chairman or committee to perform those duties which are reserved to law enforcement personnel.

Section 45-3 B

The Chairman shall provide the Mayor and Council a report on a monthly basis, or a shorter period if required, of the operations of the Franklin Township Police Department within the Borough of Buena, including statistics.

Section 45-5 APPROPRIATE AUTHORITY shall be deleted in its entirety.

Section 45-6 GENERAL DUTIES OF MEMBERS OF POLICE FORCE shall be deleted in its entirety.

Section 45-7 POWERS AND DUTIES OF POLICE OFFICERS shall be amended as follows:

The first line of Section 45-7 shall be deleted in its entirety and replace as follows:

The Police force, when on duty, shall preserve order, peace and quiet, and promptly report to the officer in charge all violations of the laws and ordinances.

The balance of Section 45-7 not amended hereby, shall remain in full force and effect.

Section 45-8 CONFLICTS OF INTEREST; SPECIAL SERVICE shall be deleted in its entirety.

Section 45-9 TENURE OF MEMBERS OF POLICE FORCE shall be deleted in its entirety.

Section 45-10 RULES AND REGULATIONS shall be deleted in its entirety.

Section 45-11 EQUIPMENT shall be deleted in its entirety.

Section 45-12 DETECTIVE ASSIGNMENTS shall be deleted in its entirety.

Section 45-13 DISTRIBUTION AND EFFECT OF RULES AND REGULATIONS shall be deleted in its entirety.

Section 45-14 ORDINANCES AND REGULATIONS ON FILE, shall be deleted in its entirety.

Section 45-15 INVESTIGATIVE POWER shall be deleted in its entirety. Chapter 195 entitled STREETS AND SIDEWALKS shall be amended as follows:

Section 195-14 shall be deleted in its entirety and replaced as follows:

Section 195-14 Road Closings; Notification of Police Department and Engineer Required.

No Street, road or other public way in the Borough of Buena, shall be closed to traffic unless the Franklin Township Police Department and the Borough Engineer have been notified and have approved the same. Thereafter, rerouting or detouring of traffic shall only be done in conjunction with the instructions from the Franklin Township Police Department.

Chapter 15 entitled EMERGENCY MEDICAL SERVICES shall be amended as follows:

Section 15-1 shall be deleted in its entirety and replaced as follows:

Section 15-1 Creation of Department

There is hereby established and created the Department of Emergency Medical Services.

Section 15-2 shall be deleted in its entirety and replaced as follows:

Section 15-2 Head of Department

The Department shall be headed by the Chief of Emergency Medical Services, who shall be appointed by the Mayor with the advice and consent of Borough Council.

Section 15-3 shall be deleted in its entirety and replaced as follows:

Section 15-3 Supervision and Authority

The Chief of Emergency Medical Services shall directly report to and act under the direct supervision and authority of the Chairman of the Public Safety Committee. The chain of command for departmental employees and volunteers shall function accordingly.

Chapter 163 entitled NOISE shall be amended as follows:

Section 163-6 shall be deleted in its entirety and replaced as follows:

Section 163-6 Enforcement

The provisions of this chapter shall be enforced by members of the Franklin Township Police Department, by officers of the New Jersey State Police, by a noise officer, if one should be appointed, or by such other Borough official who may be designated to enforce this chapter by the Mayor of the Borough of Buena.

Chapter 213 TRAFFICE CONTROL IN CONSTRUCTION AND MAINTENANCE ZONES shall be amended as follows:

Section 213-1 shall be deleted in its entirety and replaced as follows:

Section 213-1 Purpose

The purpose of this chapter is to establish controls and regulations directed toward the safe and expeditious movement of traffic in construction and maintenance zones throughout the Borough of Buena and to provide for the safety and compensation of the work force performing these operations. In addition, provisions of this chapter shall apply to all

assignments which originate from a request or assistance or aid by the Chairman of the Public Safety Committee, Police Department, county or municipal police department in the State of New Jersey; regardless of the geographic location of the assignment, of being inside, contiguous or extraterritorial to the Borough of Buena.

Section 213-3 shall be deleted in its entirety and replaced as follows:

Section 213-3 Preconstruction Meetings

It shall be the responsibility of the person, contractor, or utility wishing to conduct work on, under or above the roadway to contact the Chairman of the Public Safety Committee or his designee and the Chief of the Franklin Township Police Department in order to arrange a preconstruction meeting to submit plans for the safe movement of traffic during the period of construction of work. The Chief of Police in conjunction with the Chairman of the Public Safety Committee or their designees has the authority to dictate the number of certified police officers required to ensure the safe movement of traffic in the construction zone. Any person, contractor or utility that fails to comply with this chapter prior to the start of such work and/or whose plans are not approved by the Chief of Police and Chairman of the Public Safety Committee or their designees is in violation of this chapter.

Section 213-4 shall be deleted in its entirety and replaced as follows:

Section 213-4 Hazardous Conditions

The person, contractor or utility shall provide the Franklin Township Police Department with at least two emergency contact phone numbers to be called in the case of an emergency in construction or maintenance site prior to the start of any work. If for any reason the emergency contact person cannot be reached or the emergency person does not respond to the call from the Franklin Township Police Department to correct the hazardous situation, the Borough may respond and correct such hazardous conditions. The reasonable fees for such emergency service by the Borough shall be charged to the person, contractor or utility responsible for such condition.

Section 213-6 shall be deleted in its entirety and replaced as follows:

Section 213-6 Road Closings and Detours

Road closings and/or traffic and detours shall not be permitted unless approved by the Public Safety Committee Chairman or his designee as well as the Franklin Township Police Department.

Section 213-10A shall be deleted in its entirety and replaced as follows:

A. Payment for all police officers working all construction highway details or directing the appropriate movement of traffic flow may be coordinated by the Chairman of the Public Safety Committee. The payment shall be the appropriate rate designated by the Police Department with an additional appropriate percentage fee for fringe benefits to include but not limited to social security, unemployment insurance, Worker's Compensation and a 5% administrative fee added to the subtotal for all of the expenses that are required. The aforementioned fees shall be waived for nonprofit organizations, local government, local government authorities, or other special districts of government, and any other just cause, as determined by the Chairman of the Public Safety Committee and affirmed through resolution by Borough Council. All payments shall be made to the Borough of Buena.

Section 213-10B shall be deleted in its entirety and replaced as follows:

B. In the event the Chairman of the Public Safety Committee or Chief of

the Franklin Township Police Department determines that the use of a police motor vehicle is necessary, a fee of fifty dollars per day, or any part thereof for the use of said vehicle shall be charged and made payable to the Borough Chief Financial Officer.

Section 213-11 shall be deleted in its entirety and replaced as follows:

Section 213-11 Insurance for Traffic Directors

The person, contractor or utility company shall provide the Franklin Township Police Department and Chairman of the Public Safety Committee a certificate of insurance in a form acceptable to the Borough Solicitor, naming the Borough of Buena as an additional insured on a general liability insurance policy having policy limits not less than one million dollars per occurrence.

Section 213-12 shall be deleted in its entirety and replaced as follows:

Section 213-12 Indemnification and Hold Harmless

Any person, contractor or utility company shall complete and sign an application for a traffic Director, which said application shall contain an agreement to indemnify and hold harmless the Borough of Buena for any claims or actions brought as a result of the use of the Franklin Township Police Department.

Chapter 229 entitled WILDLIFE FEEDING shall be amended as follows:

Section 229-4 A shall be deleted in its entirety and replaced as follows:

Section 229-4 Enforcement

A. This chapter shall be enforced by the Franklin Township Police Department and/or Code Enforcement Officer.

Chapter 173 entitled PARKS AND RECREATION shall be amended as follows:

Section 173-6, the first sentence shall be deleted in its entirety and replaced as follows:

Section 173-6 Enforcement

This chapter shall be enforced by the Franklin Township Police Department.

Chapter 48 entitled CHARITABLE ORGANIZATIONS shall be amended as follows:

Section 84-2 shall be deleted in its entirety and replaced as follows:

Section 84-2 Request to be Filed

All charitable organizations which are domiciled or which have offices in the Borough of Buena, or which provide services to residents of the Borough of Buena and wish to solicit contributions in the streets and highways of the Borough of Buena shall file a

request with the Borough Clerk and with the Chief of the Franklin Township Police Department specifying the following information:

The balance of Section 84-2 shall remain in full force and affect.

Section 84-3 shall be deleted in its entirety and replaced as follows:

Section 84-3 Review of Request; Report to be Filed.

The request required by Section 84-2 of this chapter shall be reviewed by the Chairman of the Public Safety Committee along with the Chief of Police or his designee, and the Chairman shall make a recommendation to the Mayor and Council of the Borough of Buena as to the relative aspects of the request, including a review of the location, dates and times of the request and a review of the safety procedures and/or methods to be employed by said charitable organization. The Chairman of the Public

Safety Committee shall thereafter forward a report to the Mayor and Council, a copy of which shall be placed on file with the Borough Clerk as to his or her recommendations of the granting, rejecting or modification of any proposed charitable solicitation.

**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 and any portion of any Ordinance not so amended hereby shall remain in full force and affect.

**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

**COMMITTEE REPORTS:**

**ROADS/RECYCLING: (COUNCILMAN MAROLDA)** Councilman Marolda reported that the roads were salted for the first snow and they have another plow on the street to help. The ACUA recycling rate when up 1.7% this year.

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

**RECREATION: (COUNCILWOMAN BAKER)**

On November 30<sup>th</sup> Councilwoman Baker attended a meeting along with our Administrator Jill McCrea and our CFO Cindi LoGuidice. The meeting was with a grant writer recommended by Councilman Walker.

On December 2<sup>nd</sup> we had our Annual Christmas Parade and Tree Lighting Ceremony. It was very successful. Community was treated with cookies, hot chocolate, juicy juice and candy canes donated by Councilwoman Baker and her husband at our senior center. Many thanks to the Recreation Commission, Santa and Community Members for all their help.

Mayor Zappariello and Councilwoman Baker attended the JIF Liability Seminar on December 7<sup>th</sup> at the Savoy.

**Upcoming Activities:**

December 13<sup>th</sup> - Buena Historical Society will be honoring John Formisano and Reverend David V. Mallory at DeThomasi's Restaurant.

December 14<sup>th</sup> - BBSA meeting at 7pm in the senior center

Decorated house lighting contest will be judged by Recreation Commission on December 17<sup>th</sup>.

**FINANCE: (COUNCILMAN MANCUSO)** Councilman Mancuso reported he is working with Cindi on the budget and he should have more info in about 4-5 weeks.

**PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN ALVAREZ)** No report. Councilman Alvarez said he would like to acknowledge the police officers and thank them



for their work.

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

**CLERK'S REPORT:**

Minutes of the workshop meeting of November 13, 2017 were approved m/Baker s/Mancuso

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

Minutes of the meeting of November 13, 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 meeting of November 27, 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

Rick Coraluzzo of 113 Irene Ave asked what decision was made regarding towing. Mr. Tonetta responded that the only change is Franklin Township is now in charge to oversee and make the phone calls.

Joanne Rosemont of 309 East Pacific Ave asked if the response time changed as well. Mr. Tonetta responded yes, instead of 15 minutes it is now 10 minutes.

**NEXT MEETING:** Reorganization - January 3, 2018 at 6:00 pm

**MEETING ADJOURNED:** m/Baker 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**