

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING MINUTES
JANUARY 22, 2018**

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MEETING CALLED TO ORDER: 6:29 P.M.

MEETING ADJOURNED: 7:42 P.M.

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, January 22, 2018 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 16, 2017, as well as having been posted on the bulletin board at Borough Hall.

ROLL CALL OF ATTENDANCE:

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

PUBLIC PORTION OF MEETING:

Bill Coltri of 532 Forest Grove Road had concerns with a professional landscaper dumping debris behind his house. Road Supervisor Nimohay will follow up on the matter.

In response to a question posed by Wheat Road resident Pam Grenier, regarding the proposed development on South West Boulevard, Mayor Zappariello stated he is in favor of the project.

Engineer Bob Smith will follow up with Kimberly Lane resident, Brian Fatcher, to discuss the paving of Central Avenue and underground pipes throughout the Borough.

Ernie Merighi of 503 West Flower Street stated the property on South West Boulevard is the last industrial property in the Borough and felt a different use would be more beneficial.

Joanne Rosemont of Pacific Avenue questioned the electric company project.

MAYOR'S REPORT:

ORDINANCE NO. 660: PUBLIC HEARING OPENED:

**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

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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 twenty 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.

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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, there from.

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 in adequate 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

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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.

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:

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(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

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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:

(7) 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.

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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			

DISCUSSION: none

**PUBLIC HEARING CLOSED:
m/Baker s/Mancuso**

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

**ORDINANCE NO. 660 ADOPTED:
m/Baker s/Mancuso**

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

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ORDINANCE NO. 661: NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**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 MAINTENANCE 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 a 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

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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.

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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 213-2 shall be amended by the addition of subsection 213-2C. as follows

C. The Council of the Borough of Buena hereby adopts Chapter 290 of the Code of the Township of Franklin and the Franklin Township Police Department shall enforce the same.

Section 213-3 shall be deleted in its entirety.

Section 213-4 shall be deleted in its entirety.

Section 213-5 shall be deleted in its entirety.

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 213-7 shall be deleted in its entirety.

Section 213-8 shall be deleted in its entirety.

Section 213-9 shall be deleted in its entirety.

Section 213-10 shall be deleted in its entirety.

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

Section 213-11 Insurance for Traffic Directors

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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.

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

DISCUSSION: none

**PUBLIC HEARING CLOSED:
m/Baker s/Walker**

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

**ORDINANCE NO. 661 ADOPTED:
m/Baker s/Walker**

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

**RESOLUTION 16-18: A RESOLUTION OF THE BOROUGH OF BUENA
AUTHORIZING A CONTINUING DISCLOSURE AGENT
SERVICES AND INDEPENDENT REGISTERED MUNICIPAL
ADVISOR OF RECORD WITH PHOENIX ADVISORS, LLC.
m/Baker s/Walker**

WHEREAS, the Securities and Exchange Commission ("SEC") implemented its Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative") on March 10, 2014 to address alleged widespread violations of federal securities laws by municipal and local authority issuers (the "Issuers"), and underwriters of an Issuer's securities, in connection with certain representations about timely continuing disclosures in bond offering documents;

WHEREAS, the MCDC Initiative aims to correct past failures to timely post information required by the Municipal Securities Rulemaking Board ("MSRB"), which

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Issuers agree to post through the execution of a secondary market disclosure undertaking, on the Electronic Municipal Market Access system ("EMMA");

WHEREAS, under the MCDC Initiative, the SEC will recommend favorable settlement terms to Issuers if they self-report to the SEC possible violations involving materially inaccurate statements relating to prior compliance with the continuing disclosure obligations specified in Rule 15c2-12 under the Securities Exchange Act of 1934; and

WHEREAS, the Borough of Buena, a municipal corporation of the State of New Jersey (the "Borough") desires to determine if its participation in the MCDC Initiative is necessary and advisable; now therefore,

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BUENA as follows:

Section 1. The Borough hereby authorizes the Chief Financial Officer to engage the services of Phoenix Advisors, LLC to conduct an audit of the Borough's continuing disclosure obligations and filings as related to the MCDC Initiative (the "Disclosure Audit").

Section 2. The Borough hereby authorizes and directs the Chief Financial Officer to participate in the MCDC Initiative if, after reviewing the findings of the Disclosure Audit and consulting with the Borough's Bond Counsel, the Chief Financial Officer determines that it is advisable for the Borough to participate in the MCDC

Section 3. The Borough hereby authorizes payment to Phoenix Advisors in the amount of \$950.00 for up to three outstanding issues, plus \$100.00 for each additional outstanding issue, if any, for which filings are required and \$200.00 for a one-time initial setup fee due at the time of a new issue.

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

**RESOLUTION 17-18 BOROUGH OF BUENA, COUNTY OF ATLANTIC
GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
m/Baker s/Mancuso**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Borough of Buena Council of the Borough of Buena, County of Atlantic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Drug Committee; and,

WHEREAS, the Borough of Buena Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

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WHEREAS, the Borough of Buena has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Atlantic;

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Buena, County of Atlantic, State of New Jersey hereby recognizes the following:

1. The Borough of Buena Council does hereby authorize submission of a Strategic plan for the BVT/Buena Borough/Weymouth Twp. Municipal Alliance grant for fiscal year 2018 in the amount of:

DEDR	\$26,189.00
Cash Match	6,547.00
In Kind	19,642.00

The Borough of Buena Council acknowledges the terms for administering the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

**RESOLUTION 18-18 A RESOLUTION RE-APPOINTING JONATHON ALVAREZ TO THE
BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY,
ALTERNATE I EFFECTIVE FEBRUARY 2, 2018.
m/Baker s/Walker**

WHEREAS, a Jonathon Alvarez currently serves on the Borough of Buena Municipal Utilities Authority, Alternate I; and

WHEREAS, the Mayor and Council of the Borough of Buena have agreed to re-appoint Jonathon Alvarez.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that Jonathon Alvarez be re-appointed to effective February 2, 2018 and expiring February 1, 2023.

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

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RESOLUTION 19-18 **A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO A NUTRITION SITE LEASE WITH THE COUNTY OF ATLANTIC, NEW JERSEY, TO LEASE TO THE COUNTY OF ATLANTIC PREMISES KNOWN AS THE BUENA SENIOR HALL TO BE USED SOLELY BY THE ATLANTIC COUNTY NUTRITION PROJECT AND PERMITTING THE LESSEE TO PROVIDE OTHER PROGRAMS SPECIFIED UNDER THE "OLDER AMERICANS ACT" FOR A TERM OF THREE YEARS.**
m/Baker s/Mancuso

WHEREAS, the Borough of Buena presently owns the Buena Senior Hall, located at Central Avenue, in the City of Minotola and State of New Jersey, recorded as Block 126, Lot 27, in the Borough of Buena Tax map; and

WHEREAS, said Buena Senior Hall currently houses programs for senior adults residing in the Borough of Buena; and

WHEREAS, the County of Atlantic and the Atlantic County Nutrition Project is desirous of providing meals to senior adults residing in the Borough of Buena; and

WHEREAS, the County of Atlantic may also provide programs specified under the "Older Americans Act"; and

WHEREAS, the County of Atlantic has agreed to pay one dollar per year for a term of three (3) years beginning January 1, 2018 and ending on December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA that the Mayor and Clerk are hereby authorized to enter into a Nutrition Site lease agreement with the County of Atlantic for the purpose of serving meals to senior adults residing in the Borough of Buena under a federally funded program which operates through the Atlantic County Nutrition Project and for the purpose of permitting the County of Atlantic to provide other programs for senior adults specified under the "Older Americans Act", which lease agreement shall provide for a rent of one dollar per year for a term of three years retroactive to January 1, 2018 and ending on December 31, 2020 and permitting the County of Atlantic to renew the lease agreement on a three year basis.

BE IT FURTHER RESOLVED that the Clerk be and she is hereby authorized to forward an executed copy of said Nutrition Site Lease agreement, together with a certified copy of this Resolution to the above named County of Atlantic.

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

RESOLUTION 20-18 **A RESOLUTION RE-APPOINTING JOSEPH SANTAGATA TO THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY EFFECTIVE FEBRUARY 2, 2018.**
m/Baker s/Mancuso

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WHEREAS, a Joseph Santagata 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 Joseph Santagata.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that Joseph Santagata be re-appointed effective February 2, 2018 and expiring February 1, 2023.

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

**RESOLUTION 21-18 RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES
TRANSFER RESOLUTION #1
m/Baker s/Mancuso**

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

Const. Code Facility Costs \$8,949.00

TOTAL TRANSFER \$8,949.00

TRANSFER TO

Clerk O/E \$ 660.00
 Governing Body O/E \$ 60.00
 Finance O/E \$ 310.00
 Administrator O/E \$ 70.00
 Engineer \$1,400.00
 Trash O/E \$4,410.00
 Street Lighting \$2,025.00
 DCRP \$ 14.00

TOTAL TRANSFER \$8,949.00

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

**RESOLUTION 22-18 A RESOLUTION ACCEPTING THE RESIGNATION OF VARIOUS
EMERGENCY MEDICAL TECHNICIANS EFFECTIVE IMMEDIATELY.
m/Baker s/Mancuso**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the following resignation be regrettfully accepted effective immediately:

**JESSICA BELLONE
ALEXANDER HESS
ANDREW TAYLOR**

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

ENGINEER' S REPORT :

Replacement of the Plymouth Street Culverts

We are still awaiting word from The Pinelands Commission to determine if the project can proceed under the County's Memorandum of Agreement with The Commission. The contracts for the culvert replacement have been fully executed and an executed copy was sent to the contractor. A pre-construction meeting took place on January 3, 2018. The contractor intends to begin construction once the weather improves.

FY2015 NJDOT Municipal Aid Project - Resurfacing of Plymouth Street

The contracts for the resurfacing have been fully executed and an executed copy was sent to the contractor. A pre-construction meeting took place on January 3, 2018. The resurfacing component of the project will proceed once the culvert replacement is complete.

Master Plan Re-Examination

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A meeting was held on January 9, 2018 to discuss the project. A follow-up meeting is scheduled for February 13, 2018.

Resurfacing of Forest Grove Road

Filed survey work is complete. Our office is working on the base maps

ADMINISTRATORS' S REPORT:

The adoption of the 2018 International Property Maintenance Code was discussed.

Solicitor McCrea has been working on filling the vacant positions in the inspections department. Paying a fee per inspection vs. salary was discussed.

SOLICITOR'S REPORT:

Solicitor Tonetta will disseminate an ordinance addressing the maintenance of sidewalks and continued certificate of occupancy.

COMMITTEE REPORTS:

ROADS/RECYCLING: (COUNCILMAN MAROLDA)

Code Enforcement Officer, Pam Johnston, is working on an informational newsletter outlining enforcement and trash collection procedures.

ECONOMIC DEVELOPMENT: (COUNCILMAN WALKER) No report.

RECREATION: (COUNCILWOMAN BAKER)

Council President Baker reported ridership for the Route 54/40 Shuttle consisted of 1,027 passengers for the month of December. Ridership for 2016 was 7,617 passengers and 12,964 for 2017. This is an increase of 90%.

Council President Baker attended the Buena Baseball/Softball Association meeting on January 11, 2018. Registration will be held at the Borough Hall on the following dates:

February 15th- 6:00 p.m.
February 22nd- 6:00 p.m.
February 24th- 10:00 a.m.

Picture Day and Opening Day will be held on April 7th with a rain date of April 14th. The next meeting will be held on February 8, 2018.

Our Lady of the Blessed Sacrament will host a Carnival on February 11th from 2-6 p.m. The Buddy Gale Orchestra will perform. Tickets are \$25.00 per person.

A Meet and Greet with Franklin Township Police Department will be held on January 29th at 7:00 p.m. at the Louise Basile Community Center. Light refreshments will be served.

FINANCE: (COUNCILMAN MANCUSO)

Councilman Mancuso reported that the Annual Debt Statement and Annual Financial Statement are complete. A budget meeting will be held in the near future.

PUBLIC SAFETY/STREETS LIGHTS: (COUNCILMAN ALVAREZ) none

BLDGS/GROUNDS/IMPROVEMENTS: (COUNCILMAN MCAVADDY)

Councilman McAvaddy reported that a Notice of Violation for multiple cars was served to a resident of Kennedy Drive.

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CLERK'S REPORT:

Minutes of the regular meeting of December 11, 2017 were approved m/Bakers/Walker

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

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

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

Minutes of the executive session of December 11, 2017 were approved m/Bakers/Walker

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

Minutes of the special meeting of December 21, 2017 were approved m/Bakers/Mancuso

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

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Minutes of the reorganization meeting of January 3, 2018. If no corrections or additions, entertain a motion to approve m/Baker s/Walker

	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/Mancuso

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

**NEXT MEETING: FEBRUARY 12, 2018-
WORKSHOP 6:00 P.M.
REGULAR 6:30 P.M.**

MEETING ADJOURNED: m/Baker s/Mancuso

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

**MARYANN CORALUZZO
BOROUGH CLERK**