

BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 AGENDA
 JANUARY 27, 2020
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MEETING CALLED TO ORDER: P.M.

MEETING ADJOURNED: P.M.

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D'ALESSANDRO					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

SUNSHINE LAW: THIS MEETING IS 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 13, 2019, AS WELL AS HAVING BEEN POSTED ON THE BULLETIN BOARD AT BOROUGH HALL.

MAYOR'S REPORT: FIRST ORDER OF BUSINESS.

PUBLIC PORTION OF THE MEETING:
 ANYONE WISHING TO ADDRESS MAYOR AND COUNCIL ONLY, PLEASE STEP FORWARD AND GIVE YOUR NAME AND ADDRESS FOR THE RECORD.

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 684 AN ORDINANCE AMENDING ORDINANCE 635 THE SALARIES AND WAGES RANGES OF MUNICIPAL OFFICIALS AND EMPLOYEES OF THE BOROUGH OF BUENA FOR THE YEAR 2020.
 M _____ S _____

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,

Mayor	\$ 8,112.00 – \$ 8,800.00
Council	\$ 4,161.00 – \$ 4,525.00
Administrator	\$20,000.00 – \$55,000.00
Municipal Clerk	\$30,000.00 – \$50,000.00
Tax Collector	\$30,000.00 – \$50,000.00

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Deputy Municipal Clerk	\$27,000.00 – \$39,000.00
Chief Financial Officer	\$40,000.00 – \$60,000.00
Qualified Purchasing Agent	\$ 1,000.00 – \$ 5,000.00
Tax Assessor	\$10,000.00 – \$20,000.00
Zoning Officer	\$ 4,500.00 – \$ 7,210.00
Enforcement Officer	\$ 6,500.00 – \$ 9,200.00
Construction Code	\$ 1,800.00 – \$ 3,500.00
Building Sub-Code Official	\$ 9,000.00 – \$11,000.00
Plumbing Sub-Code Official	\$ 6,500.00 – \$ 9,500.00
Electrical Sub-Code Official	\$ 6,500.00 – \$ 9,500.00
Fire Sub-Code Official	\$ 1,500.00 – \$ 5,000.00
Fire Official	\$ 4,000.00 – \$ 6,000.00
Occupancy Inspector	\$ 3,000.00 – \$ 4,300.00
Road Supervisor	\$50,000.00 – \$75,000.00
EMS Chief	\$40,000.00 – \$63,672.00
EMS Captain	\$63,673.00 – \$69,000.00
Director Emergency Management	\$490.00 – \$ 550.00
Clerk 1- Full Time	\$20,000.00 – \$29,999.00
Clerk 2 - Full Time	\$30,000.00 – \$39,999.00
Clerk 3 - Full Time	\$40,000.00 – \$52,000.00
Clerk 1 - Part Time	\$ 12.50 – \$ 16.00
Clerk 1 (Per Meeting)	\$ 100.00 – \$ 125.00
Land Use Secretary (Per Meeting)	\$ 100.00 – \$ 125.00
Land Use Board Chairman	\$ 30.00 – \$ 33.00
Land Use Board Members	\$ 25.00 – \$ 28.00
EMS – Part Time	\$ 12.00 – \$ 20.00
Substitute Fire Official	\$ 25.00 – \$ 35.00
Streets & Roads Laborer 1	\$ 16.00 – \$ 19.00
Streets & Roads Laborer 2	\$ 19.01 – \$ 25.00

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**RESOLUTION 16-20 A RESOLUTION ACCEPTING THE RESIGNATION OF VARIOUS
 EMERGENCY MEDICAL TECHNICIANS EFFECTIVE IMMEDIATELY.
 M _____ S _____**

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

John B. Belfi
 Nathan A. Saunders

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D'ALESSANDRO					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

**RESOLUTION 17-20 A RESOLUTION BETWEEN THE BOROUGH OF BUENA AND COUNTY
 OF ATLANTIC APPROVING AN AMENDED AGREEMENT REGARDING
 THE REPLACEMENT OF THE PLYMOUTH STREET CULVERT (BV-
 111)
 M _____ S _____**

WHEREAS, the Borough of Buena and County of Atlantic entered into an agreement dated August 14, 2017 regarding the Replacement of Plymouth Street Culvert (BV-111) for the term commencing August 14, 2017 and terminating August 31, 2018; and

WHEREAS, the Borough of Buena approved an amendment of this agreement by way of Resolution 86-19, adopted on August 12, 2019; and

WHEREAS, this agreement will terminate on February 28, 2020; and

WHEREAS, both the Borough of Buena and the City of Atlantic desire to further extend this agreement.

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, in consideration of the mutual covenants made, agrees as follows:

1. The Agreement dated August 14, 2017 is extended until the termination date of May 29, 2020.
2. All other terms and conditions of the original Agreement shall remain in full force and effect.

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	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D'ALESSANDRO					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

RESOLUTION 18-20 A RESOLUTION OF THE BOROUGH OF BUENA TO REMOVE 108 NORTH FRANKLIN STREET, BLOCK 135, LOT 5 AND 225 WEST WEYMOUTH ROAD, BLOCK 113, LOT 16.02 FROM THE ABANDONED PROPERTY LIST.

M S

WHEREAS, The Mayor and Council of the Borough of Buena published it's Abandoned Properties List on October 21, 2019; and

WHEREAS, Notice was duly provided to all owners of property on the list; and

WHEREAS, the owners of properties located at North Franklin Street, Block 135, Lot 5 And 225 West Weymouth Road, Block 113, Lot 16.02 appealed the listing; and

WHEREAS, each owner provided proof that the property was sold and being rehabilitated; and

WHEREAS, the Solicitor recommends removal of each property from the list; and

NOW, THEREFORE, BE IT RESOLVED by the Council for the Borough of Buena, County of Atlantic, State of New Jersey that 108 North Franklin Street, Block 135, Lot 5 And 225 West Weymouth Road, Block 113, Lot 16.02 be removed from the Abandoned Property List.

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
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**RESOLUTION 19-20 A RESOLUTION DECLARING THE BOROUGH OF BUENA A SECOND
AMENDMENT BOROUGH.
M _____ S _____**

WHEREAS, The Constitution of the United States of America is the supreme law of our nation; and

WHEREAS, the Second Amendment to the Constitution states, “A well-regulated militia necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed;” and

WHEREAS, the United States Supreme Court in the District of Columbia v. Heller, 554 U.S. 570 (2008) affirmed that the Second Amendment right to keep and bear arms is not connected in any way to the service of the militia; and

WHEREAS, the United States Supreme Court in United States v. Miller, 307 U.S. 174 (1939) stated firearms that are part of ordinary military use (Weapons of common use) that can contribute to the common defense and are protected by the Second Amendment; and

WHEREAS, there are an estimated 12 million Americans who carry concealed firearms; and

WHEREAS, abridging the rights of lawful gun owners does not reduce the criminal use of firearms by violent offenders; and

WHEREAS, New Jersey Second Amendment Society and Mark Cheeseman v. Christopher S. Porrino U.S. District court 3rd stated, “The Second Amendment extends, prima facie to all instruments that constitute bearable arms, even those not in existence at the time of the founding;” and

WHEREAS, New Jersey Attorney General, Burton Sills, who “close{ly} participated{ed} in the drafting and presentation of the {1966} Gun Control Law,” and whose views the New Jersey has relied upon to decide close interpretive questions concerning that legislation. See Service Armament Co. v. Hyland, 362 A.2d 13, 18, 70 N.J. 550, 560 (1976). In the lead-up to the 1966 Gun Control Law, Attorney General Sills had publicly explained that there was presently “no law against walking down the street with a weapon in your hand or on your body so long as it isn’t concealed,” and that individuals without concealed-carry permits were free to carry guns “in plain view;” and

WHEREAS, In the A-165 Debates of 1966, Attorney General Sills explained that under the new law, “standards are set for the to determine if the issuance of a permit to...carry a pistol or revolver would be in the interest of public health safety, or welfare,” and “(f)or those who wish to carry a pistol or revolver, permits will be required as they are under present New Jersey Law;” and

WHEREAS, violations of existing laws, statutes, and regulations are already criminal offenses, many being felonies; and

WHEREAS, gun control laws, including a plethora of current proposed legislation, are not evidence-based; and

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WHEREAS, New Jersey’s Gun Control Law is highly purposed and conscientiously designed toward preventing criminal and other unfit elements from acquiring firearms while enabling the fit elements of society to obtain them with minimal burdens and inconveniences.” {Burton v. Sills 53 N.J. 86 (1968) 248 A.2d 521 at 105.

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, in the County of Atlantic, State of New Jersey, as follows:

The Borough of Buena declares the Borough to be a 2nd Amendment/Lawful Gun Owner Borough as defined herein:

- a. The Borough of Buena supports the rights of lawful gun owners to lawfully use firearms: to defend themselves, their loved ones, and other innocents; to lawfully hunt to provide sustenance for their families; and to lawfully participate in shooting sports up to and including Olympic sports.
- b. The Borough of Buena opposes further interference with, or abridging of, the rights of lawful gun owners.
- c. The Borough of Buena opposes gun control, “gun safety” legislation, or “red flag laws,” State, Federal, or local. Agenda No. X1 26 Page 2 of 2.
- d. The Borough of Buena espouses holding accountable the violent criminal offenders rather than the irrational and/or disproven attempts to control lawful tools of self-defense, hunting, and sport.
- e. The Borough of Buena Recognizes said Borough is not immune from past present or future laws, and/or legislation passed by the New Jersey legislature regarding state and local firearms laws or statutes. Therefore, all residents of the Borough of Buena can be prosecuted for ignoring or breaking state laws in force.

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D’ALESSANDRO					
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ALVAREZ					
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RESOLUTION 20-20 A RESOLUTION ACCEPTING A CHANGE ORDER TO AMEND A CONTRACT WITH ARAWAK PAVING COMPANY, INC. COMPANY, INC. FOR RESURFACING OF PLYMOUTH STREET.
M S

WHEREAS, in accordance with the project, Resurfacing of Plymouth Street, the Borough’s Engineer, Remington and Vernick, has prepared a change order recommending

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an increase in the contract price by \$11,058.40.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that the change order submitted by the Borough’s Engineer, Remington and Vernick, providing for an increase in the contract amount of \$11,058.40 is hereby accepted and approved, contingent upon a Certification of Availability from the Chief Financial Officer, by the Council of the Borough of Buena, as an amendment to said contract

BE IT FURTHER RESOLVED that David Zappariello, Mayor of the Borough of Buena, is authorized to execute the change order.

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
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BAKER					
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RESOLUTION 21-20 A RESOLUTION TO OMIT FROM BLOCK 117, LOT 6, ASSESSED TO BUENA BUSINESS PARK, LLC., FROM TAX SALE AND AUTHORIZING EQUAL MONTHLY INSTALLMENTS.
M S

WHEREAS, N.J.S.A. 54:5-19 provides for the governing body to omit from tax sale those properties delinquent for taxes or other municipal liens, or parts thereof, on real property, upon which regular, equal monthly installments are to be made.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that said property owner shall make up to sixty (60) equal monthly installments to include all delinquent taxes held by the municipality, due on the first of each month as set forth on the attached schedule. It shall further be conditioned that all installments of taxes for the current years in which such an agreement is made, and all subsequent taxes, assessments, and other municipal liens imposed or becoming a lien thereafter shall be promptly paid when due. When payment of the aforementioned exceeds the ten-day grace period, then said agreement shall be void and the tax collector shall proceed to enforce such lien by selling in the manner set forth in N.J.S.A. 54:5-19.

BE IT FURTHER RESOLVED that the governing body of the Borough of Buena, County of Atlantic, State of New Jersey, hereby authorizes the tax collector to accept payments in

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installments as provided on the attached schedule for Block 117, Lot 6, also known as 345 East Weymouth Road and assessed to Buena Business Park, LLC.

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D'ALESSANDRO					
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ALVAREZ					
MCAVADDY					

RESOLUTION 22-20 A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT TO REMINGTON AND VERNICK, ENGINEERS, FOR ENGINEERING SERVICES FOR FY2019 MUNICIPAL AID PROJECT-RECONSTRUCTION OF SOUTH BOULEVARD.

M S

WHEREAS, the Borough of Buena was awarded a grant of \$280,092.00 by the New Jersey Department of Transportation (NJDOT) for Fiscal Year 2019, Reconstruction of South Boulevard; and

WHEREAS, certain engineering services need be provided for Construction Phase Services; and

WHEREAS, the Borough Engineer's Remington and Vernick, Engineers, have presented a proposal to complete said services in the amount of \$24,000.00.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the engineer is hereby retained for Construction Phase Services for the Fiscal Year 2019, Reconstruction of South Boulevard in an amount not to exceed \$24,000.00.

BE IT FURTHER RESOLVED that the award is contingent upon the receipt of a Certificate of Availability of Funds from the Chief Financial Officer.

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WALKER					
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ALVAREZ					
MCAVADDY					

RESOLUTION 23-20 RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES
TRANSFER RESOLUTION
 M _____ S _____

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	
EMS S/W	\$11,000.00
Streets & Roads S/W	\$ 2,361.00
TOTAL TRANSFER	\$13,361.00
TRANSFER TO	
Computer Operations	\$ 2,753.00
EMS O/E	\$ 6,000.00
Gasoline/Diesel	\$ 158.00
Electric	\$ 4,450.00
TOTAL TRANSFER	\$13,361.00

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ENGINEER' S REPORT :

- **Replacement of the Plymouth Street Culverts**
- It does not appear that we will be getting the as-builts from the contractor. The County requested a proposal from our office to prepare the as-builts.
- **FY2015 NJDOT Municipal Aid Project - Resurfacing of Plymouth Street**
- Our office recommended final payment to the contractor. Our office is working on the NJDOT reimbursement package.
- **FY2016 NJDOT Municipal Aid Project - Resurfacing of Forest Grove Road**
- A couple of minor punchlist items remain to be completed. The contractor was on site the week of January 20, 2020 to review the outstanding items.
- **FY2018 NJDOT Municipal Aid Project – Reconstruction of Forest Grove Road**
- Our office is meeting with the contractor the week of January 27, 2020 to review the punchlist.
- **FY2019 NJDOT Municipal Aid Project – Reconstruction of South Boulevard**
- Contracts were sent to the Borough for signature. Construction will begin once the weather is suitable.
- **Buena Borough Landfill**
- Our office is waiting for a letter from The Pinelands Commission regarding their review of the data provided by our office.
- **Liberty Village**
- The entrance circle has been base paved and the South Boulevard pavement has been restored.
- **Expansion of the Commerce Center Redevelopment Area**
- The report is scheduled to have a public hearing at the January 28, 2020 Land Use Board meeting.
- **Madison Estates Major Subdivision – Lauren Court**
- The bonding company provided a draft bid package for completion of the site improvements to our office for review. We provided comments on December 19, 2019.

SOLICITOR' S REPORT:

- **Infinity Fence**
- **VFW Rental**
- **Abandoned Property Update**
- **Employee Manual**

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COMMITTEE REPORTS:

- ROADS/RECYCLING**.....**CHAIRMAN, MATTHEW WALKER**
 JORGE ALVAREZ, GREG MCAVADDY
- PUBLIC SAFETY/STREET LIGHTS**.....**CHAIRMAN, JOSEPH D'ALESSANDRO,**
 ROSALIE M. BAKER, JOSEPH MANCUSO
- BLDGS/GROUNDS/IMPROVEMENTS**.....**CHAIRWOMAN, ROSALIE M. BAKER,**
 JOSEPH MANCUSO, GREG MCAVADDY
- RECREATION****CHAIRWOMAN, ROSALIE M. BAKER,**
 JOSEPH D'ALESSANDRO, MATTHEW WALKER
- ECONOMIC DEVELOPMENT**.....**CHAIRMAN, JOSEPH MANCUSO**
 MATTHEW WALKER, JORGE ALVAREZ
- FINANCE**.....**CHAIRMAN, JORGE ALVAREZ,**
 JOSEPH D'ALESSANDRO, MATTHEW WALKER

CLERK'S REPORT:

MINUTES OF THE REGULAR MEETING OF DECEMBER 9, 2019. IF NO CORRECTIONS OR ADDITIONS,
 ENTERTAIN A MOTION TO APPROVE:

M _____ S _____

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D'ALESSANDRO					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

MINUTES OF THE REORGANIZATION MEETING OF JANUARY 2, 2020. IF NO CORRECTIONS OR ADDITIONS,
 ENTERTAIN A MOTION TO APPROVE:

M _____ S _____

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D'ALESSANDRO					

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BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED: M _____ S _____

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D'ALESSANDRO					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

NEXT MEETING: FEBRUARY 10, 2020

MEETING ADJOURNED: M _____ S _____ All in favor? Any opposed?