

BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 MINUTES
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 JULY 13, 2020

MEETING CALLED TO ORDER: 7:00 P.M.
 MEETING ADJOURNED: 8:21 P.M.

ROLL CALL OF ATTENDANCE:

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

THE REGULAR MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WAS HELD MONDAY, JULY 13, 2020, COMMENCING AT 7:00 P.M. VIA TELECONFERENCING WITH MAYOR ZAPPARIELLO PRESIDING. MAYOR ZAPPARIELLO CALLED FOR A MOMENT OF SILENCE FOR ALL THOSE AFFECTED BY COVID-19. MAYOR ZAPPARIELLO 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 13, 2019, AS WELL AS HAVING BEEN POSTED ON THE BULLETIN BOARD AT BOROUGH HALL.

PUBLIC PORTION OF THE MEETING:

WILLIAM COLTRI, FOREST GROVE ROAD ASKED ON THE UPDATE OF PROPERTIES AT 540 FOREST GROVE ROAD AND 542 FOREST GROVE ROAD. CODE OFFICIAL JOHNSTON WILL CONTACT ZONING OFFICER KEENAN FOR STATUS AT 540 FOREST GROVE ROAD. MR. NIMOHAY WILL RETURN TO THE PROPERTY AT 542 FOREST GROVE ROAD WITH THE ORDER TO CLEAR FOR A SANITATION ISSUE.

BRIAN FATCHER, KIMBERLEY LANE NOTED THE FLOODING IS STILL A CONCERN IN THE AREA.

DEBRA WELSFORD, CEDAR LAKE RD. EXPRESSED HER CONCERN WITH THE RECENT AND CONTINUING FLOODING AND SAFETY ISSUES ON CEDAR LAKE RD. A DISCUSSION ENSUED BETWEEN MAYOR ZAPPARIELLO COUNCILMAN MANCUSO AND MR. NIMOHAY WITH VARIOUS SOLUTIONS TO BE CONSIDERED. ROBERT SMITH ADDED THAT THERE HAS BEEN ONGOING MEASURES TO RESOLVE THE FLOODING. COUNCILMAN WALKER ASSURED MS. WELSFORD HE WILL REVIEW THE SITUATION WITH HER.

RESOLUTION 61-20 A RESOLUTION AUTHORIZING HIRING OF EMERGENCY MEDICAL
 TECHNICIANS.
 M/BAKER s/ALVAREZ

WHEREAS, the Borough of Buena Emergency Medical Services Department operates 24 hours a day, 365 days a year; and

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WHEREAS, appropriate staffing is required for the department to operate effectively and efficiently; and

WHEREAS, the Emergency Medical Services Chief of the Borough of Buena requests the authorization from Council to approve the hiring of the following candidates to replace the Emergency Service Technicians who have left the department:

- Sabrina Iglesias
- Joseph Wheeler

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Buena, County of Atlantic, State of New Jersey, hereby approves the hiring of aforementioned candidates as Emergency Service Technicians based on their qualifications with a start date as soon as possible and conditioned upon the successful completion of the hiring phases set forth in the Policy and Procedures of the Borough of Buena.

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

RESOLUTION 62-20 A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE RESIGNATION OF MEGAN WINKLER AS EMERGENCY MEDICAL TECHNICIAN FOR THE BOROUGH OF BUENA, WITH REGRETS.
m/BAKER s/ALVAREZ

WHEREAS, Megan Winkler has served the Borough of Buena in the capacity of Emergency Medical Technician; and

WHEREAS, during her tenure, Megan Winkler has provided effective and compassionate representation to the Borough while serving as Emergency Medical Technician; and

WHEREAS, Megan Winkler has resigned her position, effective immediately.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the resignation of Megan Winkler be regrettfully accepted effective immediately.

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

**RESOLUTION 63-20 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
m/BAKER s/MANCUSO**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may

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be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Buena, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

**RESOLUTION 64-20 A RESOLUTION ACCEPTING A CHANGE ORDER TO AMEND A CONTRACT WITH ARAWAK PAVING COMPANY, INC. COMPANY, INC. FOR RESURFACING OF FOREST GROVE ROAD.
m/BAKER s/MANCUSO**

WHEREAS, in accordance with the project, Resurfacing of Forest Grove Road, the Borough's Engineer, Remington and Vernick, has prepared a change order recommending a decrease in the contract price by \$2,077.46.

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 a decrease in the contract amount of \$2,077.46 is hereby accepted and approved 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	X				
D'ALESSANDRO	X				
BAKER	X				
MANCUSO	X				
ALVAREZ	X				

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MCAVADDY				X	
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**RESOLUTION 65-20 A RESOLUTION ACCEPTING THE BID OF JEFFERY JOHNSTON FOR THE PURCHASE OF THE GRASS CROP AT BLACK WATER POND RECREATIONAL AREA.
m/BAKER s/WALKER**

BE IT RESOLVED by the Council of the Borough of Buena that:

1. The bid of Jeffery Johnston in the amount of \$500.00 per year for three years be and is hereby accepted, subject to the payment price and the posting of an insurance certificate acceptable to the Borough Solicitor as required by the bid specifications.

2. By payment of the bid price and posting of the insurance certificate, the successful bidder is deemed to have accepted the term and condition set forth in the specifications.

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

**RESOLUTION 66-20 A RESOLUTION OF THE BOROUGH OF BUENA TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE A SUBDIVISION TAKE OVER AGREEMENT FOR FOXMOOR DEVELOPMENT
m/BAKER s/WALKER**

WHEREAS, The Borough of Buena approved development designated as Lauren Court, Block 201, Lot 48.01 and developed by Foxmoor at Buena, LLC; and

WHEREAS, the developer, Foxmoor at Buena, LLC failed to complete the public improvements; and

WHEREAS, the performance guaranties for the subdivision were satisfied by Bond # S11300 and Bond # S11301 and issued by First Indemnity of America Insurance Company (FIA) as surety for the developer; and

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WHEREAS, the Borough declared the developer to be in default for failing to complete improvements and demanded that FIA complete the public improvements in accordance with the bonds; and

WHEREAS, the Borough of Buena and FIA have resolved the dispute; and

WHEREAS, the Borough of Buena and FIA wish to enter into and execute a subdivision takeover agreement wherein FIA will undertake the completion of improvements; and

WHEREAS, the execution of the subdivision takeover agreement will be in the best interests of the residents and owners in the Borough of Buena to resolve this conflict.

NOW, THEREFORE, BE IT RESOLVED by the Council for the Borough of Buena, County of Atlantic, State of New Jersey that the Mayor is authorized to enter into and execute a Subdivision Takeover Agreement with FIA, which agreement is subject to the approval of the Borough Attorney and Engineer.

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

ENGINEER' S REPORT :

Replacement of the Plymouth Street Culverts

- Our office is working with the County to close out the project.

FY2016 NJDOT Municipal Aid Project - Resurfacing of Forest Grove Road

- The punchlist is complete. Our office is working on project close out.

FY2018 NJDOT Municipal Aid Project – Reconstruction of Forest Grove Road

- The contractor is finalizing the punchlist work.

FY2019 NJDOT Municipal Aid Project – Reconstruction of South Boulevard

- The project is complete. Our office is working on project close out.

FY2020 NJDOT Municipal Aid Project – Reconstruction of South Boulevard

- Our office is preparing to submit to the NJDOT for authorization to advertise for bid.

Buena Borough Landfill

- Our office has submitted the proposal for the work requested by The Pinelands Commission.

Expansion of the Commerce Center Redevelopment Area

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- The new public hearing has not been scheduled.

Madison Estates Major Subdivision – Lauren Court

- Our office is working with the bonding company’s Engineer to finalize an agreement with the apparent low bidder.

SOLICITOR’S REPORT:

- **INFINITY FENCE HAD A REQUEST TO REDUCE PROPERTY TAXES. A COUNCIL DISCUSSION WAS NOT IN FAVOR OF REDUSING THE OUSTANDING REAL ESTATE TAXES OF December 31,2019.**
M/Walker S/Mancuso

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

- **Joseph Zavada, President of Cranez, Inc., request for a six-month extension of approval to place a temporary trailer on 345 Weymouth Road was approved.**

M/BAKER S/Walker

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

COMMITTEE REPORTS:

ROADS/RECYCLING: CHAIRMAN, MATTHEW WALKER

COUNCILMAN WALKER REPORTED THAT THE STREET AND ROADS DEPARTMENT ARE CONTINUING TO PICK UP BRUSH AND DEBRIS IN TOWN. ALSO, THE STORM EVENT JULY 20,2020 CAUSED FLOODING THROUGHOUT THE BOROUGH WHICH CAUSED SOME AREAS TO

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BE PUMPED AND/OR CLEARED.

PUBLIC SAFETY/STREET LIGHTS: CHAIRMAN, JOSEPH D'ALESSANDRO

COUNCILMAN D'ALESSANDRO REPORTED ON THE CURRENT COVID-19 CASES, REASSURED THAT ALL RESIDENTS AT BUENA GARDENS ARE CURRENTLY ASYMPTOMATIC. ALSO NOTED THAT BUENA REGIONAL HIGH SCHOOL DISTRICT GRADUATION WAS OCCURRING AS THIS VERY TIME TODAY.

SOME REOPENING AS OF JULY 6:

OUTDOOR GATHERINGS TO 500 PEOPLE.

MASKS ARE REQUIRED OUTDOORS IF SOCIAL DISTANCING CANNOT BE MAINTAINED.

INDOOR DINING IS INDEFINITELY ON HOLD.

NO REPORT IS AVAILABLE FOR FRANKLIN TWP. PD AT THIS TIME.

JUNE CALLS FOR SERVICE CALLS WAS GIVEN FOR EMS.

BLDGS/GROUNDS/IMPROVEMENTS: CHAIRWOMAN, ROSALIE M. BAKER

COUNCILWOMAN BAKER REPORTED THAT GRASS NOTICES ARE CONTINUING TO GO OUT DURING THE GROWING SEASON AS WELL AS ORDERS TO CLEAR NOTICES GIVEN TO THE STREET AND ROAD DEPARTMENT.

RECREATION: CHAIRWOMAN, ROSALIE M. BAKER

COUNCILWOMAN REPORTED THAT DUE TO COVID -19, NO NEW ACTIVITIES

ECONOMIC DEVELOPMENT: CHAIRMAN, JOSEPH MANCUSO NONE

FINANCE: CHAIRMAN, JORGE ALVAREZ

COUNCILMAN ALVAREZ REPORTED THAT THERE WILL BE A BUDGET UPDATE AT THE NEXT MEETING.

MINUTES OF THE REGULAR MEETING OF JUNE 22, 2020. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:

m/BAKER S/WALKER

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

UNFINISHED BUSINESS: NONE

NEW BUSINESS: NONE

BILLS PAID AS LISTED: m/Baker s/Walker

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

NEXT MEETING: AUGUST 10, 2020

MEETING ADJOURNED: m/Baker s/Mancuso RCVU

Pamela Johnston, Clerk 1

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