

BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 NOVEMBER 23, 2020
 AGENDA
 PAGE 1

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.

PRESENTATION: MICHAEL DONATO, RMC

NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

ORDINANCE NO. 693 AN ORDINANCE AMENDING PORTIONS OF THE CODE OF THE BOROUGH OF BUENA TO REFLECT THE DISSOLUTION OF THE BOROUGH OF BUENA POLICE DEPARTMENT.
 M _____ S _____

WHEREAS, the Council of the Borough of Buena adopted a Resolution setting forth the authorization for a Shared Services Agreement with Franklin Township in which Franklin Township would provide the Borough with police services and the Borough would dissolve its 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 are being performed by Franklin Township. Therefore, chapters of the Code of the Borough of Buena need to be amended to reflect the dissolution of the Buena Borough Police Department and the assumption of police duties by the Franklin Township Police Department.

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

ARTICLE I

The following chapters are amended.

Chapter 15-3 SUPERVISION AND AUTHORITY

The Chief of the Emergency Medical Services shall directly report to and act under the Director of Public Safety.

Chapter 130-11 ENFORCEMENT

Amend to Franklin Township Police Department.

Chapter 163-1 DECLARATION OF FINDINGS AND POLICY

Amend to Franklin Township Police Department

Chapter 191-9 ENFORCEMENT

Amend to Franklin Township Police Department.

Chapter 191-15 ENFORCEMENT

Amend to Franklin Township Police Department.

Chapter 195-19 SAFETY PRECAUTIONS

Amend to Franklin Township Police Department.

Chapter 218-2 AUTHORIZATION FOR CLOSING OF ANY STREET

Amend Public Safety Director and Officer in Charge to Franklin Township Police Department.

Chapter 218-3 REMOVAL OF VEHICLES; COSTS TO BE BORNE BY OWNER

Amend to Franklin Township Police Department.

Chapter 218-39 PRECONSTRUCTION MEETINGS

Amend to Franklin Township Police Department.

Chapter 218-40 HAZARDOUS CONDITIONS

Amend to Franklin Township Police Department.

Chapter 218-41 HOURS OF ROAD WORK

Amend to Franklin Township Police Department.

Chapter 218 -42 ROAD CLOSINGS AND DETOURS

Amend to Franklin Township Police Department.

Chapter 218-48 INDEMNIFICATION AND HOLD HARMLESS

Amend to Franklin Township Police Department.

Chapter 223-10 SERVICES TO BE PERFORMED BY LICENSED TOWING OPERATORS

Amend to Franklin Township Police Department.

ARTICLE II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

ARTICLE III

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If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

ARTICLE IV

This ordinance shall take effect immediately upon final publication as provided by law.

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

**RESOLUTION 92-20 A RESOLUTION ACCEPTING THE RESIGNATION OF
 EMERGENCY MEDICAL TECHNICIAN, EFFECTIVE
 IMMEDIATELY.
 M _____ S _____**

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

Morgan Koh
 Michael Koh

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

**RESOLUTION 93-20 RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES
 AND HANDBOOK AND EMS MANUAL
 M _____ S _____**

WHEREAS, it is the policy of the Borough of Buena to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal

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Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough of Buena has determined that there is a need for personnel policies and procedures, handbook and EMS manual to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Borough of Buena that the Personnel Policies and Procedures Manual, the Handbook and the EMS Manual attached hereto are hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that these manuals and handbook are intended to provide guidelines covering public service by Borough employees and are not contracts. The provisions of the manuals and handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Buena.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Buena shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Borough Clerk and the CFO and all managerial/supervisory personnel are responsible for these employment practices. The Borough Attorney shall assist the Borough Clerk and CFO in the implementation of the policies and procedures in these manuals and handbook.

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

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RESOLUTION 94-20 **A RESOLUTION AUTHORIZING AND DIRECTING THE COUNCIL OF THE BOROUGH OF BUENA TO POST AND FILE A SCHEDULE OF ALL MEETINGS OF THE COUNCIL AS REQUIRED BY THE OPEN PUBLIC MEETINGS ACT OF 1975; AND DESIGNATING CERTAIN NEWSPAPERS TO RECEIVE SAID NOTICES AS REQUIRED UNDER THE OPEN PUBLIC MEETINGS ACT FOR THE YEAR 2021.**
M _____ S _____

WHEREAS, the Open Public Meetings Act of 1975 requires that a schedule of regular meetings of the Council of the Borough of Buena be annually posted and maintained in one public place reserved for public announcements, and requires that the annual notice be filed and maintained by the Clerk of the Borough of Buena; and

WHEREAS, Section III of the Open Public Meetings Act of 1975 requires certain notices of meetings to be submitted to at least two newspapers, one of which shall be the official newspaper, and the second a newspaper which has the greatest likelihood of informing the citizens of the Borough of Buena; and

WHEREAS, the Open Public Meetings Act of 1975 requires that notice of any meetings of the Borough of Buena not provided for in the annual schedule must be (1) posted in at least one public place reserved for public announcements; (2) mailed, telephoned, telegraphed or hand delivered to at least two newspapers designated by the public body; and (3) filed with the Clerk of the municipality.

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

1. The Clerk of the Borough of Buena is hereby authorized and directed to post and maintain posted on the official bulletin board located in the Municipal Building, Borough of Buena, New Jersey, a copy of the attached schedule of regular meetings of the Council of the Borough of Buena for the year 2020 and to file a copy of said notice in the Office of the Borough Clerk.

2. Written notice of the date, time, place and agenda of any special meeting, rescheduling meeting, hearing or any other meeting of the Borough Council not provided for in the attached schedule as required by the Open Public Meeting Act of 1975, shall be posted by the Borough of Buena on the official bulletin board and filed; and maintained in the Office of the Borough Clerk.

3. The Atlantic County Record is hereby designated as the official newspaper of the Borough of Buena and said newspaper, together with the Press and Daily Journal are hereby designated to receive all notices of meetings required under the Open Meetings Act of 1975. The Clerk of the Borough of Buena is hereby authorized and directed to mail the attached schedule to the offices of the Atlantic County Record, the Press and the Daily Journal and to provide notices of all other meetings of the Borough of Buena to said newspapers in accordance with the provisions of the Open Meetings Act.

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4. It is the opinion of this body that the Atlantic County Record, the Press and the Daily Journal have the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

MEETING	DATE	TIME
Reorganization	January 04, 2021	6:00 P.M.
Council- Regular	January 19, 2021*	7:00 P.M.
Council- Regular	February 08, 2021	7:00 P.M.
Council- Regular	February 22, 2021	7:00 P.M.
Council- Regular	March 08, 2021	7:00 P.M.
Council- Regular	March 22, 2021	7:00 P.M.
Council- Regular	April 12, 2021	7:00 P.M.
Council- Regular	April 26, 2021	7:00 P.M.
Council- Regular	May 10, 2021	7:00 P.M.
Council- Regular	May 24, 2021	7:00 P.M.
Council- Regular	June 14, 2021	7:00 P.M.
Council- Regular	June 28, 2021	7:00 P.M.
Council- Regular	July 12, 2021	7:00 P.M.
Council- Regular	August 09, 2021	7:00 P.M.
Council- Regular	September 13, 2021	7:00 P.M.

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Council- Regular	September 27, 2021	7:00 P.M.
Council- Regular	October 12, 2021*	7:00 P.M.
Council- Regular	October 25, 2021	7:00 P.M.
Council- Regular	November 08, 2021	7:00 P.M.
Council- Regular	November 22, 2021	7:00 P.M.
Council- Regular	December 13, 2021	7:00 P.M.
Reorganization	January 3, 2022	6:00 P.M.

*Tuesday Meeting

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

**RESOLUTION 95-20 RISK MANAGEMENT CONSULTANT
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
M _____ S _____**

WHEREAS, the Governing Body of Borough of Buena is a member of the **Atlantic County Municipal Joint Insurance Fund**, a self-insurance pooling fund, and;

WHEREAS, the Bylaws of said Fund require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws and;

WHEREAS, the **JIF Bylaws indicate a fee Not To Exceed six percent (6%)** of the municipal assessment (as dictated by the accompanying agreement) which expenditure represents reasonable compensation for the services required and was included in the cost considered by the governing body and;

WHEREAS, NJSA 40A:11-5 (1) (m), specifically exempts the hiring of insurance consultants from

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competitive bidding as an extraordinary unspecifiable service; and

WHEREAS, the experience, knowledge of public insurance and risk management issues and judgmental nature required of a Risk Management Consultant are clearly an extraordinary unspecifiable service which therefore render competitive bidding impractical;

NOW THEREFORE, be it resolved that the governing body of Borough of Buena does hereby appoint Insurance Agencies, Inc. and Michael D. Donato as its Risk Management Consultant in accordance with 40A:11-5 and;

BE IT FURTHER RESOLVED that the governing body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to NJSA 40A:11-5 (1), (a), (i).

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

RESOLUTION 96-20 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE ENGINEER TO ADVERTISE FOR BIDS FOR THE SERVICING OF MECHANICAL AND ELECTRICAL REPAIR.
M _____ S _____

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Remington and Vernick, Engineers is hereby authorized to advertise for the receipt of bids for the furnishing of services related to mechanical and electrical repair.

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D'ALESSANDRO					
BAKER					
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RESOLUTION 97-20 **A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, RESCINDING RESOLUTION NO. 91-20 AWARDING A PROFESSIONAL SERVICES CONTRACT TO REMINGTON & VERNICK, ENGINEERS, FOR ECOLOGICAL EVALUATION FOR THE FORMER LANDFILL SITE IN AN AMOUNT NOT TO EXCEED \$29,800.00.**
M _____ S _____

WHEREAS, N.J.S.A. 40A:4-57 requires a Certification of Availability of Funds, certified by the Chief Financial Officer certifying there are uncommitted funds available in the budget for a contract award; and

WHEREAS, at this time, the Chief Financial Officer cannot ascertain the availability of such funds; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Resolution No. 91-20 awarding a contract to Remington & Vernick, Engineers is hereby rescinded.

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

RESOLUTION NO. 98-20 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

Clerk OE	\$ 3,000.00
Heath Insurance	\$ 15,000.00
JIF	\$ 20,000.00
Construction Code Heat	\$ 1,000.00

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ECONOMIC DEVELOPMENT.....**CHAIRMAN, JOSEPH MANCUSO**
 MATTHEW WALKER, JORGE ALVAREZ

FINANCE.....**CHAIRMAN, JORGE ALVAREZ,**
 JOSEPH D'ALESSANDRO, MATTHEW WALKER

MINUTES OF THE REGULAR MEETING OF NOVEMBER 9, 2020. IF NO CORRECTIONS OR ADDITIONS,
 ENTERTAIN A MOTION TO APPROVE:

M _____ **S** _____

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

NEED MOTION TO FILE CORRESPONDENCE **M** _____ **S** _____

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

UNFINISHED BUSINESS:

NEW BUSINESS:

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BILLS PAID AS LISTED: M _____ S _____

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

NEXT MEETING: DECEMBER 14, 2020

MEETING ADJOURNED: M _____ S _____ ALL IN FAVOR? ANY OPPOSED?