

BOROUGH OF BUENA
 WORKSHOP MEETING
 MINUTES
 NOVEMBER 9, 2020
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MEETING CALLED TO ORDER: 7:03 P.M.
MEETING ADJOURNED: 7:34 P.M.

THE REGULAR MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WAS HELD MONDAY, NOVEMBER 9, 2020 COMMENCING AT 7:03 P.M. AT THE BOROUGH HALL WITH MAYOR ZAPPARIELLO PRESIDING. MAYOR ZAPPARIELLO CALLED FOR A MOMENT OF SILENCE FOR THOSE AFFECTED BY COVID-19 AND FOR BOROUGH EMPLOYEE, TERRY CRITES, WHO RECENTLY DIED UNEXPECTEDLY. THE MAYOR ANNOUNCED THAT THE 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. NOTICE OF REMOTELY HELD MEETINGS HAS BEEN POSTED ON THE WEBSITE OF THE BOROUGH OF BUENA.

ROLL CALL OF ATTENDANCE:

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

Before inviting the public to speak during the public portion, Mayor Zappariello called on Code Enforcement Officer Johnston to update the property located at 513 Forest Grove Road. Ms. Johnston stated that the animals and most of the vehicles had been removed from the property. As such, the court granted the property owner(s) an additional ninety-days to further remedy any remaining non-compliance matters.

Mayor Zappariello reported on on-going drainage issues, noting that state and county officials are involved. Mayor Zappariello further stated that Sacred Heart officials are addressing flooding issues on and around the cemetery site.

COUNCILMAN MANCUSO LOST CONNECTION AT 7:10 P.M.

PUBLIC PORTION OF THE MEETING:

Brian Fatcher of Kimberly Lane requested clarification on the possible change of the Central Avenue elevation. Mr. Fatcher believes that the current elevation is intensifying the flooding on Kimberly Lane. Engineer Smith will follow up with Mr. Fatcher.

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PUBLIC HEARING OPENED:

**ORDINANCE NO. 690: AN ORDINANCE AMENDING PART II GENERAL
LEGISLATION CHAPTER 150 LAND USE, ARTICLE XIII
FENCES AND SIGNS OF THE CODE OF THE BOROUGH OF
BUENA.
M/BAKER S/WALKER**

WHEREAS, the Mayor and Council of the Borough of Buena have reviewed the existing provisions of Chapter 150, Land Use, Article XIII, Fences and Signs and have determined that it is in the best interests of the residents of the Borough of Buena to amend the Code; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough is authorized to enact ordinances for the protection of person and property and for the preservation of the public health, safety and general welfare of the municipality and its inhabitants and,

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

SECTION I Chapter 150, Section 104 titled Fences is hereby amended to include a new section H. Permit Required as follows:

§150-104. **FENCES**

H. Permit Required.

- (1) Before the erection of any fence, an application for zoning approval must be submitted to the Zoning Officer and the required fee of \$30.00 be paid.
- (2) Such application must include a reasonably accurate representation of the property showing the current conditions, included but not limited to the following: all existing building footprints and dimension, any existing fence, property layout including dimensions, other improvements and the proposed location of any proposed fences including dimensions of placement on property and distance(s) to property line(s).
- (3) Such application must include the owner's name, address of the property, block and lot of the property. the description, and specifications of the fence including the size, height, dimensions, material and size of openings.

SECTION II

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

SECTION III

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.

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SECTION IV

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

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

DISCUSSION: NONE

PUBLIC HEARING CLOSED:

M/BAKER S/ALVAREZ

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

ORDINANCE NO. 690 ADOPTED:

M/BAKER S/ALVAREZ

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

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PUBLIC HEARING OPENED:

**ORDINANCE NO. 691 AN ORDINANCE AMENDING PART II - GENERAL
LEGISLATION CHAPTER 181 PROPERTY MAINTENANCE
OF THE CODE OF THE BOROUGH OF BUENA.
M/BAKER S/WALKER**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough is authorized to enact ordinances for the protection of person and property and for the preservation of the public health, safety and general welfare of the municipality and its inhabitant; and,

WHEREAS, the Mayor and Council has deemed it in the best interests of the public health, safety and welfare to amend Part II General Legislation, Chapter 181 of the Borough Code to permit appeals; and

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

SECTION I Chapter 181 is hereby amended to include a new section entitled "Right to Appeal"

§181-13. **Right to Appeal**

Within ten (10) days of notification of the notice of violation to correct or demolish by Code Enforcement of the Borough of Buena, an owner or person notified may appeal for relief from the provisions of the Code to the Mayor and Borough Council of the Borough of Buena. Said appeal shall be in writing and explain why relief is requested with all supporting documents. Said appeal shall be acted upon within 45 (forty-five) days of the date of appeal by the governing body.

SECTION II

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

SECTION 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.

SECTION IV

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

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

DISCUSSION: NONE

**PUBLIC HEARING CLOSED:
 M/BAKER S/WALKER**

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

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**ORDINANCE NO. 691 ADOPTED:
 M/BAKER S/WALKER**

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

**RESOLUTION 89-20 A RESOLUTION ESTABLISHING AND
 IMPLEMENTING A FAIR AND OPEN PROCESS FOR
 THE SELECTION OF VARIOUS PROFESSIONAL
 SERVICE AGREEMENTS.
 M/BAKER S/ALVAREZ**

WHEREAS, the Borough Council of the Borough of Buena acknowledges the need for Professional Services to be provided to the Borough of Buena; and

WHEREAS, the Borough Council of the Borough of Buena has adopted Ordinance No.543, an Ordinance Restricting and Controlling the Award of Professional Service Agreements in the Borough of Buena which prohibits the award of a Professional Service Agreement where such professional has made a political contribution to a city elected official; and

WHEREAS, N.J.S.A. 19:44A-20.4 requires municipalities to adopt fair and open procedures for awarding professional service agreements which are otherwise exempt from public bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Council of the Borough of Buena believes it is in the best interest of the Borough of Buena to select professionals primarily on the basis of their qualifications, including qualifications uniquely suited to the needs of the Borough of Buena; and

WHEREAS, to receive statements of qualifications in a manner that fosters a fair and open process, it is necessary and advisable to establish advance general criteria and specific minimum requirements; and

WHEREAS, the Borough Council of the Borough of Buena has determined that a fair and open process requires public advertisement of professional services

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required in a manner and with sufficient time to provide notice in advance of the contemplation of retaining the services of a professional and the criteria to be considered in determining the best professional for the position; and

WHEREAS, a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the Borough Council and then published in accordance with N.J.S.A. 40A:11-5.

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

- 1) All appointments for Professional Services contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.
- 2) The Borough Clerk shall cause all legal notices to be published on the website for the Borough of Buena stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualification, will be posted at Borough Hall beginning no later than November 12, 2020.
- 3) The criteria for each position contained on Schedule A follows immediately subsequent to the Listing on Schedule A. The criteria shall be disclosed, together with the posting of the listed positions at Borough Hall.
- 4) The website posting shall inform potential applicants that all submissions must be made to the Borough Clerk and received no later than 12:00 noon, December 9, 2020.
- 5) Commencing 12:01 p.m. on December 9, 2020, or as soon thereafter as may be available, the Borough Clerk of the Borough of Buena or her designee shall publicly open and announce all submissions in the Borough Council Chambers at Buena Borough Hall.
- 6) The appropriate department heads and the representatives from the appropriate boards shall thereafter review all submissions and report to the Mayor with recommendations.
- 7) Appointments shall thereafter be made at a public meeting of the Borough Council at a future meeting.
- 8) Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

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BE IT FURTHER RESOLVED that those positions included on Schedule A are those positions which the Borough of Buena Council reasonably believes shall be subject to appointment for the year 2021. However, all such appointments are subject to the availability of funds and the continuing needs of the Borough of Buena. Accordingly, inclusion of a position on Schedule A is not a representation or warranty that such position will be filled, but that if filled, it will be subject to the terms and conditions contained herein.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Buena has determined that the terms of this Resolution constitute a fair and open process in accordance with N.J.S.A. 19:44A-20, et seq, and Ordinance No. 543 of the Borough of Buena.

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

ENGINEER' S REPORT :

FY2016 NJDOT Municipal Aid Project - Resurfacing of Forest Grove Road

- Our office recommended final payment to the contractor. Once the check clears, our office will initiate NJDOT reimbursement.

FY2018 NJDOT Municipal Aid Project – Reconstruction of Forest Grove Road

- Bill Nimohay and I met with the contractor on October 30, 2020 to review the punchlist. The contractor proposes to complete the punchlist work when they pave Central Avenue for the County.

FY2020 NJDOT Municipal Aid Project – Reconstruction of South Boulevard

- Storm drain work is on-going. Concrete work to begin next.

Expansion of the Commerce Center Redevelopment Area

- The public hearing is being scheduled with the Land Use Board Secretary.

Madison Estates Major Subdivision – Lauren Court

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- The contractor has completed the majority of the punchlist work. Our office will continue to follow-up.

SOLICITOR' S REPORT:

INTRODUCED AND PASSED ON FIRST READING:

**ORDINANCE NO. 692 AN ORDINANCE REPEALING AND REPLACING CHAPTER
45 OF THE CODE OF THE BOROUGH OF BUENA AND
AMENDING CHAPTER 35.
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 Public Safety Committee and a Director of Public Safety.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Chapter 45 of the Code of the Borough of Buena is repealed and replaced and Chapter 35 is amended as follows:

SECTION I

A. Chapter 45 is titled PUBLIC SAFETY COMMITTEE

§ 45-1. Establishment; membership.

- A. There is hereby established a Public Safety Committee. The Committee shall consist of three members and may be the Mayor and/or members of Council. The members of the Public Safety Committee shall serve without compensation and shall be appointed during the course of the January reorganization meeting of the Borough of Buena by the Mayor with the advice and approval of Council. Each member shall serve for a term of one (1) year.
- B. The Mayor with the advice and approval of Council, shall select a Chairman and an Assistant Chairman from the membership.
- C. The Chairman shall be the head of the committee and shall have general supervision and direction thereof and shall take all measures for the preservation of peace and good order within the Borough of Buena and to enforce all laws of the State of New Jersey and the ordinances of the Borough of Buena.
- D. The Mayor shall also appoint an Assistant Chairman from the membership who shall have all of the powers and duties of the Chairman to act in his/her absence.
- E. Nothing herein shall empower the Chairman or the Assistant Chairman to perform those duties which are reserved to law enforcement personnel.

§ 45-2. Responsibilities.

The Public Safety Committee shall undertake the following:

- A. Meet on at least a quarterly basis.
- B. Review any and all issues relative to the public safety of the citizens of the Borough of Buena.
- C. The Chairman shall provide the Mayor and Council with a report on a monthly basis of any public safety issues arising within the Borough.

§45-3. Powers .

The Public Safety Committee shall not be vested with any authority to bind the Mayor and Council, and in that regard the Public Safety Committee is strictly advisory in nature.

B. Chapter 35 shall be amended as follows:

ARTICLE XIV. DIRECTOR OF PUBLIC SAFETY

§35-41 Creation of Office

There is hereby created within the Borough of Buena the position known as Director of Public Safety. The Director of Public Safety may be the Mayor or a member of Council of the Borough.

§35-42 Appointment

The Mayor along with the advice and consent of Council shall appoint the Director of Public Safety for a one (1) year term. The Director shall serve without compensation.

§35-43 Powers and Duties.

The Director of Public Safety shall have general supervision of the Department of Emergency Medical Services of the Borough and any fire districts within the Borough and shall take all measures he/she deems necessary to preserve the peace and good order within the Borough. The Director shall not perform those duties which are reserved to law enforcement personnel.

SECTION II

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

SECTION III

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.

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SECTION IV

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

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

CLERK'S REPORT:

**MINUTES OF THE REGULAR MEETING OF OCTOBER 26, 2020 WERE APPROVED.
 M/BAKER S/ALVAREZ**

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

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CORRESPONDENCE :

1. OUR LADY OF THE BLESSED SACRAMENT REQUEST FOR RAFFLE LICENSE NO. 03-2020 TO BE HELD DECEMBER 20, 2020 WAS APPROVED.
 M/BAKER S/ALVAREZ

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

CORRESPONDENCE FILED :

M/BAKER S/WALKER

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

UNFINISHED BUSINESS :

At the request of Councilman Walker, Solicitor Costigan gave an update on the Infinity Fence property transfer.

NEW BUSINESS :

**RESOLUTION 90-20 BOROUGH OF BUENA
 LOCAL GOVERNMENT EMERGENCY FUND (CRF) GRANT.
 M/BAKER S/D'ALESSANDRO**

WHEREAS, as the public health emergency associated with the COVID-19 pandemic continues, the most significant negative financial impacts faced by

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county and municipal governments throughout New Jersey result from extreme economic contraction, deficits in tax and fee revenues, and extraordinary increases in public safety and health and human services expenditures; and

WHEREAS, severe fiscal stress limits the ability of counties and municipalities to maintain essential services and take the steps necessary to fight COVID-19; and

WHEREAS, without substantial federal assistance, residential taxpayers would absorb the primary impact of meeting these extraordinary needs and closing any associated operating deficits; and

WHEREAS, the Department of Community Affairs (“DCA”), through the Division of Local Government Services (“DLGS” or “Division”), has been deemed the lead agency for the distribution of the Local Government Emergency Fund (the “LGEF” or “Program”), provided through an allocation of the State of New Jersey’s CARES Act Coronavirus Relief Fund (CRF Funds); and

WHEREAS, counties and municipalities excluded from the federal government’s direct CRF allocation plan, as well as those counties and municipalities that are currently the most impacted by COVID-19 in comparison to their available resources, are eligible for LGEF funds pursuant to a maximum distribution determined by formula; and

WHEREAS, a total of \$60 million is currently being made available under the Program, with a potential \$60 million more to be allocated; and

WHEREAS, LGEF Grants exist to support costs incurred as part of a local unit’s response to COVID-19.

NOW, THEREFORE, BE IT RESOLVED by Council of the Borough of Buena, that the Borough of Buena will apply for a LGEF Grant in the amount of \$66,889.02.

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

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BILLS PAID AS LISTED: M/BAKER S/ALVAREZ

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

RESOLUTION 91-20 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, 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/WALKER S/BAKER

WHEREAS, the Borough of Buena desires to demonstrate that the leachate plume associated with the former landfill poses no significant risk to wetlands; and

WHEREAS, a satisfactory demonstration will result in Pinelands waiving the requirement to cap the site with an impermeable material; and

WHEREAS, Remington & Vernick, Engineers has submitted a proposal outlining the Scope of Services and providing an estimate of an amount not to exceed \$29,800.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Borough of Buena award a professional services contract to Remington & Vernick, Engineers, for the work related to the ecological evaluation for the former Borough Landfill, Block 120, Lot 5, as outlined in the proposal attached hereto and made part of this Resolution.

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

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

NEXT MEETING: NOVEMBER 23, 2020

MEETING ADJOURNED: M/BAKER S/RCVU

MARYANN CORALUZZO
BOROUGH CLERK