

BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 AGENDA
 NOVEMBER 9, 2020
 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.

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

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 _____ S _____

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:

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§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.

SECTION 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					

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

M _____ S _____

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

ORDINANCE NO. 690 ADOPTED:

M _____ S _____

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

NEED MOTION TO OPEN THE PUBLIC HEARING ON:

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

M _____ S _____

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

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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

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.

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DISCUSSION:

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NEED MOTION TO CLOSE THE PUBLIC HEARING:

M _____ **S** _____

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

ORDINANCE NO. 691 ADOPTED:

M _____ **S** _____

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ALVAREZ					
MCAVADDY					

RESOLUTION 89-20 A RESOLUTION ESTABLISHING AND IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION OF VARIOUS PROFESSIONAL SERVICE AGREEMENTS.

M _____ **S** _____

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

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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 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

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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.

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.

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MCAVADDY					

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

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- 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

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

SOLICITOR'S REPORT: NO REPORT

CLERK'S REPORT:

MINUTES OF THE REGULAR MEETING OF OCTOBER 26, 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					

CORRESPONDENCE:

1. OUR LADY OF THE BLESSED SACRAMENT REQUEST FOR RAFFLE LICENSE NO. 03-2020 TO BE HELD DECEMBER 20, 2020.

M _____ S _____

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
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NEED MOTION TO FILE CORRESPONDENCE:

M _____ **S** _____

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER					
D'ALESSANDRO					
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: NOVEMBER 23, 2020

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