

BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 AGENDA
 PAGE 1
 SEPTEMBER 14, 2020

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 INTRODUCE AND PASS ON FIRST READING:

ORDINANCE NO. 689: AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 181- PROPERTY MAINTENANCE OF THE CODE OF THE BOROUGH OF BUENA ENTITLED MAINTENANCE OF TREES, SIDEWALKS, AND CURBS.

M _____ S _____

WHEREAS, it has been determined that maintenance is required to trees, sidewalks and curbs which have caused damage to persons and property in the Borough of Buena; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2.13, the Borough is authorized to enact ordinances requiring the removal and maintenance of brush, weeds, stumps, roots and obnoxious growth where necessary to preserve the public health, safety and general welfare; 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,

WHEREAS, the Mayor and Council has deemed it in the best interests of the public

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health, safety and welfare to amend Part II General Legislation, Chapter 181 of the Borough Code to require maintenance and removal of trees and sidewalks and curbs 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 "Maintenance of Trees, Sidewalks and Curbs" as follows:

§181-12. Premises owner to maintain trees, sidewalks, and curbs.

The owner of any premises in the Borough of Buena abutting a sidewalk, curb or tree located between sidewalk and curb or in the Borough right of way, shall, at his/her own expenses, keep and maintain such sidewalk, curb or tree in good condition and state of repair and shall not permit the same to fall into a state of disrepair or to become unfit or unsafe. In the event that such sidewalk, curb or tree or any part thereof becomes unsafe or hazardous to the public or unfit, the abutting owner, at his/her own cost and expense, shall forthwith repair, as the facts may require, such sidewalk or curb or trim maintain or remove any tree or that part thereof which requires reconstruction or repair.

Any tree or shrub which overhangs any sidewalk, street or other public place in the Borough in such a way as to impede or interfere with vehicular or pedestrian traffic or travel, or within ten (10) feet of a street or seven (7) feet of a sidewalk level, shall be trimmed by the owner of the premises abutting or of the premises on which such tree or shrub grows so that the obstruction shall cease. Nothing in this ordinance shall delete the provisions more particularly delineated in Chapter 150, Land Use and Chapter 185, Sidewalks and Curbs.

§181-12.1. Notice to owner of unsafe condition.

Where, in the opinion of the Code Enforcement Officer, Town Engineer or the Streets Department Superintendent, a tree, sidewalk or curb is in an unsafe or hazardous condition, they shall inform the Town Council which shall by resolution authorize a notice in writing to be served upon the owners or occupant of said lands, requiring the necessary specified work to said tree, curb or sidewalk to be done; by said owner or occupant within the period not less than 30 days from the date of service of said notice. Whenever any

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lands are occupied and the owner cannot be found within the town, said notice may be mailed, postage prepaid, to his or her post office address as it is ascertained from the latest tax rolls of the Borough of Buena. In a case where an owner is a non-resident of the municipality or his or her post office address cannot be ascertained, then a notice may be inserted for four weeks, once a week in the official newspaper of the Borough of Buena.

§181-12.2. Failure to comply; work to be done by Borough.

In the case where the owner or occupant of such lands shall not comply with the requirements of such notice, it shall be lawful for the Streets Department Superintendent, upon filing due proof of service or publications of the aforesaid notice, to cause the required work to be done and paid for out of the Borough funds available for that purpose. The cost of such work shall be certified by the Streets Department Superintendent to the Borough Engineer who shall verify the same and return it over to the tax Collector. Upon filing these said certificates, the amount of the cost of such work shall be and become a lien upon said abutting lands in front of which work was done, and collected in the manner provided by law for the collection of other assessments or lien; in addition thereto, the Borough of Buena as its option, may maintain an action to recover the amount thereof against the owner of said lands in any court of competent jurisdiction.

§181-12.3. Violations and penalties.

- A. Any person violating the terms of this article or refusing or neglecting to comply with any of the provisions hereof shall, upon conviction thereof, be subject to a fine of not more than \$250.00.
- B. Each day's persistence in the things or acts prohibited by this article shall be and constitute a separate and distinct offense subject to any and all penalties prescribed in this article.

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					
D'ALESSANDRO					
BAKER					
MANCUSO					
ALVAREZ					
MCAVADDY					

**RESOLUTION 75-20 A RESOLUTION OF THE BOROUGH OF BUENA PLACING LIENS ON
 PROPERTY FOR FAILURE TO MAINTAIN PROPERTY IN
 ACCORDANCE WITH ORDINANCE 642
 M _____ S _____**

WHEREAS, the Borough of Buena established legal right to clear and lien unkempt properties in accordance with Ordinance 642; and

WHEREAS, Buena Borough has identified a property or properties that have not been maintained over a period of time; and

WHEREAS, Buena Borough has noticed property owners of record following all established procedures; and

WHEREAS, the property or properties listed have been cleared by the Borough of Buena and charges established for time and equipment per Ordinance 642;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the properties attached to this Resolution shall have a lien for lot clearance, similar to a tax lien, placed upon them upon passage of this resolution.

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RESOLUTION 76-20 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AND REFUND A THIRD QUARTER PAYMENT PURSUANT TO THE APPROVAL OF A TOTAL DISABLED VETERAN.
M S

WHEREAS, Block 201 Lot 9, also known as 226 Wheat Road was is owned by Mr. Mark C. Panzera, a total disabled veteran; and

WHEREAS, the tax assessor has determined that Mr. Panzera is eligible, and has granted, total disabled status on Block 188, Lot 2 effective May 15, 2020.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Tax Collector is hereby authorized to cancel taxes on Block 201, Lot 9 effective May 15, 2020, and issue a refund in the amount of \$1,142.99 to Corelogic Payment Services for third quarter taxes.

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RESOLUTION 77-20 A RESOLUTION APPROVING ALCOHOLIC BEVERAGE LICENSES FOR THE 2020-2021 TERM.
M S

WHEREAS, application for renewal of liquor licenses for the 2020-2021 year have been filed with the Borough Clerk; and

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WHEREAS, all filing fees have been paid and all applications hereinafter identified are complete.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the club, distribution and retail consumption licenses be and they are hereby renewed for the 2020-2021 licensing year.

- 0104-33-001-003 Emmanuel and Victor, LLC.
- 0104-33-002-008 Uncle Ricky's LLC.
- 0104-33-003-001 De Maria Richard A
- 0104-31-017-001 Landisville Social Club
- 0104-33-004-011 Jersey Pub 4, Inc
- 0104-44-009-004 SJP Liquors
- 0104-33-010-004 Martin's Custom Catering
- 0104-31-015-001 Buena Vista Post 270
- 0104-44-014-012 Pruthvi, LLC

BE IT FURTHER RESOLVED that the Municipal Clerk is instructed to issue said licenses.

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
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RESOLUTION 78-20 A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL OR APPLY OVERPAYMENTS AND UNDERPAYMENTS.

M _____ S _____

WHEREAS, there exists a number of tax overpayments and underpayments; and

WHEREAS, it has been determined by the tax assessor and collector that the overpayments and underpayments should be canceled or applied.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, in the County of Atlantic, State of New Jersey that the attached list be canceled or applied.

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RESOLUTION 79-20 GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE.
M _____ S _____

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Borough of Buena Council of the Borough of Buena, County of Atlantic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Drug Committee; and,

WHEREAS, the Borough of Buena Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough of Buena has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Atlantic;

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Buena, County of Atlantic, State of New Jersey hereby recognizes the following:

1. The Borough of Buena Council does hereby authorize submission of a Strategic plan for the BVT/Buena Borough/Weymouth Twp. Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$6,914.69
Cash Match	\$1,728.67
In Kind	\$5,186.02

Borough of Buena Council acknowledges the terms for administering the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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RESOLUTION 80-20 A RESOLUTION OF THE BOROUGH OF BUENA AWARDED A CONTRACT FOR FY2020 NJDOT MUNICIPAL AID PROJECT FOR THE RECONSTRUCTION OF SOUTH BOULEVARD TO ARAWAK PAVING COMPANY, INC. IN THE AMOUNT OF \$235,900.00.

M S

WHEREAS, South Boulevard is in disrepair; and

WHEREAS, the Engineer has sought bids for said services and has recommended the contract be awarded to Arawak Paving Company, Inc. in the amount of \$235,900.00 for bid submitted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena provided the CFO has certified the availability of funds, that the Mayor and Clerk are authorized to execute an Agreement with Arawak Paving Company, Inc. in the amount of \$235,900.00.

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ENGINEER' S REPORT :

- **Replacement of the Plymouth Street Culverts**

The County has deemed the project to be complete and closed out.

- **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 has completed the majority of the punchlist items. There is some ponding in the road that still needs to be addressed. I am scheduling a site meeting with the contractor.

- **FY2019 NJDOT Municipal Aid Project – Reconstruction of South Boulevard**

The project is complete. Our office recommended final payment to the contractor. Once final payment is made and we receive the copy of the cancelled check, our office will submit the final reimbursement to the NJDOT.

- **FY2020 NJDOT Municipal Aid Project – Reconstruction of South Boulevard**

Bids are scheduled to be received on September 10, 2020 at 11:00 am.

- **Buena Borough Landfill**

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

- **Expansion of the Commerce Center Redevelopment Area**

The new public hearing has not been scheduled.

- **Madison Estates Major Subdivision – Lauren Court**

Concrete work is complete. We are waiting for a schedule for the paving work.

SOLICITOR' S REPORT:

- **Employee manual update**
- **Sidewalk ordinance**

MINUTES OF THE REGULAR MEETING OF AUGUST 10, 2020. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE :

M _____ S _____

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
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UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED: M _____ S _____

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
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D'ALESSANDRO					
BAKER					
MANCUSO					
ALVAREZ					
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NEXT MEETING: SEPTEMBER 28, 2020

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