

BOROUGH OF BUENA  
 REGULAR COUNCIL MEETING  
 SEPTEMBER 28, 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.

**NEED MOTION TO OPEN THE PUBLIC HEARING ON:**

**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

BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
SEPTEMBER 28, 2020  
AGENDA  
PAGE 2

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

BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
SEPTEMBER 28, 2020  
AGENDA  
PAGE 3

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**

**BOROUGH OF BUENA**  
**REGULAR COUNCIL MEETING**  
**SEPTEMBER 28, 2020**  
**AGENDA**  
**PAGE 4**

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** \_\_\_\_\_

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

**ORDINANCE NO. 689 ADOPTED:**

**M** \_\_\_\_\_ **S** \_\_\_\_\_

BOROUGH OF BUENA  
 REGULAR COUNCIL MEETING  
 SEPTEMBER 28, 2020  
 AGENDA  
 PAGE 5

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

**RESOLUTION 83-20      A RESOLUTION ACCEPTING THE RESIGNATION OF ANTHONY ZORZI FROM THE LAND USE BOARD, EFFECTIVE IMMEDIATELY.**  
**M \_\_\_\_\_ S \_\_\_\_\_**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that the resignation of Anthony Zorzi from the Land Use Board is accepted, with regrets.

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

**MAYOR ZAPPARIELLO: I APPOINT KATRINA D'ALESSANDRO TO FILL THE UNEXPIRED TERM OF ANTHONY ZORZI, CLASS IV MEMBER OF THE LAND USE BOARD (1/1/17-12/31/20).**

**SOLICITOR'S REPORT:**

- **ZORZI PROPERTY**
- **EMS, PERSONNEL MANUALS**

BOROUGH OF BUENA  
 REGULAR COUNCIL MEETING  
 SEPTEMBER 28, 2020  
 AGENDA  
 PAGE 6

**COMMITTEE REPORTS:**

- ROADS/RECYCLING**.....**CHAIRMAN, MATTHEW WALKER**  
 JORGE ALVAREZ, GREG MCAVADDY
- PUBLIC SAFETY/STREET LIGHTS**.....**CHAIRMAN, JOSEPH D'ALESSANDRO,**  
 ROSALIE M. BAKER, JOSEPH MANCUSO
- BLDGS/GROUNDS/IMPROVEMENTS**.....**CHAIRWOMAN, ROSALIE M. BAKER,**  
 JOSEPH MANCUSO, GREG MCAVADDY
- RECREATION** .....**CHAIRWOMAN, ROSALIE M. BAKER,**  
 JOSEPH D'ALESSANDRO, MATTHEW WALKER
- ECONOMIC DEVELOPMENT**.....**CHAIRMAN, JOSEPH MANCUSO**  
 MATTHEW WALKER, JORGE ALVAREZ
- FINANCE**.....**CHAIRMAN, JORGE ALVAREZ,**  
 JOSEPH D'ALESSANDRO, MATTHEW WALKER

**MINUTES OF THE REGULAR MEETING OF SEPTEMBER 14, 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					

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
SEPTEMBER 28, 2020  
AGENDA  
PAGE 7

**BILLS PAID AS LISTED: M \_\_\_\_\_ S \_\_\_\_\_**

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

**NEXT MEETING: OCTOBER 13, 2020**

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