

BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
DECEMBER 21, 2017
1

BOROUGH OF BUENA
SPECIAL MEETING
MINUTES
DECEMBER 21, 2017

MEETING CALLED TO ORDER: 5:10 P.M.
MEETING ADJOURNED: 5:28 P.M.

The Special meeting of Mayor and Council of the Borough of Buena was held Thursday, December 21, 2017 at 5:00 p.m. at the Borough Hall with Mayor Zappariello presiding. The Mayor announced that this meeting was held in compliance with the Open Meetings Act and notices of this meeting have been provided to via email, to the Press of Atlantic City, the Daily Journal and the Atlantic County Record on December 19, 2017 as well as having been posted on the bulletin board at the Borough Hall.

ROLL CALL OF ATTENDANCE:

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				X
WALKER				X
BAKER	X			
MANCUSO				x
ALVAREZ	X			
MCAVADDY	X			

ORDINANCE NO. 660 PUBLIC HEARING OPENED:

**AN ORDINANCE AMENDING CHAPTER 223 OF THE CODE OF THE BOROUGH OF BUENA ENTITLED VEHICLE TOWING AND STORAGE
m/Baker s/Alvarez**

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 licensing procedure for businesses operating tow vehicles that may be towed by law enforcement for the quick removal and storage of abandoned, illegal and/or inoperable vehicles on public and private property in the Borough of Buena; and

WHEREAS, the Council of the Borough of Buena adopted Ordinance , Chapter 223 of the Code of the Borough of Buena, setting forth the process for owners and operators of such facilities to be so licensed, however, as a result of the police services now being provided by the Township of Franklin, Gloucester County (Franklin), it is necessary to amend Chapter 223 to reflect the operation of police services by Franklin.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Buena that Chapter 223 of the Code of the Borough of Buena be amended as follows:

Section 223-1 Definitions

STORAGE FACILITY shall be amended as follows:

STORAGE FACILITY

A place for the legal storage of motor vehicles in the Borough of Buena.

POLICE HOLD VEHICLES shall be amended as follows:

POLICE HOLD VEHICLES

Motor vehicles which are alleged to have been involved in illegal activity, involved in a fatal motor vehicle collision, or any vehicle designated by any duly authorized law enforcement officer or agency, to be held for law enforcement purposes.

RESPONSE TIME shall be amended as follows:

RESPONSE TIME

Not more Than ten minutes from the time of the initial request by the dispatch center or duly authorized law enforcement officer to tow vehicle's arrival at the site of the incident requiring tow services, all traffic regulations being observed.

STORAGE FACILITY shall be amended as follows:

STORAGE FACILITY

A place for the legal storage of motor vehicles.

TOWING OPERATOR shall be amended as follows:

TOWING OPERATOR

Any person, firm or legal entity that owns and/or operates a tow business or tow vehicle. For purposes of this Chapter, the terms owner and operator are interchangeable.

Section 223-2 shall be retitled as follows:

223-2 Licensing of tow vehicle operators for Police Department Tow List in The Borough of Buena

Section 223-2 B (5) shall be amended as follows:

- (5) No license shall be issued to a towing operator/owner located in the Borough of Buena,

unless the applicant's towing facility is located within a zoning district where such use is permitted in accordance with the Municipal Land Use Ordinance or unless a use variance has been obtained therefore, and any and all land-use approvals and/or permits have been obtained therefore, or unless sufficient crews are provided by the applicant that said facility was operated at its present location prior to the adoption of the Buena Borough Land Use Ordinance.

Section 223-2 B (6) shall be amended as follows:

- (6) The tow vehicle(s) shall comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment, and shall be subject to inspection at any time by the Franklin Township Chief of Police or a designee.

Section 223-2 B (7) (a) shall be amended as follows:

- (a) A letter from the Public Safety Committee Chairman verifying that the towing operator has:
 - (1) provided proof of a current and valid driver's license for each driver/operator to the Franklin Township Chief of Police and a letter of good standing as submitted, therefrom.

Section 223-2 B (8) shall be amended as follows:

- (8) The Borough of Buena and Franklin Township Chief of Police or designee, shall have the right to verify accuracy of the information supplied in the application by interviewing, investigating and inspecting all personnel, vehicles, equipment, and storage areas proposed for utilization by the applicant, and to determine compliance with all applicable laws, regulations and standards of performance required by this Chapter.

Section 223-2 B (9) shall be amended as follows:

- (9) Upon receipt of a completed application form, the Borough Clerk or a designee shall furnish a copy of the application to the Franklin Township Chief of Police

Section 223-2 B (10) shall be amended as follows:

- (10) The Franklin Township Chief of Police or a designee, upon receipt of a completed application, shall conduct a background

investigation on the towing operator. This investigation may include an inspection of the towing facility, the tow vehicles and the towing operation, an inquiry into all relevant matters, to determine the towing operator meets the requirements of all applicable laws, regulations, standards of performance and security of vehicles towed or stored as mandated by N.J.S.A. 40:48-2.49(1) (b).

Section 223-3 A shall be amended as follows:

- A. Upon completion of the aforesaid investigation, the Franklin Township Chief of Police or designee shall file a written report as to the findings and issue a recommendation of approval or disapproval to the Clerk of the Borough of Buena.

Section 223-3 C. shall be amended as follows:

- C. Any towing operator who is denied a license may, after receipt of notification, file an appeal in writing within ten days with the Borough Clerk. The Borough Clerk shall then schedule a hearing before the Public Safety Committee. After that hearing, the Chairman may then remove the towing operator from the Police Department Tow List if it is determined that the performance of the towing operator is unreliable and/or in adequate or does not otherwise meet the qualifications as specified here in.

Section 223-4 A shall be amended as follows:

- A. In order to be included on the Borough of Buena Tow List, a towing operator shall submit proof of insurance to the Borough Clerk and a copy thereof to the Chief of Police, on or before April 1 of each year providing proof that its towing facility is insured by a reputable insurance company licensed to do business in the State of New Jersey with a standard general liability insurance policy designed to cover garage operations. Said insurance policy shall provide for the minimum monetary limits for any single occurrence as follows:

Section 223-4 C shall be amended as follows:

- C. The insurance company must be an approved carrier licensed to do business in the State of New Jersey. The aforesaid insurance policy shall also be written as to include coverage for the property owned by others, which is in the care, custody or control of the licensed towing operator, including the

perils of transportation for any motor vehicle in the possession or control of the towing operator. The storage facility owner's legal liability shall include comprehensive and collision coverage. Said insurance policy shall provide that the insurance company will indemnify on behalf of the Borough for any and all claims against the Borough resulting from the operation of the towing operator, including any and all reasonable attorney's fees.

Section 223-4 D shall be amended as follows:

- D. The insurance coverage shall provide that the insurance policy may not be canceled or materially changed without thirty days prior written notice to the Borough Clerk and the Chief of Police.

Section 223-8 shall be amended as follows:

223-8 Suspension or revocation of license

A license may be revoked or suspended at any time for just cause by the Borough of Buena, for violations of any provisions of this Chapter or for violations of New Jersey state law. Once the licensee is notified of the suspension or revocation, the licensee has the opportunity to be heard by the Public Safety Committee after filing a written appeal within ten days with the Borough Clerk. Such license, when so suspended or revoked, shall not be reinstated except for good and sufficient cause.

Section 223-9 A shall be amended as follows:

- A. In order to provide services for motor vehicle accidents or for the removal of motor vehicles from private or public property as may be directed by the authorized law enforcement officer, all towing operators must be licensed by the Borough of Buena in accordance with this Chapter.
 - (1) Towing operators must meet the ten minute response time to be eligible for inclusion on the Buena Borough Tow List.
 - (2)
- C. Licensed towing operators shall be subject to the minimum standards of the performance rules and regulations of the Franklin Township Police Department, including safety, availability, and compliance with the procedures established by this Chapter.

D. If the Franklin Township Chief of Police determines at any time that a towing operator is unable or unwilling to fulfill requirements of this Chapter or the statutes and regulations of the State of New Jersey, the Chief of Police shall file a written report with the Borough Clerk. The Chief of Police shall then notify the towing operator that he/she has been recommended for removal from the Police Department Tow List. The tow operator has ten days to file a written appeal with the Borough Clerk regarding the recommendation of removal by the Chief of Police. The Borough Clerk shall then schedule a hearing before the Public Safety Committee. After the hearing, the Public Safety Committee may then remove the towing operator from the Police Department Towing List if it is determined that the performance of the towing operator is unreliable, and or inadequate or is in violation of any section of this Chapter.

E. The tow operator shall cease the towing of vehicles on behalf of the Borough of Buena upon notification by the Chief of Police that the tow operator is to be recommended for removal from the list. During this interim period between notification and the decision of the Public Safety Committee, the tow operator shall be suspended from list eligibility

Section 223-10 A. (2) shall be amended as follows:

(2) Removal and transporting of a motor vehicle from private or public property as may be directed by an authorized law enforcement officer or Code Enforcement Official of the Borough of Buena.

Section 223-11 F shall be amended as follows:

F. No changes may be made to tow vehicles, facilities or equipment without prior written approval of the Franklin Township Police Department.

Section 223-11 H (2) shall be amended as follows:

(2) not have any mental or physical impairment which would prohibit towing operators and their employees from performing the duties and obligations set forth in this Chapter.

Section 223-11 H (4) shall be amended as follows:

(4) Be subject to inspection by the Franklin

Township Chief of Police or designee and shall be approved by the Chief of Police prior to rendering any services pursuant to this Chapter

Section 223-11 K shall be amended as follows:

- K. The tow vehicles provided by the towing operator shall be geographically located so as to permit a response time within ten minutes of being dispatched as herein set forth.

Section 223-11 N shall be amended as follows:

- N. In the event that motor vehicles which are towed and stored by the towing operator, are abandoned or unclaimed by the owners thereof, the towing operator shall make no claim against the Borough of Buena, its agents or employees. Only those vehicles towed from private property or public rights of way under authorization of either the Code Enforcement Official or an authorized law enforcement officer, not including accident vehicles, shall be disposed of by the Borough of Buena, pursuant to N.J.S.A.39:10A-1 or other appropriate State statute or state regulations.

Section 223-11 O shall be amended as follows:

- O. The towing owner/operator, operating pursuant to this Chapter, is an independent contractor, and in no part an agent, servant or employee of the Borough of Buena. Said owner/operator shall at all times maintain direct supervision, management and control over all of its employees and personnel engaged in the operation or services performed pursuant to this Chapter.

Section 223-11 Q shall be amended as follows:

- Q. Towing operators approved for Tow List eligibility, shall be required to fulfill tow requests of the Zoning Officer or Code Enforcement Officer and/or any authorized law enforcement agency or officer. Failure or refusal to remove a vehicle pursuant to this Chapter, shall be cause for removal from the approved Tow List.
- Section 223-12 A (2) shall be amended as follows:

(2) The storage area shall be located either within the limits of the Borough or at such location outside of the Borough so as to

accommodate the residents and/or, if applicable, the authorized law enforcement agency requiring the tow.

Section 223-12 A (3) shall be amended as follows:

3. Outside storage areas shall be fully enclosed by a fence of sufficient security to prevent trespassing, having a height of 8 feet. All means of ingress and egress shall be lockable to prevent unlawful access and shall be lighted from dusk to dawn. Outside storage areas located within the Borough of Buena must comply with this section or as otherwise required by the Buena Borough Land Use Ordinance.

Section 223-12A (4) shall be amended as follows:

4. The storage facility shall be available for access by the Franklin Township Police Department twenty-four hours a day, three hundred and sixty-five days per year, and shall be open to the public on weekdays during normal business hours and for limited but reasonable hours on Saturdays. The operator shall specify the hours during which the facility will be open to the public on weekends. The storage facility shall release a stored vehicle to the owner thereof on such date as shall have been requested by said owner during normal business hours, after receiving the total release from the Franklin Township Police Department or authorized law enforcement agency; storage charges shall not accrue beyond the requested date of release provided the vehicle has been removed from the facility on the requested date.

Section 223-12 A shall be amended to add the following paragraph:

- (7) All storage facilities located outside of the bounds of the Borough of Buena shall be in compliance with all of the land use regulations and other related regulations of the municipality within which they are located. Failure to do so shall be cause to be removed from the Tow List.

Section 223-14 B shall be amended as follows:

- B. The Franklin Township Police Department may authorize the towing and storage of motor vehicles located on public streets or public property which

are unregistered, abandoned, illegally parked, or which are permitted to be towed and stored pursuant state statutes or state regulations. Abandoned or unregistered motor vehicles in violation of the Borough's Property Maintenance Code shall be subject to enforcement procedures as established in the aforesaid municipal code.

Section 223-14 C shall be amended as follows:

- C. A tow operator shall not tow motor vehicles located in the public rights of way or on private property unless authorized to do so by the owner of the vehicle or by an authorized law enforcement officer. This Chapter, however, shall not preclude a towing operator licensed by the Borough or state from towing motor vehicles located on private property in accordance with State licensure privileges.

Section 223-14 E shall be amended as follows:

- E. The Chief of Police or designee shall make periodic inspections of facilities, equipment and service of all tow operators on the Tow List and, upon request, shall be provided access to equipment or property. Such inspections shall be made quarterly, semiannually, or annually, as determined by the Chief of Police, but in no case shall such inspections be made less than annually. The Zoning or Code Enforcement Officers may make inspections of facilities as provided by law.

Section 223-14 F shall be amended as follows:

- F. The Franklin Township Police Department shall establish a procedure to process complaints received by the Police Department or Borough representatives regarding any licensed towing operator, including, without limitation, charging of fees in excess of those permitted hereunder, or damage to vehicles, and to notify a vehicle owner of the location of the motor vehicle towed. The Internal Affairs Division of the Franklin Township Police Department shall investigate any complaints and a summary of its findings shall be submitted to the Public Safety Committee. Any fee not specifically covered in this Chapter, but covered in the Code of Township of Franklin related to this Chapter shall be incorporated herein by reference to the extent it is not covered in this Chapter.

Section 223-14 G shall be deleted in its entirety.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and affect.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				X
WALKER				X
BAKER	X			
MANCUSO				x
ALVAREZ	X			
MCAVADDY	X			

DISCUSSION: Solicitor Tonetta reported on several amendments that will be incorporated in this ordinance m/Baker s/Alvarez to amend the ordinance and continue the public hearing.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				X
WALKER				X
BAKER	X			
MANCUSO				x
ALVAREZ	X			
MCAVADDY	X			

ORDINANCE NO. 661 NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF BUENA, CHAPTER 45 ENTITLED PUBLIC SAFETY DEPARTMENT, CHAPTER 195 ENTITLED STREETS AND SIDEWALKS, CHAPTER 15 ENTITLED EMERGENCY MEDICAL SERVICES, CHAPTER 163 ENTITLED NOISE, CHAPTER 213 ENTITLED TRAFFIC CONTROL IN CONSTRUCTION AND MAINENANCE ZONES, CHAPTER 229 ENTITLED WILDLIFE FEEDING, CHAPTER 173 ENTITLED PARKS AND RECREATION AND CHAPTER 84 ENTITLED CHARITABLE ORGANIZATIONS
 m/Baker s/McAvaddy**

WHEREAS, the Council of the Borough of Buena has determined that it is in the best interest of the Borough to enter into a Shared Services Agreement with the Township of Franklin, Gloucester County, for the provision of police services in order to assure and

to provide for the health, safety and welfare of the residents of the Borough of Buena while recognizing the cost savings provided by such agreements as recommended by the State of New Jersey; and

WHEREAS, the Council of the Borough of Buena adopted Resolution , setting forth the authorization for such an Agreement which, in turn, would alleviate the need for the Borough to maintain its own 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 will be performed by the Franklin Township which requires the several Chapters of the Code of the Borough of Buena to be amended to reflect the dissolution of the Buena Borough Police Department.

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

Chapter 45 entitled PUBLIC SAFETY DEPARTMENT be amended as follows:

Section 45-1A Delete the following definitions;
POLICE DEPARTMENT shall be deleted in its entirety and replaced as follows:
POLICE DEPARTMENT shall mean the Franklin Township Police Department.

POLICE FORCE shall be deleted in its entirety and replaced as follows:

POLICE FORCE All uniformed and sworn officers of the Township of Franklin duly appointed to serve in that capacity in accordance with state statute and local ordinances. Such officers shall include Superior Officers and part-time Special Officers.

Section 45-2 POLICE FORCE shall be deleted in its entirety.

Section 45-3. shall be amended as follows:

Section 45-3 A.

Under the general direction of the Mayor and Council, the Public Safety Committee shall be appointed by the Mayor of the Borough of Buena, subject to the confirmation of Council, and may be the Mayor or a member of Council. The Chairman shall be the head of the Committee, and shall have general supervision and direction thereof and shall take such measures as he/she may deem necessary for the preservation of peace and good order and the enforcement of the laws of the State of New Jersey and ordinances of the Borough of Buena. Nothing herein shall empower the Chairman or committee to perform those duties which are reserved to law enforcement personnel.

Section 45-3 B

The Chairman shall provide the Mayor and Council a report on a monthly basis, or a shorter period if required, of the operations of the Franklin Township Police Department within the

Borough of Buena, including statistics.

Section 45-5 APPROPRIATE AUTHORITY shall be deleted in its entirety.

Section 45-6 GENERAL DUTIES OF MEMBERS OF POLICE FORCE shall be deleted in its entirety.

Section 45-7 POWERS AND DUTIES OF POLICE OFFICERS shall be amended as follows:

The first line of Section 45-7 shall be deleted in its entirety and replace as follows:

The Police force, when on duty, shall preserve order, peace and quiet, and promptly report to the officer in charge all violations of the laws and ordinances.

The balance of Section 45-7 not amended hereby, shall remain in full force and effect.

Section 45-8 CONFLICTS OF INTEREST; SPECIAL SERVICE shall be deleted in its entirety.

Section 45-9 TENURE OF MEMBERS OF POLICE FORCE shall be deleted in its entirety.

Section 45-10 RULES AND REGULATIONS shall be deleted in its entirety.

Section 45-11 EQUIPMENT shall be deleted in its entirety.

Section 45-12 DETECTIVE ASSIGNMENTS shall be deleted in its entirety.

Section 45-13 DISTRIBUTION AND EFFECT OF RULES AND REGULATIONS shall be deleted in its entirety.

Section 45-14 ORDINANCES AND REGULATIONS ON FILE, shall be deleted in its entirety.

Section 45-15 INVESTIGATIVE POWER shall be deleted in its entirety.

Chapter 195 entitled STREETS AND SIDEWALKS shall be amended as follows:

Section 195-14 shall be deleted in its entirety and replaced as follows:

Section 195-14 Road Closings; Notification of Police Department and Engineer Required.

No Street, road or other public way in the Borough of Buena, shall be closed to traffic unless the Franklin Township Police Department and the Borough Engineer have been notified and have approved the same. Thereafter, rerouting or detouring of traffic shall only be done in conjunction with the instructions from the Franklin Township Police Department.

Chapter 15 entitled EMERGENCY MEDICAL SERVICES shall be amended as follows:

Section 15-1 shall be deleted in its entirety and replaced as follows:

Section 15-1 Creation of Department
There is hereby established and created the Department of Emergency Medical Services.

Section 15-2 shall be deleted in its entirety and replaced as follows:

Section 15-2 Head of Department
The Department shall be headed by the Chief of Emergency Medical Services, who shall be appointed by the Mayor with the advice and consent of Borough Council.

Section 15-3 shall be deleted in its entirety and replaced as follows:

Section 15-3 Supervision and Authority
The Chief of Emergency Medical Services shall directly report to and act under the direct supervision and authority of the Chairman of the Public Safety Committee. The chain of command for departmental employees and volunteers shall function accordingly. Chapter 163 entitled NOISE shall be amended as follows:

Section 163-6 shall be deleted in its entirety and replaced as follows:

Section 163-6 Enforcement
The provisions of this chapter shall be enforced by members of the Franklin Township Police Department, by officers of the New Jersey State Police, by a noise officer, if one should be appointed, or by such other Borough official who may be designated to enforce this chapter by the Mayor of the Borough of Buena.

Chapter 213 TRAFFICE CONTROL IN CONSTRUCTION AND MAINTENANCE ZONES shall be amended as follows:

Section 213-1 shall be deleted in its entirety and replaced as follows:

Section 213-1 Purpose
The purpose of this chapter is to establish controls and regulations directed toward the safe and expeditious movement of traffic in construction and maintenance zones throughout the Borough of Buena and to provide for the safety and compensation of the work force performing these operations. In addition, provisions of this chapter shall apply to all assignments which originate from a request or assistance or aid by the Chairman of the Public Safety Committee, Police Department, county or municipal police department in the State of New Jersey; regardless of the geographic location of the assignment, of being inside, contiguous or extraterritorial to the Borough of Buena.

Section 213-3 shall be deleted in its entirety and replaced as follows:

Section 213-3 Preconstruction Meetings

It shall be the responsibility of the person, contractor, or utility wishing to conduct work on, under or above the roadway to contact the Chairman of the Public Safety Committee or his designee and the Chief of the Franklin Township Police Department in order to arrange a preconstruction meeting to submit plans for the safe movement of traffic during the period of construction of work. The Chief of Police in Conjunction with the Chairman of the Public Safety Committee or their designees has the authority to dictate the number of certified police officers required to ensure the safe movement of traffic in the construction zone. Any person, contractor or utility that fails to comply with this chapter prior to the start of such work and/or whose plans are not approved by the Chief of Police and Chairman of the Public Safety Committee or their designees is in violation of this chapter.

Section 213-4 shall be deleted in its entirety and replaced as follows:

Section 213-4 Hazardous Conditions

The person, contractor or utility shall provide the Franklin Township Police Department with at least two emergency contact phone numbers to be called in the case of an emergency in construction or maintenance site prior to the start of any work. If for any reason the emergency contact person cannot be reached or the emergency person does not respond to the call from the Franklin Township Police Department to correct the hazardous situation, the Borough may respond and correct such hazardous conditions. The reasonable fees for such emergency service by the Borough shall be charged to the person, contractor or utility responsible for such condition.

Section 213-6 shall be deleted in its entirety and replaced as follows:

Section 213-6 Road Closings and Detours

Road closings and/or traffic and detours shall not be permitted unless approved by the Public Safety Committee Chairman or his designee as well as the Franklin Township Police Department.

Section 213-10A shall be deleted in its entirety and replaced as follows:

A. Payment for all police officers working all construction highway details or directing the appropriate movement of traffic flow may be coordinated by the Chairman of the Public Safety Committee. The payment shall be the appropriate rate designated by the Police Department with an additional appropriate percentage fee for fringe benefits to include but not limited to social security, unemployment insurance, Worker's Compensation and a 5% administrative fee added to the subtotal for all of the expenses that are required. The aforementioned fees shall be waived for nonprofit organizations, local government, local

government authorities, or other special districts of government, and any other just cause, as determined by the Chairman of the Public Safety Committee and affirmed through resolution by Borough Council. All payments shall be made to the Borough of Buena.

Section 213-10B shall be deleted in its entirety and replaced as follows:

B. In the event the Chairman of the Public Safety Committee or Chief of the Franklin Township Police Department determines that the use of a police motor vehicle is necessary, a fee of fifty dollars per day, or any part thereof for the use of said vehicle shall be charged and made payable to the Borough Chief Financial Officer.

Section 213-11 shall be deleted in its entirety and replaced as follows:

Section 213-11 Insurance for Traffic Directors
The person, contractor or utility company shall provide the Franklin Township Police Department and Chairman of the Public Safety Committee a certificate of insurance in a form acceptable to the Borough Solicitor, naming the Borough of Buena as an additional insured on a general liability insurance policy having policy limits not less than one million dollars per occurrence.

Section 213-12 shall be deleted in its entirety and replaced as follows:

Section 213-12 Indemnification and Hold Harmless
Any person, contractor or utility company shall complete and sign an application for a traffic Director, which said application shall contain an agreement to indemnify and hold harmless the Borough of Buena for any claims or actions brought as a result of the use of the Franklin Township Police Department.

Chapter 229 entitled WILDLIFE FEEDING shall be amended as follows:

Section 229-4 A shall be deleted in its entirety and replaced as follows:

Section 229-4 Enforcement
A. This chapter shall be enforced by the Franklin Township Police Department and/or Code Enforcement Officer.

Chapter 173 entitled PARKS AND RECREATION shall be amended as follows:

Section 173-6, the first sentence shall be deleted in its entirety and replaced as follows:

Section 173-6 Enforcement
This chapter shall be enforced by the Franklin Township Police Department.

Chapter 48 entitled CHARITABLE ORGANIZATIONS shall be amended as follows:

Section 84-2 shall be deleted in its entirety and replaced as

follows:

Section 84-2 Request to be Filed

All charitable organizations which are domiciled or which have offices in the Borough of Buena, or which provide services to residents of the Borough of Buena and wish to solicit contributions in the streets and highways of the Borough of Buena shall file a request with the Borough Clerk and with the Chief of the Franklin Township Police Department specifying the following information:

The balance of Section 84-2 shall remain in full force and affect.

Section 84-3 shall be deleted in its entirety and replaced as follows:

Section 84-3 Review of Request; Report to be Filed.

The request required by Section 84-2 of this chapter shall be reviewed by the Chairman of the Public Safety Committee along with the Chief of Police or his designee, and the Chairman shall make a recommendation to the Mayor and Council of the Borough of Buena as to the relative aspects of the request, including a review of the location, dates and times of the request and a review of the safety procedures and/or methods to be employed by said charitable organization. The Chairman of the Public Safety Committee shall thereafter forward a report to the Mayor and Council, a copy of which shall be placed on file with the Borough Clerk as to his or her recommendations of the granting, rejecting or modification of any proposed charitable solicitation.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency and any portion of any Ordinance not so amended hereby shall remain in full force and affect.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and affect.

DISCUSSION: Solicitor Tonetta reported on several amendments that will be incorporated in this ordinance m/Baker s/Alvarez to amend the ordinance and continue the public hearing.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				X
WALKER				X
BAKER	X			
MANCUSO				x
ALVAREZ	X			
MCAVADDY	X			

**RESOLUTION 137-17 A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A CONTRACT WITH SHORE VETERINARIAN ANIMAL CONTROL SERVICES LLC FOR ANIMAL CONTROL SERVICES IN THE BOROUGH OF BUENA.
m/Baker s/Alvarez**

WHEREAS, Shore Veterinarian Animal Control Services, LLC has submitted a proposal for animal control services; and

WHEREAS, the Borough wishes to accept said proposal and to authorize the execution of a contract with Shore Animal Control Services, LLC; and

WHEREAS, the proposed contract has been reviewed and approved by the Municipal Attorney and will be on record in the office of the Borough Clerk and available for public inspection; and

WHEREAS; Shore Veterinary Animal Control Services LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Shore Veterinarian Animal Control Services LLC has not made any contributions to a political or candidate committee in the Borough that would bar the award of this contract and that the contract will prohibit Shore Veterinarian Animal Control Services LLC from making any contributions through the term of the contract; and

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor and Clerk are hereby authorized, directed and empowered to execute a contract with Shore Veterinarian Animal Control Services, LLC to provide animal control services within the Borough commencing January 1, 2018.
3. Shore Veterinarian Animal Control Services, LLC has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Borough of Buena
4. This Contract is awarded without competitive bidding as a "professional service" in accordance with NJSA 40A:11-5(1) (a) of the New Jersey Local Public Contracts Law because Shore Veterinarian Animal Control Services LLC has professional knowledge as to animal control services.

5. The Borough Council has award the contract without competitive bidding as a professional service pursuant to 40A:11-5(1)(a) to Shore Veterinarian Animal Control Services LLC for animal control services. This contract and resolution authorizing same shall be available for public inspection in the office of the Municipal Clerk, Borough of Buena.
6. Contract award is contingent upon a Certificate of Availability of Funds certified by the Chief Financial Officer.
7. The contractor has registered with the State of New Jersey pursuant to c.57, Laws of 2004 and has provided proof of that registration to the Borough of Buena.
8. The Mayor and Clerk are hereby authorized and directed to execute, on behalf of the Borough, a Professional Contract with Shore Veterinarian Animal Control Services LLC, subject to and in accordance with the limitations imposed herein.
9. A notice of this contract award shall be published in the official newspaper of the Borough of Buena within 10 days from the date of adoption.
10. This Resolution shall be effective as of adoption.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				X
WALKER				X
BAKER	X			
MANCUSO				x
ALVAREZ	X			
MCAVADDY	X			

RESOLUTION 143-17 A RESOLUTION ACCEPTING THE RETIREMENT OF DOLORES ANDREWS EFFECTIVE JANUARY 1, 2018 m/Baker s/Alvarez with regrets

WHEREAS, Dolores Andrews served as Assessing Clerk for the Borough of Buena; and

WHEREAS, during her tenure, Dolores Andrews performed her duties in an efficient and professional manner; and

WHEREAS, Dolores Andrews has decided to retire effective

January 1, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the retirement of Dolores Andrews be regrettfully accepted effective January 1, 2018.

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				X
WALKER				X
BAKER	X			
MANCUSO				x
ALVAREZ	X			
MCAVADDY	X			

**RESOLUTION 144-17 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, A RESOLUTION TRANSFER OF ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSE NO.: 0104-33-004-10 FROM OZLEM, INC., TO JERSEY PUB 4, INC., LOCATED AT 528 NORTH HARDING HIGHWAY.
 m/Baker s/Alvarez**

WHEREAS, an application has been filed for a Person to Person transfer of Plenary Retail Consumption License No. 0104-33-004-10, hereto issued to Ozlem, Inc.; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of New Jersey Statues, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Buena does hereby approve, effective December 21, 2017, the transfer of the aforesaid Plenary Retail Consumption License and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to JERSEY PUB 4, INC."

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				X
WALKER				X
BAKER	X			
MANCUSO				x
ALVAREZ	X			
MCAVADDY	X			

**RESOLUTION 145-17 RESOLUTION TO AMEND TRANSFER APPROPRIATION
BALANCES
TRANSFER RESOLUTION #6
m/Baker s/Alvarez**

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

Trash O/E \$9,645.00

TOTAL TRANSFER \$9,645.00

TRANSFER TO

Clerk O/E \$ 300.00
Governing Body O/E \$ 10.00
Finance S/W \$ 132.00
Finance O/E \$ 160.00
Police S/W \$ 7,000.00
EMS S/W \$2,000.00
Construction S/W \$ 43.00

TOTAL TRANSFER \$9,645.00

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				X
WALKER				X
BAKER	X			
MANCUSO				x
ALVAREZ	X			
MCAVADDY	X			

BILLS PAID AS LISTED:
m/Baker s/McAvaddy

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				X
WALKER				X
BAKER	X			
MANCUSO				x
ALVAREZ	X			
MCAVADDY	X			

Councilman Walker arrived at 5:23 P.M.

PUBLIC PORTION OF THE MEETING:

Pam Grenier of 348 Wheat Road had questions regarding the contract for animal control services and the removal of vicious dogs from a resident's home. Solicitor Tonetta explained that if an animal is determined to be vicious and a threat to safety and well-being, it is covered under New Jersey Statutes Annotated, Title 4, and not a contractual matter. If an animal is not considered vicious, it is the owner's responsibility to surrender the animal to the shelter and pay the appropriate fees.

MEETING ADJOURNED: m/Baker s/Walker

	AYE:	NAY:	ABSTAIN:	ABSENT:
MAROLDA				X
WALKER	X			
BAKER	X			
MANCUSO				x
ALVAREZ	X			
MCAVADDY	X			