

BOROUGH OF BUENA
COUNCIL MEETING
MINUTES
AUGUST 9, 2021
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CALLED TO ORDER: 7:02 P.M.
MEETING ADJOURNED: 7:25 P.M.

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
WALKER	x	
D’ALESSANDRO	x	
BAKER	x	
MANCUSO	x	
ALVAREZ		x

THE REGULAR MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WAS HELD MONDAY, AUGUST 9, 2021 COMMENCING AT 7:02 P.M. VIA TELECONFERENCING WITH MAYOR ZAPPARIELLO PRESIDING. MAYOR ZAPPARIELLO CALLED FOR A MOMENT OF SILENCE FOR THOSE AFFECTED BY COVID-19 AND ANNOUNCED THAT THIS 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 DECEMBER 1, 2020 AS WELL AS BEING POSTED ON THE BULLETIN BOARD IN BOROUGH HALL AND ON THE BUENA BORON WEBSITE. WWW.BUENABORO.ORG

Councilman Alvarez joined the teleconference at 7:04 P.M.

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.

Susan Romeo of Landisville questioned the approval of meetings minutes on the agenda.

Bruno Romeo of Landisville questioned why the Minutes stated the meetings were held at Borough Hall when they had been teleconferences. Mayor Zappariello responded that he would look into Mr. Romeo’s concern.

MOTION TO CLOSE PUBLIC PORTION:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D’ALESSANDRO			X				
BAKER	x		X				
MANCUSO			X				
ALVAREZ		X	X				

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INTRODUCED AND PASS ON FIRST READING:

ORDINANCE NO. 702: AN ORDINANCE ADOPTING A REVISION AND
CODIFICATION OF THE ORDINANCES OF THE BOROUGH
OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW
JERSEY.

Introduced: 8/9/21

Adopted:

Councilmember	By	2 nd	Aye	No	Abstain	Recuse	Absent		Councilmember	By	2 nd	Aye	No	Abstain	Recuse	Absent
WALKER			X													
D'ALESSANDRO		X	X													
BAKER	X		X													
MANCUSO			X													
ALVAREZ			X													

Be it ordained and enacted by the Mayor and Council of the Borough of Buena, County of Atlantic, State of New Jersey, as follows:

§ 1-1. Code adopted; existing ordinances continued.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of Buena of a general and permanent nature adopted by the Mayor and Council of the Borough of Buena, as revised and codified and consisting of Chapters 1 through 229, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the Borough of Buena, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1987 Code of the Borough of Buena (adopted 1-12-1987 by Ord. No. 329), as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Borough Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified to by the Clerk of the Borough of Buena by impressing thereon the Seal of the Borough, as provided by law, and such certified copy shall remain on file in the office of the Borough Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Mayor and Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Borough of Buena" shall be understood and intended to include such additions and amendments.

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§ 1-3. Notice; publication.

The Clerk of the Borough of Buena shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with filing of the Code in the office of the Borough Clerk as provided in § 1-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of Buena which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-6. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to February 22, 2021.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the

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issuance and delivery of any bond or other instruments or evidence of the Borough's indebtedness.

- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Chapter 150, Land Use, adopted by Ord. No. 395, as amended.
- M. Any ordinance adopting or amending the Zoning Map.
- N. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-7. Changes in previously adopted ordinances.

- A. In preparing the revision and codification of the Borough's ordinances pursuant to N.J.S.A. 40:49-4, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

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§ 1-9. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Borough of Buena to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to one or more of the following penalties: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-10. When effective.

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

§§ 1-11 through 1-14. (Reserved)

RESOLUTION 76-21 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AUTHORIZING THE BOROUGH CLERK TO RELEASE CLOSED/EXECUTIVE SESSION MINUTES.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER		X	X				
D’ALESSANDRO			X				
BAKER	X		X				
MANCUSO			X				
ALVAREZ			X				

WHEREAS, the Mayor and Council, at a regularly scheduled meeting or special meeting, may declare by resolution the need to enter into closed/executive session; and

WHEREAS, approved minutes from closed/executive session shall be made available to the public per N.J.S.A. 10:4-14.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena and State of New Jersey, that the Borough Clerk is delegated with the responsibility and is authorized to release executive session minutes, up to August 9, 2021 and upon the review and approval of the Borough Attorney.

RESOLUTION 77-21 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, BOROUGH CLERK AND STAFF, AND BOROUGH SOLICITOR AND STAFF CONCERNING MATTERS

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REGARDING PENDING OR ANTICIPATED LITIGATION IN WHICH THE PUBLIC BODY IS OR MAY BECOME A PARTY AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D’ALESSANDRO			X				
BAKER	X		X				
MANCUSO			X				
ALVAREZ		X	X				

WHEREAS N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting of a public body where the subject matter of that meeting involves pending or anticipated litigation in which the public body is or may become a party; and

WHEREAS, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, and Borough Solicitor and staff concerning OWOH v. the Borough of Buena for the decision of GRC and award of counsel fees.

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

1. The public shall be excluded from a meeting of the Council of the Borough of Buena, on August 9, 2021 remotely immediately following the regular session of Borough Council.
2. The general nature of the subject matter of the closed meeting shall pertain to pending or anticipated litigation in which the public body is or may become a party, as set forth hereinabove.
3. Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the Mayor, Borough Clerk and staff, and Borough Solicitor and staff shall be made following a final decision and determination of said matter excepting information which must remain private.
4. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 180 days, however, any personal confidential information may not be released.

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**RESOLUTION 78-21 RESOLUTION AUTHORIZING HIRING OF EMERGENCY
MEDICAL TECHNICIANS.**

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D’ALESSANDRO		X	X				
BAKER	X		X				
MANCUSO			X				
ALVAREZ			X				

WHEREAS, the Borough of Buena Emergency Medical Services Department operates 24 hours a day, 365 days a year; and

WHEREAS, appropriate staffing is required for the department to operate effectively and efficiently; and

WHEREAS, the Emergency Medical Services Chief of the Borough of Buena requests the authorization from Council to approve the hiring of the following candidate to replace the Emergency Service Technicians who have left the department:

- Leobardo Calixto
- Morgan Koh

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Buena, County of Atlantic, State of New Jersey, hereby approves the hiring of aforementioned candidate as Part-time per-diem Emergency Service Technician based on their qualifications with a start date as soon as possible and conditioned upon the successful completion of the hiring phases set forth in the Policy and Procedures of the Borough of Buena.

**RESOLUTION 79-21 A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING
THE RESIGNATION OF DEANNA M. MCMAHON AS
EMERGENCY MEDICAL TECHNICIAN FOR THE BOROUGH
OF BUENA, WITH REGRETS.**

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D’ALESSANDRO		X	X				
BAKER	X		X				
MANCUSO			X				
ALVAREZ			X				

WHEREAS, Deanna M McMahon has served the Borough of Buena in the

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capacity of Emergency Medical Technician; and

WHEREAS, during her tenure, Deanna M McMahon has provided effective and compassionate representation to the Borough while serving as Emergency Medical Technician; and

WHEREAS, Deanna M McMahon has resigned her position, effective immediately.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the resignation of Deanna M McMahon be regretfully accepted effective immediately.

ENGINEER' S REPORT:

FY2018 NJDOT Municipal Aid Project – Reconstruction of Forest Grove Road

- The contractor has milled and repaved the road. A punchlist has been provided to the contractor.

FY2021 NJDOT Municipal Aid Project – Reconstruction of South Boulevard

Design of the project is essentially complete. South Jersey Gas has submitted their street opening permit application for replacement of their gas main in this area. Our office is reviewing the application with Mr. Nimohay to avoid any utility conflicts.

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

The public hearing is being scheduled in coordination with the new Board Solicitor.

NJDEP MS4 Compliance Work

- Our office is coordinating final revisions of the Stormwater Pollution Prevention Plan (SPPP) with Mr. Nimohay.

SOLICITOR' S REPORT: No report.

COMMITTEE REPORTS:

ECONOMIC DEVELOPMENT: (CHAIRMAN, JOSEPH MANCUSO) No report.

ROADS/RECYCLING, (CHAIRMAN, MATTHEW WALKER)

Councilman Walker provided the following report:

Borough Hall:

Normal cleaning of building and grounds.

Louise Basile Community Center:

1. items checked and prepared for inspection.
2. inspection was done and a request was made to:
 - a. cleaned and painted air grills in the ceiling
 - b. install a dehumidifier
 - c. fixed gutters and downspouts, sealed roof edge.

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Park:

- 1. prepared park for event and all went well.
- 2. received quotes for removing five dead trees.
- 3. new swing was received for the park through the recreation commission.

Central Avenue:

- 1. contractor will return to complete punch list
 - 2. Superfund is going out for bids to fix the manhole covers in the roadway.
- The repairs should start soon.

Grove Road:

- 1. grade elevations have been marked out
- 2. road will be milled out and repaved
- 3. road looks good and a punchlist was given to the contractor. Some items have been completed.

JIF Meeting:

Hold Harmless agreement reviewed with RMC Donato.
Assets were reviewed.

Road Items:

Brunini Pool

- 1. list of requirements have been written up and will be given to contractors to give a bid on the proposed work
- 2. Brush collection was completed for last month and has started again.
- 3. new sign installed at the intersection of Route 40 and Summer Road.
- 4. all grass notices received have been cut.
- 5. truck body for truck #2 was purchased and is being installed.
- 6. bushes are being trimmed by stop signs.

Stormwater Management Update was given.

**RESOLUTION 80-21 RESOLUTION TO PROVIDE NOTICE TO LANDOWNER OF
UNSAFE SIDEWALK PURSUANT TO ORDINANCE #689.**

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER	X		X				
D’ALESSANDRO		X	X				
BAKER			X				
MANCUSO			X				
ALVAREZ			X				

WHEREAS, on September 14, 2020 the Council of the Borough of Buena passed an Ordinance titled Maintenance of Trees, Sidewalks and Curbs which provided that the landowner is responsible to maintain and repair or replace sidewalks abutting their property; and

WHEREAS, the Superintendent of the Roads Department of the Borough of Buena, upon inspection, found that real property owned by Elizabeth Battelini

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on West Pacific Avenue, Block 177, Lot 6 and Block 179, Lot 8 has raised, uneven and broken sidewalk and;

WHEREAS, pursuant to Ordinance # 689, upon notification of broken, raised or uneven sidewalk within the Borough, a resolution must be passed by Council authorizing the Superintendent of the Streets Department to notify the landowner of the unsafe conditions; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce all ordinances, regulations, rules and bylaws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by statute or by any law.

IT IS HEREBY RESOLVED that the Roads Supervisor is authorized to notify the landowner of the inspection and need to repair and/or replace sidewalk located on Block 177 Lot 6 and Block 179 Lot 8 and to provide proof of correction to the Borough within 30 days of notification.

RECREATION, (CHAIRWOMAN, ROSALIE M. BAKER)

Council President Baker reported that, in preparation for possible and hopeful opening for our Senior Center, the following steps were taken:

- Buena Borough purchased a new steam table for the kitchen.
- The Sunshine club of the Seniors purchased a new refrigerator.
- Council President Baker and her husband, Richard, purchased a new television.

On August 3rd Council President Baker volunteered at the Buena Alliance distributing materials about drug abuse at Buena Vista Night Out. It was held at Buena Regional High School student's parking lot. Prescription lock boxes were also distributed.

Upcoming Activities:

On Friday August 13th, the American Legion Post # 270 is having another Crab and Spaghetti Dinner from 5pm to 6pm.

On Saturday, September 11th, the Minotola Methodist Church will have a yard sale and bake sale from 7:00 a.m. to 1:00 p.m. The church is located at 905 Central Avenue.

FINANCE, (CHAIRMAN, JORGE ALVAREZ)

Councilman Alvarez stated that 65% of the budget is unexpended, leaving the Borough of Buena financially sound.

PUBLIC SAFETY/STREET LIGHTS: (CHAIRMAN, JOSEPH D'ALESSANDRO)

1. As of: 08/09/2021 15:03
2. August 9, 2021
 - a. 5,362,376 residents are fully vaccinated.

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- b. 11,021,372 total doses administered
- c. Borough of Buena – 47% of residents fully vaccinated (91% of 65 and older have been)
 - i. 54% have received at least one dose
- d. COVID+ among fully vaccinated: 0.14% (99.86% effective)
- e. Fully vaccinated requiring hospitalization for COVID: 0.004% (99.996% won't be hospitalized)
- f. COVID related deaths among fully vaccinated: 0.001% (99.999% survival)
- g. On 8/9 NJ Mandated students pre-k to 12, staff members and visitors must wear masks in schools when the new academic year begins.

3. Borough of Buena Cases: 463

March 22	April 26	May 24	June 28	August 9
22	44	21	1	8

- a. Borough of Buena Deaths: 10
 - b. Atlantic County Cases: 28,572
 - c. Atlantic County Deaths: 683
 - d. New Cases: PCR Test 884 Probable Cases 306
 - e. NJ Transmission Rate: 1.35
 - f. United States: 35,864,422
 - g. United States Deaths: 617,100
 - h. Global Cases: 203,157,632
 - i. Global Deaths: 4,299,933
4. NJ total hospitalizations are at 651 (double) South: 186 (2.5x)
5. Ventilators 59 South: 12
6. Intensive/Critical Care Beds 117 South: 38
7. Long-term Care Facilities Statewide:
- a. Facilities with Active Outbreaks: 61 (4x)
 - b. Active Resident Cases: 131 (4x)
 - c. Active Staff Cases: 113 (4x)
 - d. Cumulative Resident Deaths: 7,883
 - e. Cumulative Staff Deaths: 144
8. Buena OEM continues to review Emergency Operations Plan to confirm compliance.
9. Buena OEM has been operating the Emergency Operations Center in Borough Hall both remotely.
10. Buena OEM has been updating Borough residents through social media outlets and website.
11. Maintaining COVID-19 webpage for Borough's website
12. Maintaining up-to-date inventory of PPE
13. Daily Calls with Chief Ciraolo to stay updated on EMS call volume, PPE levels, readiness and personnel.

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14. Franklin PD June 2021 Report Update
- a. Stolen Property: \$38601.00 reported in May 2021 YTD: \$53,186.00

Arrests	Tickets	MV Stops	DWI	MVC	CDS	DV	GP
11	19	62	1	7	2	5	14

15. Buena EMS – July 87 Calls for Service

- a. Location of Calls
- i. 56 Borough
 - ii. 2 BVT
 - iii. 11 Vineland
 - iv. 11 Dorothy
 - v. 2 Gloucester Co
 - vi. 5 Other Locations
- b. Types of Calls
- i. 6 Cardiac Call
 - ii. 1 Overdoses – 1 Narcan
 - iii. 4 DOAs
 - iv. 5 Respiratory
 - v. 10 Psychological
 - vi. 4 MVCs

16. Minotola Fire Company

- a. Operations
- i. The Minotola FC has had 98 calls for service year to date.
 - 1. In July we had 14 calls with an average 12 FF/Call
 - a. Service assignments - 1
 - b. Cover assignments - 1
 - c. Alarm systems - 7
 - d. Wires down/arcing/smoking - 2
 - e. Investigations - 1
 - f. Gas leak - 1
 - g. Building/house/structure fires - 1
 - ii. The Minotola Fire Co also attended the Buena Boro Baseball/softball closing ceremony parade

BLDGS/GROUNDS/IMPROVEMENTS: None

CLERK' S REPORT:

MINUTES OF THE EXECUTIVE MEETING OF SEPTEMBER 17, 2020 WERE APPROVED.

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D’ALESSANDRO		X	X				
BAKER	X		X				
MANCUSO			X				
ALVAREZ							

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MINUTES OF THE REGULAR MEETING OF JULY 12,2021 WERE APPROVED .

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D’ALESSANDRO		X	X				
BAKER	X		X				
MANCUSO			X				
ALVAREZ			X				

MINUTES OF THE SPECIAL MEETING OF JULY 19, 2021 WERE APPROVED .

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D’ALESSANDRO		X	X				
BAKER	X		X				
MANCUSO			X				
ALVAREZ			X				

UNFINISHED BUSINESS: None

NEW BUSINESS: None

BILLS PAID AS LISTED:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			X				
D’ALESSANDRO			X				
BAKER	X		X				
MANCUSO			X				
ALVAREZ		X	X				

NEXT MEETING: SEPTEMBER 13, 2021

MEETING ADJOURNED: M/BAKER S/ALVAREZ RCVU