

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
NOVEMBER 23, 2020
MINUTES
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MEETING CALLED TO ORDER: 7:01P.M.

MEETING ADJOURNED: 7:35P.M.

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

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

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 Zappariello requested an update from Engineer Bob Smith on recent concerns expressed by residents of activity at the Cemetery as well as the work being done on Central Ave. Smith reported that Mr. Armanini stated his concern regarding all activity at the cemetery at a previous meeting. Smith stated he met with the cemetery personnel and was told they would be doing minor regrading. Smith stated he contacted Mr. Armanini to update on the cemetery activity and Mr. Armanini had stated no work had begun, but had seen materials at the site. Smith stated he would check on the cemetery site the next day.

Mr. Smith reported the county project on Central Avenue is ongoing, replacing three existing pipes under Central Avenue to Rt 40 and Kimberly Lane with duct iron pipes.

Mayor Zappariello asked Code Enforcement Officer Johnston for an update on 513 Forest Grove Rd. Johnston reported that a court date had been scheduled for January 4, 2021 as a follow up on the violation conditions of the property.

PUBLIC PORTION OF THE MEETING:

Brian Fatcher, Kimberly Lane had concerns with work done at Central Avenue and inquired if it included Kimberly Lane. Smith stated that several sections and inlet had been replaced on Kimberly as well as Central avenue. Mr. Smith stated that they were old corrugated pipes under the roadway which needed to be replaced by new ones.

Bill Cotri, Forest Grove Rd., stated he had noticed there was a for sale

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sign at the Infinity Fence property and asked if it had been listed by the new owner. Borough Solicitor Angela Costigan stated she had reached out to the property owners attorney previously, but had not received a copy of the deed or closing statement as requested at this time.

MICHAEL DONATO, RMC, provided a synopsis of the Joint Insurance Fund activities and financial status.

MOTION INTRODUCE AND PASS ON FIRST READING:

**ORDINANCE NO. 693 AN ORDINANCE AMENDING PORTIONS OF THE CODE OF THE
BOROUGH OF BUENA TO REFLECT THE DISSOLUTION OF THE
BOROUGH OF BUENA POLICE DEPARTMENT.
M/Baker S/Mancuso**

WHEREAS, the Council of the Borough of Buena adopted a Resolution setting forth the authorization for a Shared Services Agreement with Franklin Township in which Franklin Township would provide the Borough with police services and the Borough would dissolve its 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 are being performed by Franklin Township. Therefore, chapters of the Code of the Borough of Buena need to be amended to reflect the dissolution of the Buena Borough Police Department and the assumption of police duties by the Franklin Township Police Department.

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

ARTICLE I

The following chapters are amended.

Chapter 15-3 SUPERVISION AND AUTHORITY

The Chief of the Emergency Medical Services shall directly report to and act under the Director of Public Safety.

Chapter 130-11 ENFORCEMENT

Amend to Franklin Township Police Department.

Chapter 163-1 DECLARATION OF FINDINGS AND POLICY

Amend to Franklin Township Police Department

Chapter 191-9 ENFORCEMENT

Amend to Franklin Township Police Department.

Chapter 191-15 ENFORCEMENT

Amend to Franklin Township Police Department.

Chapter 195-19 SAFETY PRECAUTIONS

Amend to Franklin Township Police Department.

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Chapter 218-2 AUTHORIZATION FOR CLOSING OF ANY STREET
Amend Public Safety Director and Officer in Charge to Franklin Township Police Department.

Chapter 218-3 REMOVAL OF VEHICLES; COSTS TO BE BORNE BY OWNER
Amend to Franklin Township Police Department.

Chapter 218-39 PRECONSTRUCTION MEETINGS
Amend to Franklin Township Police Department.

Chapter 218-40 HAZARDOUS CONDITIONS
Amend to Franklin Township Police Department.

Chapter 218-41 HOURS OF ROAD WORK
Amend to Franklin Township Police Department.

Chapter 218 -42 ROAD CLOSINGS AND DETOURS
Amend to Franklin Township Police Department.

Chapter 218-48 INDEMNIFICATION AND HOLD HARMLESS
Amend to Franklin Township Police Department.

Chapter 223-10 SERVICES TO BE PERFORMED BY LICENSED TOWING OPERATORS
Amend to Franklin Township Police Department.

ARTICLE II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

ARTICLE 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.

ARTICLE IV

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

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

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**RESOLUTION 92-20 A RESOLUTION ACCEPTING THE RESIGNATION OF
EMERGENCY MEDICAL TECHNICIAN, EFFECTIVE
IMMEDIATELY.
M/Baker S/Mancuso**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the following resignations be regretfully accepted effective immediately:
Morgan Koh
Michael Koh

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

**RESOLUTION 93-20 RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES
AND HANDBOOK AND EMS MANUAL
M/Baker S/Walker**

WHEREAS, it is the policy of the Borough of Buena to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough of Buena has determined that there is a need for personnel policies and procedures, handbook and EMS manual to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Borough of Buena that the Personnel Policies and Procedures Manual, the Handbook and the EMS Manual attached hereto are hereby adopted.

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BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that these manuals and handbook are intended to provide guidelines covering public service by Borough employees and are not contracts. The provisions of the manuals and handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Buena.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Buena shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Borough Clerk and the CFO and all managerial/supervisory personnel are responsible for these employment practices. The Borough Attorney shall assist the Borough Clerk and CFO in the implementation of the policies and procedures in these manuals and handbook.

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

RESOLUTION 94-20 A RESOLUTION AUTHORIZING AND DIRECTING THE COUNCIL OF THE BOROUGH OF BUENA TO POST AND FILE A SCHEDULE OF ALL MEETINGS OF THE COUNCIL AS REQUIRED BY THE OPEN PUBLIC MEETINGS ACT OF 1975; AND DESIGNATING CERTAIN NEWSPAPERS TO RECEIVE SAID NOTICES AS REQUIRED UNDER THE OPEN PUBLIC MEETINGS ACT FOR THE YEAR 2021.
M/Baker S/Mancuso

WHEREAS, the Open Public Meetings Act of 1975 requires that a schedule of regular meetings of the Council of the Borough of Buena be annually posted and maintained in one public place reserved for public announcements, and requires that the annual notice be filed and maintained by the Clerk of the Borough of Buena; and

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WHEREAS, Section III of the Open Public Meetings Act of 1975 requires certain notices of meetings to be submitted to at least two newspapers, one of which shall be the official newspaper, and the second a newspaper which has the greatest likelihood of informing the citizens of the Borough of Buena; and

WHEREAS, the Open Public Meetings Act of 1975 requires that notice of any meetings of the Borough of Buena not provided for in the annual schedule must be (1) posted in at least one public place reserved for public announcements; (2) mailed, telephoned, telegrammed or hand delivered to at least two newspapers designated by the public body; and (3) filed with the Clerk of the municipality.

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

1. The Clerk of the Borough of Buena is hereby authorized and directed to post and maintain posted on the official bulletin board located in the Municipal Building, Borough of Buena, New Jersey, a copy of the attached schedule of regular meetings of the Council of the Borough of Buena for the year 2020 and to file a copy of said notice in the Office of the Borough Clerk.

2. Written notice of the date, time, place and agenda of any special meeting, rescheduling meeting, hearing or any other meeting of the Borough Council not provided for in the attached schedule as required by the Open Public Meeting Act of 1975, shall be posted by the Borough of Buena on the official bulletin board and filed; and maintained in the Office of the Borough Clerk.

3. The Atlantic County Record is hereby designated as the official newspaper of the Borough of Buena and said newspaper, together with the Press and Daily Journal are hereby designated to receive all notices of meetings required under the Open Meetings Act of 1975. The Clerk of the Borough of Buena is hereby authorized and directed to mail the attached schedule to the offices of the Atlantic County Record, the Press and the Daily Journal and to provide notices of all other meetings of the Borough of Buena to said newspapers in accordance with the provisions of the Open Meetings Act.

4. It is the opinion of this body that the Atlantic County Record, the Press and the Daily Journal have the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

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MEETING	DATE	TIME
Reorganization	January 04, 2021	6:00 P.M.
Council- Regular	January 19, 2021*	7:00 P.M.
Council- Regular	February 08, 2021	7:00 P.M.
Council- Regular	February 22, 2021	7:00 P.M.
Council- Regular	March 08, 2021	7:00 P.M.
Council- Regular	March 22, 2021	7:00 P.M.
Council- Regular	April 12, 2021	7:00 P.M.
Council- Regular	April 26, 2021	7:00 P.M.
Council- Regular	May 10, 2021	7:00 P.M.
Council- Regular	May 24, 2021	7:00 P.M.
Council- Regular	June 14, 2021	7:00 P.M.
Council- Regular	June 28, 2021	7:00 P.M.
Council- Regular	July 12, 2021	7:00 P.M.
Council- Regular	August 09, 2021	7:00 P.M.
Council- Regular	September 13, 2021	7:00 P.M.
Council- Regular	September 27, 2021	7:00 P.M.

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Council- Regular	October 12, 2021*	7:00 P.M.
Council- Regular	October 25, 2021	7:00 P.M.
Council- Regular	November 08, 2021	7:00 P.M.
Council- Regular	November 22, 2021	7:00 P.M.
Council- Regular	December 13, 2021	7:00 P.M.
Reorganization	January 3, 2022	6:00 P.M.

*Tuesday Meeting

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

RESOLUTION 95-20 RISK MANAGEMENT CONSULTANT
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND
M/Baker S/Walker

WHEREAS, the Governing Body of Borough of Buena is a member of the **Atlantic County Municipal Joint Insurance Fund**, a self-insurance pooling fund, and;

WHEREAS, the Bylaws of said Fund require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws and;

WHEREAS, the **JIF Bylaws indicate a fee Not To Exceed six percent (6%)** of the municipal assessment (as dictated by the accompanying agreement) which expenditure represents reasonable compensation for the services required and was included in the cost considered by the governing body and;

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WHEREAS, NJSA 40A:11-5 (1) (m), specifically exempts the hiring of insurance consultants from competitive bidding as an extraordinary unspecifiable service; and

WHEREAS, the experience, knowledge of public insurance and risk management issues and judgmental nature required of a Risk Management Consultant are clearly an extraordinary unspecifiable service which therefore render competitive bidding impractical;

NOW THEREFORE, be it resolved that the governing body of Borough of Buena does hereby appoint Insurance Agencies, Inc. and Michael D. Donato as its Risk Management Consultant in accordance with 40A:11-5 and;

BE IT FURTHER RESOLVED that the governing body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to NJSA 40A:11-5 (1), (a), (i).

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

**RESOLUTION 96-20 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE
ENGINEER TO ADVERTISE FOR BIDS FOR THE SERVICING OF
MECHANICAL AND ELECTRICAL REPAIR.
M/Baker S/Walker**

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Remington and Vernick, Engineers is hereby authorized to advertise for the receipt of bids for the furnishing of services related to mechanical and electrical repair.

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

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**RESOLUTION 97-20 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, RESCINDING RESOLUTION NO. 91-20 AWARDING A PROFESSIONAL SERVICES CONTRACT TO REMINGTON & VERNICK, ENGINEERS, FOR ECOLOGICAL EVALUATION FOR THE FORMER LANDFILL SITE IN AN AMOUNT NOT TO EXCEED \$29,800.00.
M/Baker S/Mancuso**

WHEREAS, N.J.S.A. 40A:4-57 requires a Certification of Availability of Funds, certified by the Chief Financial Officer certifying there are uncommitted funds available in the budget for a contract award; and

WHEREAS, at this time, the Chief Financial Officer cannot ascertain the availability of such funds; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Resolution No. 91-20 awarding a contract to Remington & Vernick, Engineers is hereby rescinded.

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

**RESOLUTION NO. 98-20 RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES
TRANSFER RESOLUTION
M/Baker S/Mancuso**

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:

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TRANSFER FROM

Clerk OE	\$ 3,000.00
Heath Insurance	\$ 15,000.00
JIF	\$ 20,000.00
Construction Code Heat	\$ 1,000.00
Construction Code Electric	\$ 1,000.00
Streets & Roads S/W	\$ 3,000.00

TOTAL TRANSFER \$43,000.00

TRANSFER TO

Finance OE	\$ 1,000.00
Legal OE	\$ 15,000.00
Telephone	\$ 3,200.00
Construction Code Telephone	\$ 1,800.00
Trash	\$ 22,000.00

TOTAL TRANSFER \$43,000.00

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

SOLICITOR' S REPORT: NONE

COMMITTEE REPORTS:

ROADS/RECYCLING: (CHAIRMAN MATTHEW WALKER)

Councilman Walker reported that daily cleanings are being done at Boro Hall. The road department has begun leaf collection and preparations are being made for the winter weather. The contractor has completed the job at Lauren Court and South Blvd piping is complete and concrete work will begin soon.

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

Councilman D'Alessandro reported that Covid-19 is in the middle of the second wave in New Jersey. His report continued on the statistics of the pandemic throughout Buena, Atlantic County, The state of New Jersey as well as the Global cases. Councilman D'Alessandro will continue to communicate with Chief Ciruolo to stay updated on EMS call volume, PPE levels, readiness and personnel. The Franklinville Police department report for the month of October was given. Minotola Fire Company held a successful Roast Beef Sandwich sale on Saturday, November 21st with proper social distancing and adherence to Executive Orders. The report continues on the activity and the Commission By-Laws review with Borough Solicitor. There will be a Special Meeting held on December 12,2020 7-8pm to discuss and review LOSAP and Point System restructuring. An update on a Grant for the reimbursement for Covid-19 expenses should be expected.

BLDGS/GROUNDS/IMPROVEMENTS: (CHAIRWOMAN ROSALIE M. BAKER)

Councilwoman Baker gave an update on the Forest Grove Road Property and stated a court date was granted for additional time for the correction abatement will be held via zoom January 4, 2021. Occupancy inspections were conducted for 2 new rentals during November.

RECREATION: (CHAIRWOMAN ROSALIE M. BAKER)

Councilwoman Baker reported that there will not be a Christmas Parade this year, due to the Covid-19 Pandemic. The Christmas tree outside of the Borough Hall will be automatically lit on December 1st. The Recreation Commission will be evaluating the Christmas decorations throughout the Borough and prizes will be awarded. 1st place prize will be a \$100.00 ShopRite Gift Card, 2nd place prize, a \$75.00 ShopRite gift card and 3rd place, a \$50.00 ShopRite gift card. Councilwoman is hopeful that the Fire Companies will continue with ride with Santa throughout Buena Borough. Councilwoman Baker expressed her sadness that changes had to be made this year due to the pandemic.

ECONOMIC DEVELOPMENT: (CHAIRMAN JOSEPH MANCUSO) NONE

FINANCE.: (CHAIRMAN JORGE ALVAREZ) NONE

**MINUTES OF THE REGULAR MEETING OF NOVEMBER 9, 2020. IF NO CORRECTIONS OR ADDITIONS,
ENTERTAIN A MOTION TO APPROVE:
M/Baker S/Walker**

	AYE:	NAY:	ABSTAIN:	ABSENT:	RECUSE
WALKER	x				
D'ALESSANDRO	x				
BAKER	x				

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MANCUSO	x				
ALVAREZ				x	
MCAVADDY				x	

NEED MOTION TO FILE CORRESPONDENCE M/Baker S/Walker

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

BILLS PAID AS LISTED: M/Baker S/Mancuso

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

NEXT MEETING: DECEMBER 14, 2020

**MEETING ADJOURNED WITH MAYOR ZAPPARIELLO WISHING EVERYONE A HAPPY THANKSGIVING!
M/BAKER S/MANCUSO**