

BOROUGH OF BUENA
 REGULAR COUNCIL MEETING
 MINUTES
 September 28, 2020
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MEETING CALLED TO ORDER: 7.01 P.M.

MEETING ADJOURNED: 7:44 P.M.

ROLL CALL OF ATTENDANCE:

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

SUNSHINE LAW:

THE REGULAR MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WAS HELD MONDAY, SEPTEMBER 28, 2020 COMMENCING AT 7:01 P.M. VIA TELECONFERENCE WITH MAYOR ZAPPARIELLO PRESIDING. MAYOR ZAPPARIELLO CALLED FOR A MOMENT OF SILENCE TO RECOGNIZE THOSE AFFECTED BY COVID-19. MAYOR ZAPPARIELLO ANNOUNCED THAT 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.

7:03 PM. COUNCILMEN ALVAREZ JOINED THE MEETING.

MAYOR'S REPORT: FIRST ORDER OF BUSINESS.

Mayor Zappariello gave a brief update on the area flooding issues in the Borough and he had spoken to county and state officials concerning the issues.

Mayor Zappariello asked Code Enforcement Officer Johnston for an update concerning the complaints of 513 Forest Grove Road. Officer Johnston reported and she had gone to the property with Zoning Official Keenan on August 25, 2020 following complaints of possible violation concerns and a follow up visit for compliance was on September 25th and resulted in violations not abated. Summons were issued for a November 5th court appearance.

PUBLIC PORTION OF THE MEETING:

Bill Coltri of Forest Grove inquired of the situation for compliance of 513 Forest Grove Road. Mayor Zappariello asked the Solicitor to give the legal aspect. Solicitor Costigan stated they will go before the Municipal Court and would be assessed accordingly for fines and court fees. The Court would

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give them the opportunity to comply before the Boro would clear the property and add a lien. Kim Vassallo, Sandy Tamarri, Deanna Ridolfo also residents of Forest Grove Road expressed their concerns with the activity of the property, vehicles and farm animals. Mayor Zappariello stated all concerned are aware of this situation and suggested if needed call the police and animal control

Andy Sangataldo stated his concern of the increase of accidents on Gove Road and Central Avenue. Mayor Zappariello stated this is to be addressed with county and state in an upcoming meeting.

Brian Fatcher of Kimberly Lane stated his concern of the blackwater area flooding. Mayor Zappariello asked Road Supervisor Nimohay for an update. Mr. Nimohay stated he had reached out to Steve Clayton of the Army Corp of Engineers for a meeting with Mayor Zappariello, Councilman Walker, and other agencies that would be involved

**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/Baker S/Walker**

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 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

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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 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

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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 effusing 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

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.

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

DISCUSSION: None

MOTION TO CLOSE THE PUBLIC HEARING:

M/Baker S/Walker

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

ORDINANCE NO. 689 ADOPTED:

M/Baker S/Walker

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

RESOLUTION 83-20

**A RESOLUTION ACCEPTING THE RESIGNATION OF ANTHONY ZORZI FROM THE LAND USE BOARD, EFFECTIVE IMMEDIATELY.
 M/Baker S/Walker**

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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	X				
D'ALESSANDRO	X				
BAKER	X				
MANCUSO				X	
ALVAREZ	X				
MCAVADDY				X	

MAYOR ZAPPARIELLO: THANKED ANTHONY ZORZI FOR HIS SERVICE AND APPOINTED 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 HAS BEEN REVIEWED THE GRANT USED FOR THE 530 FOREST GROVE ROAD, THE PROPERTY MUST REMAIN AS OPEN SPACE AS REQUIRED.
- EMS MANUALS ARE BEING WORKED ON WITH COUNCILMAN D'ALESSANDRO TO INCORPORATE WITH THE PERSONNEL MANUALS.
- A REQUEST CAME TO THE BORO FOR A TRAILER TO BE PLACED AT THE PROPERTY OF MARY FARMSIDE 602 WEST AVE. FROM HER FAMILY SO THAT THEY MAY TEMPORARILY CARE FOR HER. A MOTION WAS GRANTED AND AGREED FOR A SIX-MONTH PLACEMENT OF THE TRAILER FOR THE FAMILY TO CARE FOR MARY FARMSIDE.

M/Baker S/Walker

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

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COMMITTEE REPORTS:

ROADS/RECYCLING: CHAIRMAN MATTHEW WALKER reported on the continued daily maintenance of the Borough Hall and the park. Catch basins are being checked throughout before the storms to remove any debris to possibly avoid any situations. Tree and Branch collection continues. Councilman Walker stated on the continued maintenance throughout the Borough on streets and equipment repairs. Brewster Road Flooding is being evaluated by the county. Other flooding issues are being addressed with county and state.

PUBLIC SAFETY/STREET LIGHTS: CHAIRMAN JOSEPH D'ALESSANDRO gave a brief update on Borough and County COVID CASES. The STATE OF New Jersey will receive 2.6 MILLION 15-MINUTE REAPD covid-19 tests. Buena OEM coordinated with the Atlantic County Public Health to get information regarding the Flu Shots to the three Senior housing centers. Councilman D'Alessandro gave the activity and call update for the August Franklin Township PD, Buena EMS and Minotola Fire Company.

BLDGS/GROUNDS/IMPROVEMENTS: CHAIRWOMAN ROSALIE M. BAKER reported that Code Enforcement report:
Property Maintenance complaints and concerns are being addressed.
Order to Clear notices continue to be sent to Public Works.
Notices for uncut grass are continuing to be sent to property owners throughout the growing season.
Foreclosed properties with violations are being forwarded to ProChamps. This organization has helped tremendously with complying on uncut grass and overgrowth issues.

Occupancy Inspector report:
290 registered rental properties.
5 Inspections at rental properties for NEW TENANTS for August and September.

RECREATION: CHAIRWOMAN ROSALIE M. BAKER reported the Route 54/40 Shuttle
July ridership: 632 passengers 29 daily ridership passengers
August ridership: 707 passengers 34 daily ridership passenger
October 4th Our Lady of the Blessed Sacrament will have their Chicken BBQ 11:30 at the Parish. Donation \$12.00 takeout only.
October 31st, Saturday, Halloween trick or treat 2pm - 4pm.

ECONOMIC DEVELOPMENT: CHAIRMAN JOSEPH MANCUSO No report.

FINANCE: CHAIRMAN, JORGE ALVAREZ will get together with the CFO for a report at the next meeting.

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CLERK'S REPORT:

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 14, 2020 WERE APPROVED M/BAKER S/WALKER

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

CORRESPONDENCE: NONE

CORRESPONDENCE FILED M/BAKER S/WALKER

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

UNFINISHED BUSINESS: NONE

NEW BUSINESS: NONE

BILLS PAID AS LISTED: M/Baker S/Alvarez

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

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NEXT MEETING: October 13, 2020

MEETING ADJOURNED: RCVU

PAMELA JOHNSTON
CLERK 1