

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
APRIL 8, 2024
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MEETING CALLED TO ORDER: 7:00 P.M.
MEETING ADJOURNED: 7:45 P.M.

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
GIOVINAZZI	X	
ALVAREZ	X	
ADAMS	X	
BARSUGLIA	X	
ANDALORO	X	
DESTEFANO		X

ALSO IN ATTENDANCE: Acting Clerk Pamela Johnston, Administrator Coraluzzo Solicitor Tonetta, Road Supervisor Nimohay, and Engineer David Horst representing DeBlasio and Associates

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 and The Daily Journal on November 27, 2023 as well as having been posted on the municipal bulletin board and website at www.buenaboro.org

CERTIFICATE OF ACHIEVEMENT: **SHEA ARETZ**

Mayor Baruffi and Council President Adams proudly presented Shea Aretz with a certificate in recognition of her outstanding performance and remarkable achievement in winning the first state wrestling championship in Buena's history.

Mayor Baruffi presented Bruce and Carol Bassetti, owners, and their daughter and Vice President, Stephanie Bassetti-Metcalf, with the following proclamation:

PROCLAMATION: **BASSETTI PHOTO, INC.**

WHEREAS, Bassetti Photo, a family-owned and operated business, has been providing exceptional photography services to the community since 1970; and

WHEREAS, Bruce and Carol Bassetti started the business from a small home office and have since grown it into a 20,000-square-foot building in Minotola, New Jersey; and

WHEREAS, Bassetti Photo was one of the first photography companies in the region to go completely digital in 2000, demonstrating their commitment to innovation and staying ahead of the curve; and

WHEREAS, the Bassetti family's deep commitment to the business and passion for photography has enabled them to produce high-quality photographs at competitive prices, consistently exceeding the expectations of their customers; and

WHEREAS, Stephanie Bassetti-Metcalf, daughter of Bruce and Carol, has continued the family legacy by joining the business and now serves as its Vice President, overseeing the day-to-day operations and ensuring that the company continues to thrive;

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NOW, THEREFORE, I, Mayor Joseph Baruffi, on behalf of the Borough of Buena, do hereby recognize Bassetti Photo for its remarkable service and contributions to the community. We thank them for their hard work, dedication, and commitment to excellence, and wish them continued success in all their future endeavors.

MAYOR’S REPORT:

Mayor Baruffi reported on upcoming undertakings:

- James Bertino, Doulas DiMeo, Jerry DelRossi, Richad Marolda and Bill Nimohay have been in discussions on the continuing flooding concerns on Brewster Road and area properties. This will be a fully funded project thru the County.
- Assemblyman Hutchinson, DEP and DOT representatives are in discussions for drainage solutions along Rt 40.
- A letter of support has been sent to Assemblyman VanDrew for new construction of a K-9 training facility construction in Corbin City.
- Buena Borough Reginal School District is asking for Citizens of the Year nominees to be announced at the Graduation ceremonies in June.
- A letter was received from the State notifying the Borough of the resurfacing of Route 40, CR577 to Route 40 to comply the ADA for signal, sidewalks, and curb ramps scheduled for 2027.

MAYOR:

PUBLIC COMMENT: OPPORTUNITY FOR ANYONE TO COMMENT WITH A LIMIT OF FIVE (5) MINUTES PER SPEAKER. PLEASE REFER TO THE FOLLOWING STATEMENT:

PUBLIC COMMENT PROVIDES AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO INFORM THE MAYOR AND GOVERNING BODY ABOUT THEIR VIEWS. THE MAYOR AND GOVERNING BODY PRESCRIBES TO COUNCIL'S BY-LAWS AND THE NEW JERSEY STATUTES ON OPEN PUBLIC MEETINGS WHEN ENGAGING DURING PUBLIC COMMENT. AS SUCH, EACH INDIVIDUAL SHALL HAVE A 5 MINUTE LIMIT TO COMMENT; AN INDIVIDUAL CANNOT YIELD TIME TO ANOTHER INDIVIDUAL; AN INDIVIDUAL MAY ONLY APPROACH THE PODIUM ONCE DURING PUBLIC COMMENT FOR ANY ONE TOPIC; VULGAR OR OFFENSIVE LANGUAGE IS PROHIBITED AND MAYOR AND COUNCIL WILL NOT ENGAGE IN DIALOGUE WITH THE PUBLIC DURING THIS TIME. THE GOVERNING BODY MAINTAINS MODEL COURTESY AND RESPECT AND REQUIRES MEMBERS OF THE PUBLIC TO DO THE SAME.

PUBLIC PORTION OF THE MEETING:

MOTIONED TO OPEN THE PUBLIC PORTION OF THE MEETING:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
SECOND: <u>BARSUGLIA</u>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
RCV	DESTEFANO				X	

Joanne Rosemont stated her appreciation that Mayor Baruffi had been helpful in the resolving for the manhole covers concerns on Central Avenue. Ms. Rosemont then inquired for an update on the construction for Liberty Village on Central Ave. Mayor Baruffi responded that applications and approvals on the construction progress are with the Land Use Board.

Susan Romeo shared her appreciation for all Mayor Baruffi accomplishments in this first 90 days in office.

Patrick Serafina, Organic Green buds, wanted to introduced himself as the master grower and vying for the Class I Cannabis Licensee and is looking forward to being part of the community.

Jennifer Morales, Minotola Estates expressed her concerns on the continuing flooding behind her property that brings breeding grounds for mosquitoes. Ms. Morales continues to state that mosquito testing was positive yellow

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fever and west Nile in September. Mayor Baruffi responded that he is aware that the project is being addressed with the engineer and attorneys to resolve the drainage and flooding issues.

MOTIONED TO CLOSE PUBLIC PORTION:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
SECOND: <u>ALAREZ</u>	ADAMS	X				
	BARSUGLIA	X				
RCV	ANDALORO	X				
	DESTEFANO				X	

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MOTIONED TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 751 CALENDAR YEAR 2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>BARSUGLIA</u>	GIOVINAZZI	X				
	ALVAREZ	X				
SECOND: <u>ADAMS</u>	ADAMS	X				
	BARSUGLIA	X				
RCV	ANDALORO	X				
	DESTEFANO				X	

DISCUSSION: NONE

MOTIONED TO CLOSE THE PUBLIC HEARING:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ADAMS</u>	GIOVINAZZI	X				
	ALVAREZ	X				
SECOND: <u>ALVAREZ</u>	ADAMS	X				
	BARSUGLIA	X				
RCV	ANDALORO	X				
	DESTEFANO				X	

NEED MOTION TO ADOPT ORDINANCE 751:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>ANDALORO</u>	GIOVINAZZI	X				
	ALVAREZ	X				
SECOND: <u>BARSUGLIA</u>	ADAMS	X				
	BARSUGLIA	X				
RCV	ANDALORO	X				
	DESTEFANO				X	

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WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Buena in the County of Atlantic finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$31,515.29 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Buena, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Buena shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$110,303.52, and that the CY 2024 municipal budget for the Borough of Buena be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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MOTIONED TO INTRODUCE AND PASS AT FIRST READING:

ORDINANCE NO. 752 AN ORDINANCE AMENDING CHAPTER 150, LAND USE, OF THE CODE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>BARSUGLIA</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
SECOND: <u>ADAMS</u>	BARSUGLIA	X				
	ANDALORO	X				
RCV	DESTEFANO				X	

WHEREAS, the Pinelands Protection Act (N.J.S.A. 13:18A-1) requires that the municipal master plan and local land use ordinances of the Borough of Buena implement the objectives of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) and conform with the minimum standards contained therein; and

WHEREAS, the Pinelands Comprehensive Management Plan incorporates by reference certain

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stormwater management regulations contained at N.J.A.C. 7:8; and

WHEREAS, the New Jersey Department of Environmental Protection adopted amendments to certain stormwater management regulations contained at N.J.A.C. 7:8, effective July 17, 2023.

WHEREAS, the Pinelands Commission adopted amendments to the Pinelands Comprehensive Management Plan, effective December 4, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Buena, County of Atlantic and State of New Jersey, as follows:

SECTION 1: Chapter 150, Land Use, Article IXB, Pinelands Stormwater Control, Section 150-84.16, Stormwater Management Requirements, is hereby amended by revising subsection D. as follows:

D. Tables 1, 2, and 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater BMP Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §150-84.16N, O, P, and Q. When designed in accordance with the most current version of the New Jersey Stormwater BMP Manual and this Section, the stormwater management measures found in Tables 1, 2, and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater BMP Manual to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the NJDEP shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the NJDEP website at://dep.nj.gov/stormwater/bmp-manual/.

SECTION 2: Chapter 150, Land Use, Article IXB, Pinelands Stormwater Control, Section 150-84.16, Stormwater Management Requirements, is hereby amended by revising subsection O. as follows:

O. Groundwater Recharge Standards

(1) (No change.)

(2) For all major development, the total runoff volume generated from the net increase in impervious surfaces by a the current 10-year, 24-hour storm, as defined and determined in §150-84.17H, shall be retained and infiltrated onsite.

(3) For minor development that involves the construction of four or fewer dwelling units, the runoff generated from the total roof area of the dwelling(s) by a the current 10-year, 24-hour storm, as defined and determined in §150-84.17H, shall be retained and infiltrated through installation of one or more green infrastructure stormwater management measures designed in accordance with the New Jersey Stormwater BMP Manual. Appropriate green infrastructure stormwater management measures include, but are not limited to dry wells, pervious pavement systems, and small scale bioretention systems, including rain gardens.

(4) -- (5) (No change.)

SECTION 3: Chapter 150, Land Use, Article IXB, Pinelands Stormwater Control, Section 150-84.16, Stormwater Management Requirements, is hereby amended by revising subsection Q. as follows:

Q. Stormwater Runoff Quantity Standards

(1) (No change.)

(2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions

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and factors for stormwater runoff calculations at §150-84.17, complete one of the following:

(a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in §150-84.17H and I, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in §150-84.17H and I, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined in §150-84.17H and I, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

(d) (No change.)

(3) -- (5) (No change.)

SECTION 4: Chapter 150, Land Use, Article IXB, Pinelands Stormwater Control, Section 150-84.17, Calculation of Stormwater Runoff and Groundwater Recharge, is hereby amended as follows:

§150-84.17. Calculation of Stormwater Runoff and Groundwater Recharge

A. Stormwater runoff shall be calculated by the design engineer using the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented, except that the Rational Method for peak flow and the Modified Rational Method for hydrograph computations shall not be used. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at United States Department of Agriculture Natural Resources Conservation Service, New Jersey.

B. (No change.)

C. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology at A. above. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition

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and conservation treatment (if the land use type is cultivation).

D. -- G. (No change.)

H. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items (1) and (2) below:

(1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

(2) The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County Current Precipitation Adjustment Factors			
	2-year		
Design Storm	10-year		
Design Storm	100-year		
Design Storm			
Atlantic	1.01	1.02	1.03
Gloucester	1.05	1.06	1.06

I. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to H.(1) above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County Future Precipitation Change Factors			
	2-year		
Design Storm	10-year		
Design Storm	100-year		
Design Storm			
Atlantic	1.22	1.24	1.39
Gloucester	1.19	1.23	1.41

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SECTION 5: Chapter 150, Land Use, Article IXB, Pinelands Stormwater Control, Section 150-84.18, Sources for Technical Guidance, is hereby amended as follows:

§200-84.18. Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the NJDEP's website at: <https://dep.nj.gov/stormwater/bmp-manual/>.

(1) (No change.)

(2) Additional maintenance guidance is available on the NJDEP's website at: <https://dep.nj.gov/stormwater/maintenance-guidance/>.

B.

(1) Submissions required for review by the NJDEP should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

(2) (No change.)

SECTION 6: Chapter 150, Land Use, Article I, General Provisions, Section 150-5, Definitions, is hereby amended by adding the following definitions:

DIVERT or DIVERSION – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

HYDROLOGIC UNIT CODE-11 or HUC-11 – Means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

NONCONSUMPTIVE USE – Means the use of water diverted from surface or ground waters in such a manner that at least 90 percent of the diverted water is returned to the source surface or ground water at or near the point from which it was taken.

SECTION 7: Chapter 150, Land Use, Article XVIII, Pinelands Area Standards, Section 150-176, Water quality, is hereby amended by repealing and replacing subsection E. as follows:

E. Water Management.

(1) Water shall not be exported from the Pinelands except as otherwise provided at N.J.S.A. 58:1A-7.1.

(2) A diversion within the Pinelands Area portion of Buena Borough that involves the interbasin transfer of water from sources within the Pinelands Area between the Atlantic Basin and the Delaware Basin, as defined at (a) and (b) below, or outside of either basin, shall be prohibited.

(a) The Atlantic Basin is comprised of Watershed Management Areas 13, 14, 15, and 16, as identified by the New Jersey Department of Environmental Protection.

(b) The Delaware Basin is comprised of Watershed Management Areas 17, 18, 19, and 20 as identified by the New Jersey Department of Environmental Protection.

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(3) A diversion within the Pinelands Area portion of Buena Borough involving the intrabasin transfer of water between HUC-11 watersheds in the same basin, Atlantic Basin or Delaware Basin as defined at (2)(a) and (b) above, shall be permitted. If such an intrabasin transfer involves water sourced from the Kirkwood-Cohansey aquifer, the diversion shall meet the criteria and standards set forth at (4) below.

(4) Within the Pinelands Area portion of Buena Borough a new diversion or an increase in allocation from either a single existing diversion source or from combined existing and new diversion sources in the same HUC-11 watershed and in the Kirkwood-Cohansey aquifer, that results in a total diversion of 50,000 gallons of water per day or more (hereafter referred to as "proposed diversion") shall meet the criteria and standards set forth at (4)(c) through (f) below and the water management standards of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(d). "Allocation" shall mean a diversion permitted pursuant to a Water Allocation Permit or Water Use Registration Number issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:19.

(a) When evaluating whether the proposed diversion meets the criteria set forth at (4)(c) through (f) below, all of the applicant's allocations in an HUC-11 watershed, in addition to the proposed diversion, shall be included in the evaluation.

(b) The standards set forth at (4)(c) through (f) below shall not apply to:

[1] A new well that is to replace an existing well, provided the existing well is decommissioned in accordance with N.J.A.C. 7:9D-3 and the new replacement well will:

[a] Be approximately the same depth as the existing well;

[b] Divert from the same aquifer as the existing well;

[c] Have the same or lesser pump capacity as the existing well; and

[d] Be located within 100 feet of, and in the same HUC-11 watershed as, the existing well;

[2] Any proposed diversion that is exclusively for agricultural or horticultural use; or

[3] Any proposed diversion for a resource extraction operation that constitutes a nonconsumptive use, provided the water returned to the source is not discharged to a stream or waterbody or otherwise results in offsite flow, and the diversion and return are located on the same parcel.

(c) A proposed diversion shall be permitted only in the following Pinelands Management Areas: Pinelands Town; and Agricultural Production Area.

(d) A proposed diversion shall only be permitted if the applicant demonstrates that no alternative water supply source is available or viable. Alternative water supply sources include, but are not limited to, groundwater and surface water sources that are not part of the Kirkwood-Cohansey aquifer, and public water purveyors and suppliers, as defined at N.J.A.C. 7:19-1.3. A list of alternative water supply sources is available at the offices of the Pinelands Commission and at <https://www.nj.gov/pinelands/>.

(e) A proposed diversion shall not have an adverse ecological impact on the Kirkwood-Cohansey aquifer. Adverse ecological impact means an adverse regional impact and/or an adverse local impact, as described at N.J.A.C. 7:50-6.86(d)6 and 7, respectively. A proposed diversion deemed to have an adverse local impact in the Pinelands Area is prohibited. A proposed diversion deemed to have an adverse regional impact shall only be permitted if an applicant permanently offsets the diversion in accordance with N.J.A.C. 7:50-6.86(d)6i.

(f) An applicant for a proposed diversion shall provide written documentation of water conservation measures

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that have been implemented, or that are planned for implementation, for all areas to be served by the proposed diversion. Water conservation measures are measurable efforts by public and private water system operators and local agencies to reduce water demand by users and reduce losses in the water distribution system.

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CONSENT AGENDA:

Consent Agenda includes items of business which are not controversial and do not require individual discussion. A Motion approving the Consent Agenda is moved, seconded and voted upon as one item by the Borough Council. If any discussion is requested on a Consent Agenda item, it is removed from the Consent Agenda to the Regular Agenda

- **RESOLUTION 85-24** A RESOLUTION AUTHORIZING THE SALE OF TAX SALE CERTIFICATE NUMBER 16-00046 AT PRIVATE SALE BY ASSIGNMENT.
- **RESOLUTION 86-24** A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE ENGINEER TO APPLY FOR THE 2024 NJDOT LOCAL TRANSPORTATION PROJECTS FUND GRANT: RESURFACING OF WILLIAMS AVENUE FROM S. WEST AVENUE TO S. CENTRAL AVENUE, PACIFIC AVENUE FROM S. WEST AVENUE TO THE EASTERLY TERMINATION AND ARTIC AVENUE FROM S. WEST AVENUE TO S. CENTRAL AVENUE
- **RESOLUTION 87-24** A RESOLUTION TO ENDORSE THE SUBMISSION BY THE BOROUGH OF BUENA OF THE 2023 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF RECYCLING AND TO DESIGNATE WILLIAM NIMOHAY TO ENSURE THAT THE SAID APPLICATION IS PROPERLY FILED
- **RESOLUTION 88-24** A RESOLUTION ACCEPTING A CHANGE ORDER TO AMEND A CONTRACT WITH MATHIS CONSTRUCTION COMPANY, INC., FOR FY2021 NJDOT MUNICIPAL AID PROJECT- RECONSTRUCTION OF SOUTH BOULEVARD (DRAINAGE IMPROVEMENTS)
- **RESOLUTION 89-24** 2024 EMERGENCY TEMPORARY BUDGET
- **RESOLUTION 90-24** APPROVAL TO SUBMIT A GRANT APPLICATION LTPF-2024 - RESURFACING OF WILLIAMS AVENUE, PA-00075 AND EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
- **RESOLUTION 91-24** RESOLUTION AUTHORIZING HIRING OF A PER-DIAM EMERGENCY MEDICAL TECHNICIAN: CRYSTAL MACKLIN
- **RESOLUTION 92-24** RESOLUTION AUTHORIZING HIRING OF A PART TIME EMERGENCY MEDICAL TECHNICIAN: DAVID DRAGON
- **RESOLUTION 93-24** A RESOLUTION RELEASING FIVE PERFORMANCE BONDS FOR VARIOUS STREET OPENING PROJECTS
- **RESOLUTION 94-24** A RESOLUTION OF THE BOROUGH OF BUENA REQUESTING AN ADDITIONAL SIXTY-DAY EXTENSION OF THE PINELANDS COMMISSION REVIEW OF ORDINANCE NO. 733
- **CORRESPONDENCE:**
 1. BUENA VARSITY CHEER COACH BRYANT’S REQUEST TO USE 102 WEST ARBOR AVENUE FOR THE CHEERLEADER’S ANNUAL CAR WAS FUNDRAISER IN AUGUST.
- **BILLS PAID AS LISTED**

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- **CLERK’S REPORT
MINUTES OF THE REGULAR MEETING OF MARCH 25, 2024**

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION: <u>BARSUGLIA</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
SECOND: <u>ANDALORO</u>	BARSUGLIA	X				
	ANDALORO	X				
RCV	DESTEFANO				X	

SOLICITOR’S REPORT:

Richard Tonetta, Borough Solicitor

Solicitor Tonetta reported that the 4th round Fair Share Housing is upon us. Recently, Governor Murphy signed the new Fair Husing Act as part of the old COAH compliances and a few deadlines that are fast approaching. June 18 is the deadline to file an accounting of all of the non-residential development fees collected and expended from the date we began collecting them. September 16 is the deadline to file the same for the residential development fees collected and expended. This is also the date by which we have to submit a unit and program monitoring report to DCA.

Tiffany CuvIELlo was hired as our Professional Planner last time to do the plan and suggested to retain her again. Tonetta stated he would reach out to her to see her costs and interest.

ENGINEER’S REPORT:

Marc DeBlasio, Borough Engineer

David Horst representing Marc DeBlasio and Associates reported:

Grant Applications

1. FY2024 NJDCA Local Recreation Improvement Grant (LRIG)
 - Our office collaborated with the Aubrey Group to produce a grant application for the improvements at Bruno Melini Park. The Aubrey Group has submitted the Grant Application to the NJDCA which is currently under review.
2. FY2024 NJDOT Local Transportation Projects Fund (LTPF) Grant
 - Last year (FY2023) our office applied for, and received \$400,000.00 in grant funding from the NJDOT for roadway improvements in the Borough.
 - Our office is working with the Borough to complete the grant application which is due June 28th.

Capital Projects

1. FY2022 and FY2023 NJDOT Municipal Aid - Reconstruction of E. Flower Street and South Boulevard
 - Both East Flower Street and South Boulevard were re-paved in March.
 - All work is complete.
2. FY2023 NJDOT Local Transportation Projects Fund - Reconstruction of Plymouth Street and Friendship Road
 - The Borough has been notified by the NJDOT that \$400,000.00 in FY2023 Grant funds have been awarded for the reconstruction of Plymouth Street and Friendship Road.
 - Our office has completed the land survey of the roadways.
 - Engineering design is in progress.
3. FY2024 NJDOT Municipal Aid - Reconstruction of East Summer Road
 - The Borough has been notified by the NJDOT that \$269,995.00 in FY2024 Grant funds have been awarded for the reconstruction of East Summer Road.
 - Our office has completed the land survey of the roadways.
 - Engineering design is in progress.

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4. CDBG ADA Building Improvements

- . The Borough has approved engineering design and construction phase services for the replacement of the front doors at Municipal Hall and the Senior Center.
- a. Jerry Blackman of OSK Architects has completed the architectural design drawings.
- b. The project is being prepared for public bid.
- c. Our office anticipates advertising the project for public bid in April.

5. Forest Grove Traffic Calming

- . The Borough has agreed to pursue the installation of line striping on the roadway.
- a. Zone Striping has completed installation of line striping on the roadway.

6. Bruno Melini Park Bathroom Building

- . Our office met with Jerry Blackman of OSK Architects to review the design of the new bathroom building.
- a. The bathroom building improvements are in the design phase.

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UNFINISHED BUSINESS: NONE

NEW BUSINESS: Councilwoman Barsuglia reported that the Aubrey Group filed a grant to update the lighting to LED throughout Melini Park.

Councilwoman Andaloro reminded everyone that Little League opening Day ceremonies will begin on Saturday with a parade starting at 9:00 am at Clearing School.

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NEXT MEETING: REGULAR, APRIL 22, 2024

MEETING ADJOURNED: M/ BARSUGLIA S/ANDALORO RCV

/S/ _____
Pamela Johnston, Acting Borough Clerk

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RESOLUTION 85-24

**A RESOLUTION AUTHORIZING THE SALE OF TAX SALE
CERTIFICATE Number 16-00046 AT PRIVATE SALE BY ASSIGNMENT.**

WHEREAS, the Borough of Buena is the holder of Tax Sale Certificate No. 16-00046 acquired under and by virtue of N.J.S.A. 54:5-34; and

WHEREAS, it is deemed financially beneficial to, and in the best interest of, the municipality to sell such tax sale certificate;

WHEREAS, the Borough has fulfilled the requirements whereby notice of potential assignment has been mailed to the owner at the address as appearing on the tax duplicate, as well as the assessed owner's last known address; and,

WHEREAS notice of assignment was posted in three public places within the Borough of Buena and published in the Atlantic City Press, a newspaper in general circulation in the municipality, as required by law.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Buena, County of Atlantic, State of New Jersey, hereby authorize the sale by assignment of the following tax sale certificates to Anne Heuser and Ron King, Sr. for the consideration set forth in the Notice of Assignment set forth below or attached hereto (\$81,159.16), which sum includes the lien for unpaid subsequent taxes for the period set forth, all as provided for and permitted under N.J.S.A. 54:5-113,

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and are hereby authorized and empowered to make, execute and deliver any and all assignment forms, including the form of Assignments set forth below or attached to this Resolution, or other legal documents which may be necessary or desired to effectuate the various sales permitted by this Resolution.

NOTICE OF PRIVATE ASSIGNMENT OF TAX SALE CERTIFICATE PURSUANT TO N.J.S.A. 54:5-113			
Take notice that on April 8, 2024 at 7:00 P.M. at the Borough of Buena Municipal Building, the governing body will adopt a resolution authorizing the sale by assignment method pursuant to N.J.S.A. 54:5-113 of the Tax Sale Certificates listed below:			
Assessed Owner	Block/Lot	Property Address	Certificate Date
Robert W. Van Dyke, Jr.	Block 208, Lot 32	136 N. Lincoln Avenue	1/12/17
Certificate No.	Certificate Amount	Assignment Amount	Assignee
16-00046	\$1,477.66	\$81,159.16	Ann Heuser & Ron King, Sr.
		Good Through 04/15/24	
Associate Borough Solicitor Alan Giebner s/ Alan G. Giebner Printer Fee: \$50.76 Pub Date: March 30th, 2024			Order #: COL4484

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RESOLUTION NO. 86-24

A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE ENGINEER TO APPLY FOR THE 2024 NJDOT LOCAL TRANSPORTATION PROJECTS FUND GRANT: RESURFACING OF WILLIAMS AVENUE FROM S. WEST AVENUE TO S. CENTRAL AVENUE, PACIFIC AVENUE FROM S. WEST AVENUE TO THE EASTERLY TERMINATION AND ARTIC AVENUE FROM S. WEST AVENUE TO S. CENTRAL AVENUE

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the Engineer is authorized to submit an electronic grant application to the New Jersey Department of Transportation for the 2024 Local Transportation Projects Fund Grant: Resurfacing of Williams Avenue and Pacific Avenue, in an amount not to exceed \$2,000.00, and contingent upon a Certification of Availability of Funds from the Chief Financial Officer.

RESOLUTION NO. 87-24

A RESOLUTION TO ENDORSE THE SUBMISSION BY THE BOROUGH OF BUENA OF THE 2023 MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF RECYCLING AND TO DESIGNATE WILLIAM NIMOHAY TO ENSURE THAT THE SAID APPLICATION IS PROPERLY FILED.

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgating recycling regulations to implement the Mandatory Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Council of the Borough of Buena to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Borough of Buena hereby endorses the submission of a 2023 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office and Recycling and

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designates William Nimohay to ensure that the said application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 88-24

A RESOLUTION ACCEPTING A CHANGE ORDER TO AMEND A CONTRACT WITH MATHIS CONSTRUCTION COMPANY, INC., FOR FY2021 NJDOT MUNICIPAL AID PROJECT- RECONSTRUCTION OF SOUTH BOULEVARD (DRAINAGE IMPROVEMENTS)

WHEREAS, in accordance with the project, Reconstruction of South Boulevard (Drainage Improvements), Remington and Vernick prepared a change order recommending a decrease in the contract price by \$3,083.00 for final as-built construction quantities for various contract items and supplemental items as stated on the Change Order attached hereto, and made part of, this Resolution.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that the change order submitted by Remington and Vernick providing for a decrease in the contract amount by \$3,083.00 is hereby accepted and approved by the Council of the Borough of Buena, as an amendment to said contract.

BE IT FURTHER RESOLVED that Joseph Baruffi, Mayor of the Borough of Buena, is authorized to execute the change order.

**RESOLUTION 89-24
BOROUGH OF BUENA
2024 EMERGENCY TEMPORARY BUDGET**

WHEREAS, an emergent condition has arisen with respect to providing appropriation for expenditures and no adequate provision has been made in the 2024 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2024 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.40A:4-20) including this resolution total \$2,231,468.00.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for the attached list of line items.
2. That said emergency temporary appropriations will be provided for in 2024 municipal budget as adopted.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

NOW, THEREFORE, BE IT RESOLVED that the following appropriations shall constitute the Borough of Buena 2024 Temporary Budget:

General Government:

Municipal Clerk

Other Expenses

3,000.00

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Governing Body	
Salary & Wages	10,000.00
Finance	
Other Expenses	500.00
Tax Assessor	
Other Expenses	1,000.00
Tax Map Maintenance	1,000.00
Public Buildings & Grounds	
Other Expenses	15,000.00
Zoning Officer	
Salary & Wages	4,000.00
Group Health Insurance	
Health Insurance	100,000.00
Disability Insurance	1,000.00
BBFD Secretary	
Salary & Wages	3,000.00
Emergency Medical Services	
Salary & Wages	150,000.00
Street & Roads	
Salary & Wages	60,000.00
Other Expenses	20,000.00
Animal Control Services	5,000.00
Police Interlocal	279,966.50

RESOLUTION NO. 90-24

**APPROVAL TO SUBMIT A GRANT APPLICATION LTPF-2024 - RESURFACING OF
WILLIAMS AVENUE, PA-00075 AND EXECUTE GRANT AGREEMENT WITH THE NEW
JERSEY DEPARTMENT OF TRANSPORTATION**

WHEREAS, the New Jersey Department of Transportation accepts applications for the Local Transportation Project Fund Program; and

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, subject to funding appropriation, the Local Transportation Projects Fund is established to address specific focused local transportation issues throughout the State; and

WHEREAS, these projects are approved at the discretion of the Commissioner; and

WHEREAS, this grant program does not require a local match; and

WHEREAS, the Borough of Buena carefully considers grant programs that assist the Borough in achieving projects and programs that are priorities for the community; and

WHEREAS, the Borough of Buena wishes to apply for to the Local Transportation Project Fund Program for a grant to resurface Williams Avenue from S West Avenue to S Central Avenue, Pacific Avenue from S West Avenue to the easterly termination and Artic Avenue from S West Avenue to S Central Avenue; and

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NOW, THEREFORE, BE IT RESOLVED that Borough Council of the Borough of Buena formally approves a Local Transportation Project Fund Program grant application.

BE IT FURTHER RESOLVED that the Mayor, Clerk and Borough Engineer are hereby authorized to submit an electronic grant application identified as LTPF-2024 - Resurfacing of Williams Avenue, Pa-00075 to the New Jersey Department of Transportation on behalf of the Borough of Buena.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Buena and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION NO. 91-24

**RESOLUTION AUTHORIZING HIRING OF A PER-DIEM EMERGENCY MEDICAL
TECHNICIAN**

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:

Crystal Macklin

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 a per-diem Emergency Service Technician based on 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 NO. 92-24

**RESOLUTION AUTHORIZING HIRING OF A PART TIME EMERGENCY MEDICAL
TECHNICIAN**

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:

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DAVID DRAGON

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 candidate as a Parttime Emergency Service Technician based on 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 NO. 93-24

**A RESOLUTION RELEASING FIVE PERFORMANCE BONDS FOR VARIOUS STREET
OPENING PROJECTS**

WHEREAS, the Road Supervisor received a request to release five (5) Street Opening Performance Bonds; and

WHEREAS, the Road Supervisor inspected the roads and found the work to be satisfactory; and

WHEREAS, the Road Supervisor has authorized the release of the following Performance Bonds:

Permit No. 1028	\$ 960.00
Permit No. 1029	\$ 900.00
Permit No. 1041	\$1,200.00
Permit No. 1042	\$ 360.00
Permit No. 1089	\$ 840.00

I&H BUILDERS
689 WOODSTOWN ROAD
SWEDESBORO, NJ 08085

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Buena that the aforementioned Performance Bonds are hereby released as recommended by the Road Supervisor.

RESOLUTION NO. 94-24

**A RESOLUTION OF THE BOROUGH OF BUENA REQUESTING AN ADDITIONAL SIXTY-DAY
EXTENSION OF THE PINELANDS COMMISSION REVIEW OF ORDINANCE NO. 733**

WHEREAS, Council adopted Ordinance No. 733 Amending Ordinance No. 395, As Amended, Chapter 150 of the Code of the Borough of Buena Entitled Land Use as Part of the Master Plan Review Consistent with Resolution 2018-23 Of the Buena Borough Land Use Board for Zoning District Changes and Zone Map Adoption as Recommended Therein; and

WHEREAS, The Commission had previously granted a sixty-day extension, and the Mayor and Council have now authorized the engineer to revise the PR-1 Zone on the Zoning Map to conform with previously approved zoning by the Pinelands Commission.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Buena hereby formally request a sixty-day extension of the Pinelands Commission review of Ordinance No. 733.