

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
APRIL 22, 2024
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MEETING CALLED TO ORDER: 7:00 P.M.
MEETING ADJOURNED: 8:05 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 Maryann Coraluzzo, Solicitor Rick Tonetta, Road Supervisor Bill Nimohay.

SUNSHINE LAW: The regular meeting of Mayor and Council of the Borough of Buena was held April 22, 2024 commencing at 7:00 P.M. at the Borough Hall with Mayor Baruffi presiding. Mayor Baruffi 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 and the Daily Journal on November 27, 2023 as well as being posted on the bulletin board in Borough Hall

MAYOR BARUFFI 'S REPORT:

- Update was given on the status of Minotola Estates project
- Update was given on the building demotion status at the 100 Central Ave., property, also bidding will be for this demolition will take place.
- Information from the County Administration on Buena Borough's Real Property ration is 85.9%, highest in the county and as a result the county portion of our taxes will decrease by 4 cents in 2024. Below is report:

Buena is not on immediate radar of Reval. The county is reviewing data to see where each town falls in the county. (see attachments)

She appreciated me working with Matthew Duffy in her office with the compliance plan.

The county is now redirecting its focus on reassessments but still looking at compliance plans.

They want to be friend to towns not foes. They are looking for less painful way. Their goal is to save the municipalities money by not making them perform revaluations but instead to focus on reassessments (Inspections need to be done-county looking to hire staff to help the assessors as they know we do not have staff for this).

- Follow up email of the phone conversation on April 19, 2024 concerning areas of flooding in Buena Borough with John Saban is as follows:

Good afternoon Mayor,

Re: 2pm phone call, Friday April 19th- Buena Flooding- Assemblyman Hutchison, Mayor Baruffi, John Saban (LD4 Chief of Staff)

During today's call we discussed about ongoing work with Buena and Atlantic County to mitigate flooding issues on Route 40 and Brewster Road. Mayor Baruffi shared that he has buy-in from the County on trying to help fix the issue, but that this is something that we will need to assist with with NJDOT and NJDEP. Specifically, we believe issues facing Rt 40 could be helped along by contact made at the NJDOT and issues with Brewster Rd may need some intervention by the NJDEP. Assemblyman Hutchison has brought up flooding issues in Buena directly to the Commissioner of NJDOT and his leadership team when we had the Commissioner in the office for a separate meeting.

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Since that meeting, Assemblyman Hutchison has had direct contact with the NJDOT Chief of Staff, and John will be following up. Our office will work to set up a meeting between NJDOT, Atlantic County and Buena to see how the State can best assist.

- Workshop session on June 10th discussion will be on improving the Property Maintenance Ordinance
- The regular council meeting on June 10 Appreciate Plagues for the Wall of Fame will be presented to our former Mayor Gene Iannette. Former councilmembers Joseph Rosemont and Rosalie Baker family members will be notified to attend the awarding of the plaques. The Administrator will be coordinating
- Bill Sciarreta of the American Leion Post 270 has invited Mayor, Council and the public to attend their annual Memorial Day Ceremonies on May 27th at the Post at 9:00 AM, following the ceremony there will be hot dogs and beverages provided.

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>ALVAREZ</u>	GIOVINAZZI	X				
	ALVAREZ	X				
	ADAMS	X				
SECOND: <u>ANDALORO</u>	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				
RCV						

Rocco Sebastiani, Collsseo Development Group introduced himself and explained that he is working with Organic Green Buds to express interest in opening a Cultivation and Manufacturing facility at 345 Weymouth Road.

Susan Romeo Suggested left hand turn lanes on Rt 40 at Weymouth Road to help with traffic concerns.

Brian Fatcher requested clarification regarding tree removal at his property on Belvedere Avenue and noted that the handicap sign on Kimberly Drive had been damaged. Mr. Fatcher raised concerns regarding door-to-door solicitation on Kimberly Drive stating that he had contacted the police department and informed them said solicitors did not properly identify themselves.

Thomas Reno, The Social Leaf Dispensary, introduced himself and expressed his interested in collaborating with existing businesses at 345 Weymouth Road.

MOTIONED TO CLOSE PUBLIC PORTION:

	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				
	DESTEFANO	X				
RCV						

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MOTIONED TO OPEN THE PUBLIC HEARING ON:

**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				
SECOND: <u>ALVAREZ</u>	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				
RCV						

DISCUSSION:
None.

MOTIONED TO CLOSE THE PUBLIC HEARING:

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

ORDINANCE 752 ADOPTED:

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

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 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:

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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 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

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(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 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	10-year	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

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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	10-year	100-year
Design Storm			
Design Storm			
Design Storm			
Atlantic	1.22	1.24	1.39
Gloucester	1.19	1.23	1.41

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.

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(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.

(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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THE OATH WAS GIVEN TO JERRY MARINACCI BY MAYOR BARUFFI FOR THE OFFICE OF EMERGENCY MANAGEMENT, BIBLE HELD BY COUNCILMAN JORGE ALVAREZ.

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 95-24** A RESOLUTION ACCEPTING THE RESIGNATION OF ERIC DELFAVA AS EMERGENCY MANAGEMENT COORDINATOR AND APPOINTING JERRY MARINACCI TO FILL THE REMAINING TERM
- **RESOLUTION 96-24** A RESOLUTION AUTHORIZING THE CFO TO REFUND AN MUA PAYMENT IN THE AMOUNT OF \$142.37 TO THE BOROUGH OF BUENA MUA
- **RESOLUTION 97-24** RESOLUTION AUTHORIZING HIRING OF A PART TIME EMERGENCY MEDICAL TECHNICIAN: ALYSSA HEISLER
- **RESOLUTION 98-24** A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY AND AUTHORIZING DEBLASIO & ASSOCIATES TO FILE A PRELIMINARY GRANT/LOAN APPLICATION FOR THE REPLACEMENT OF VARIOUS SANITARY SEWERS
- **BILLS PAID AS LISTED**
- **CLERK’S REPORT**
MINUTES OF THE REGULAR MEETING OF APRIL 8, 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				
	DESTEFANO	X				
RCV						

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- **CORRESPONDENCE:**
Cleary School requested to hold their “Party at the Park” at Melini Park in June.

Buena Historical Society requesting permission to use Borough owned vacant lot, adjacent to the Historical property on Kennedy Drive, on May 4, 2024, between the hours of 9:00 a.m. to 5:00 p.m. for additional parking.

	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				
	DESTEFANO	X				
RCV						

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COMMITTEE REPORTS:

PLANNING/ZONING/INSPECTIONS:

COUNCILMAN RICHARD GIOVINAZZI reported Code Enforcement Officer Hoffman attended court on April 11th for two summonses issued for property maintenance violations. Violation notices and summonses had been issued to properties concerning no new tenant inspection, rubbish, garbage, and junk vehicles. A discussion resulted that a review the Property Maintenance Code should be discussed at an upcoming meeting.

FINANCE/TAX COLLECTOR/ASSESSOR:

COUNCILMAN JORGE ALVAREZ updated mayor and council that the budget had been submitted to the state for review. The temporary budget used 88% in March, and delinquent residents' taxes are getting caught up.

PUBLIC SAFETY/STREET LIGHTS:

COUNCILMAN DOUGLAS ADAMS,

- Police Department Calls in the Bourgh are up 9% with 844 total calls. the police department will deploy more uniformed officers at the part during the spring and summer seasons including Spanish community center where the community garden is located. Police bicycle patrol is being discussed for the Borough community.
- Rescue calls 86, 64 for the Borough to assist other towns
- Animal Control has been diligent in patrolling for unlicensed dogs and a late fee is being implemented after the March 31st deadline.
- Buena Borough Fire Dept 9 calls in the 3 months in existence, 20 calls to date.
- Reminder to report street light outages as the Borough pays for them to always be in operation.

RECREATION

Councilwoman MARINA BARSUGLIA

- Blackwater Pond is being cleared
- May 4 from 10-4 is the Buena Historical Society Craft Fair and Car Show
- Community yard sale will be the 18TH AND 19th no fee and will be
- Little League had opening day; president Fabrizio stated there were over 300 participants this year
- The summer Concert series are being planned with former Mayor Gene Iannette
- Art in the Park curriculum is being planned for the summer
- Community Gardens has been moved to the Spanish community center and 10 chestnut trees have been planted at the new location.

BLDGS/GROUNDS/IMPROVEMENTS

COUNCILWOMAN PATRICIA ANDALORO reported to Mayor and Council that Anthony Ferrucci Nursery has donated the shrubs planted by our Road Department that have enhanced our Municipal Building and a thank you was sent.

- Joe Mohnack stated the bid proposals for ADA doors at Borough Hall and the Senior Center are being prepared and the project should be completed for July 27th, with the Restrooms in the Park to be their next project.
- The Senior Citizen Group will be traveling from May 13th to the 18th and have requested to park their vehicles at the Commerce Center during that time. There will be approximately 12-15 vehicles parked as in previous years.
- Buena Baseball League held their opening ceremonies last week and with the help of the Road Dept and the Buena Baseball League the park looked great.
- Received information from Egg Harbor City Mayor Lisa Jiampetti regarding the Community Clean Up program noting that group volunteers from the ACUA will provide the necessary supplies. The dates will be announced.

ROADS/RECYCLING

COUNCILMAN FRANK DESTEFANO gave report from the Road Supervisor Nimohay:

- Branches are being collected and the park items are complete
- Meeting with Remington and Vernick and NJDOT on South Blvd to close out the drainage work.
- Lawn mowers prepare for the season and grass cutting has begun in the
- Pot holes are being filled and basin grates are being checked before heavy rains begin
- Tonnage Grant to be completed this week and given to ACUA to submit to the state

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Solicitor Tonetta expressed concerns regarding Minotola Estates and requested to amend resolution of incomplete site plans:

RESOLUTION NO. 99-24

A RESOLUTION OF THE BOROUGH OF BUENA AMENDING RESOLUTION 50-14 AUTHORIZING NOTIFICATION TO EINHORN CONSTRUCTION, LLC, AND FIRST INDEMNITY OF AMERICA INSURANCE COMPANY DECLARING A DEFAULT OF COMPLETION OF IMPROVEMENTS FOR MINOTOLA ESTATES SUBDIVISION.

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

RCV

WHEREAS, on or about August 26, 2003, Einhorn Construction, LLC, (Einhorn) received final site plan approval for a major subdivision of Block 207, Lot 63, known as Minotola Estates, creating 21 lots for the construction of single-family homes with one lot utilized for a pumping station to be dedicated to the Buena Borough Municipal Utilities Authority (BBMUA), said approval being memorialized in Resolution No. 2003-20 of the Land Use Board of the Borough of Buena; and

WHEREAS, as a condition of approval, Einhorn was to post a Performance Bond to assure the completion of all site improvements required in accordance with Resolution 2003-20; and

WHEREAS, Einhorn posted a Surety Bond with First Indemnity of America Insurance Company (First Indemnity) in the amount of \$727,200.00 as required dated June 2, 2006, bearing Bond No. S92171; and

WHEREAS, subsequent to the completion of three (3) single family homes and during the construction of a fourth (4th), Einhorn discontinued construction of said homes and has discontinued the completion of required site plan improvements and further has failed to dedicate Block 207, Lot 62 to the BBMUA; and

WHEREAS, the Borough Engineer had submitted a statement of uncompleted site improvements including street lighting and road improvements which poses a public safety issue for the residents of Minotola Estates; and

WHEREAS, First Indemnity Bond S92171 requires the municipal governing body notify Einhorn and First Indemnity of the event of default so as to provide First Indemnity the right to complete the work should same be necessary; and

WHEREAS, Council adopted Resolution 50-14 notifying Einhorn and First Indemnity of the default which caused Einhorn to commence the completion of site improvements; and

WHEREAS, recent inspections by the Borough Engineer resulted in a report of incomplete site plan improvements including the roadway, drainage, landscaping, among other incomplete portions of the major site plan; and

WHEREAS, the Borough Engineer reported that the cost for the completion of the roadway, landscaping and fencing to be \$95,205.00; and

WHEREAS, in accordance First Indemnity Bond S92171, the Borough Council renews notification to Einhorn and First Indemnity of the event of default so as to provide First Indemnity the right to complete the

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work should same be necessary.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Borough Solicitor is authorized to notify Einhorn and First Indemnity of the default in completion of improvements for Minotola Estates subdivision.

BE IT FURTHER RESOLVED that should litigation be necessary to complete the site plan requirements set forth above, the Solicitor or the appropriate representative of the Borough is authorized to commence suit to enforce the bond and for the proper completion of Minotola Estates major subdivision in accordance with plans and specification set forth in Resolution 2003-20 and 2006-4 of the Planning Board of the Borough of Buena and such related documents on file in the borough of Buena, including site plans and land use approvals for Minotola Estates major subdivision.

UNFINISHED BUSINESS

Council President Adams stated High Grass had invited the Mayor, Council and Borough Staff on April 11th for a tour of the facilities to review the beginning stages of construction. Council President Adams stated he had spoken with the owner of the property, David Khadideh and he will be at the May 13th workshop meeting to introduce himself and review plans for the property. Also, Adams requested Solicitor Tonetta to amend the existing cannabis Ordinance to create additional licenses to include for one wholesale, one distribution and one or two cultivations.

Adams recognized Social Leaf and Organic Green Buds representatives in attendance. Taste of Earth Kelsea Jackson stated she will be presenting their plans at the Land Use meeting on Tuesday.

A representative of High Grass Farms also stated they are continuing with inspections and submitting site plans.

Dave Romeo, Landisville, mentioned that the property adjacent to 345 Weymouth Rd had an abandoned trailer and debris along the fence.

NEW BUSINESS

None

NEXT MEETING: WORKSHOP AND REGULAR, MAY 13, 2024

MEETING ADJOURNED: M/ BARSUGLIA S/ ALVAREZ RCVU

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RESOLUTION NO.95-24

A RESOLUTION ACCEPTING THE RESIGNATION OF ERIC DELFAVA AS EMERGENCY MANAGEMENT COORDINATOR AND APPOINTING JERRY MARINACCI TO FILL THE REMAINING TERM

WHEREAS, Eric DelFava submitted his letter of resignation as Emergency Management Coordinator for the Borough of Buena, effective April 22, 2024; and

WHEREAS, Jerry Marinacci is willing to serve as the Emergency Management Coordinator for the Borough of Buena.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Eric DelFava's resignation is accepted with regrets.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Buena that Jerry Marinacci is hereby appointed to fill Eric DelFava's unexpired term.

RESOLUTION NO. 96-24

A RESOLUTION AUTHORIZING THE CFO TO REFUND AN MUA PAYMENT IN THE AMOUNT OF \$142.37 TO THE BOROUGH OF BUENA MUA

WHEREAS, a payment was remitted to the Tax Collectors office in the amount of \$136.25 which was an MUA payment during the 1st quarter of 2024 with interest accrual in the amount of \$6.12 for a total of \$142.37.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Chief Financial Officer is hereby authorized to refund the amount of \$142.37 to the MUA from the Current Fund.

RESOLUTION NO. 97-24

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:

ALYSSA HEISLER

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.

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RESOLUTION NO. 98-24

A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY AND AUTHORIZING DEBLASIO & ASSOCIATES TO FILE A PRELIMINARY GRANT/LOAN APPLICATION FOR THE REPLACEMENT OF VARIOUS SANITARY SEWERS

WHEREAS, N.J.S.A. 40A:65-1, et seq., known as the "Uniform Shared Services and Consolidation Act," authorizes two or more local units to enter into an agreement for shared services known as a Shared Services Agreement for the provision of municipal services ("Agreement"); and

WHEREAS, the governing body of the Borough of Buena recognizes that shared services may result in property tax relief and enhanced services for its residents; and

WHEREAS, the governing body of the Borough of Buena recognizes that shared services may result in property tax relief and enhanced services for its constituents; and

WHEREAS, the Borough of Buena and the Borough of Buena Municipal Utilities Authority have identified the need to replace various sanitary sewers; and

WHEREAS, the Borough of Buena and the Borough of Buena Municipal Utilities Authority wish to authorize DeBlasio & Associates to apply to the U.S. Department of Agriculture for funding under the USDA-RD- Preliminary Application for said project, in an amount not to exceed \$18,500.00, to replace various sanitary sewers

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Buena hereby endorses undertaking a shared services agreement with the Borough of Buena Municipal Utilities Authority for the provision of authorizing DeBlasio & Associates to apply to the U.S. Department of Agriculture for funding under the USDA-RD- Preliminary Application for said project in an amount not to exceed \$9,250.00 contingent upon a Certificate of Availability of Funds.

BE IT FURTHER RESOLVED that, if approved, all other mutually approved expenses incurred and not covered by the Grant will be paid at 50% by the Borough of Buena and 50% by the Borough of Buena Municipal Utilities Authority.

BE IT FURTHER RESOLVED that a copy of the Agreement shall be maintained in the Borough of Buena Clerk's office and be available for public inspection.

/S/ Pamela Johnston
Pamela Johnston, Acting Borough Clerk