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Jenna Talarico, Minotola, questioned the Cannabis costs.
 Susan Romeo - Landisville, questioned police contract and coverage.
 Maria Donato - Landisville had questions concerning Landisville Fire Company.
 Betty Testa - Landisville had questions about Cannabis laws that would affect the Borough.
 John Petrillo - Landisville had questioned why the Borough would need Cannabis.

MOTION TO CLOSE PUBLIC PORTION:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ		X	X				
WALKER			X				
D'ALESSANDRO			X				
ANDALORO, P	X		X				

=====
PUBLIC HEARING ON:

ORDINANCE NO. 705 AN ORDINANCE OF THE BOROUGH OF BUENA IN ATLANTIC COUNTY AMENDING CHAPTER 202 OF THE CODE OF THE BOROUGH OF BUENA AND ENACTING ARTICLE III TITLED CANNABIS

Council Member	By	2nd	YES	NO	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ			X				
WALKER		X	X				
D'ALESSANDRO	X		X				
ANDALORO, P				X			

WHEREAS, Section 40 of the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act, N.J.S.A. 24:6I-31 and N.J.S.A. 40:48I-1 authorizes municipalities by ordinance to adopt regulations which establish limited taxation of the six classes of cannabis activity within the municipality; and

WHEREAS, specifically, a municipality may adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality and at the discretion of the municipality, the tax may be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; or any combination thereof; and

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WHEREAS, since the amount to be raised by this newly created tax is too uncertain to accurately calculate, the Council is not at this time mandating the dedication of the taxes collected, but does wish to memorialize an intention to dedicate a portion of the revenue collected pursuant to the tax to investment in the community; and

WHEREAS, the Council of the Borough of Buena believes it is in the best interests of the Borough and its residents to enact this Ordinance as permitted by law.

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

Section 1. Chapter 202 of the Code of the Borough of Buena is hereby amended as follows:

Article III. Cannabis

§ 202.12 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACT - Public Law 2021, c. 16, commonly known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” codified at N.J.S.A. 24:6I-31 et seq.

CANNABIS - All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with the Act for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

CANNABIS BUSINESS - Any person or entity that holds any of the six classes of licenses established under the Act.

CANNABIS CULTIVATOR - Any licensed person or entity that grows, cultivates, or produces cannabis, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS DELIVERY SERVICE - Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

CANNABIS DISTRIBUTOR - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS ESTABLISHMENT - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

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CANNABIS MANUFACTURER - Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS PRODUCT - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

CANNABIS RETAILER - Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

CANNABIS TAX - Collectively, the taxes as are established in this Chapter.

CANNABIS WHOLESALER - Any licensed person or entity that purchases or otherwise obtains, Stores sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

LICENSEE - Any person or entity that holds a license issued under the Act, including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license, and includes a person or entity that holds a conditional license for a designated class.

MICROBUSINESS - Any person or entity licensed as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

BOROUGH- Borough of Buena

Any term not defined herein shall have the meaning as established by Section 40 of Public Law 2021-16 (N.J.S.A. 24:6I-33).

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§202-13. Intent.

It is the intent of this Chapter to establish the regulatory framework to implement the provisions of the Act, including the imposition of Cannabis Taxes, as permitted by Section 40 of the Act, at a uniform percentage rate not to exceed two percent (2%) of the receipts from each sale by a Cannabis Cultivator; two percent (2%) of the receipts from each sale by a Cannabis Manufacturer; one percent (1%) of the receipts from each sale by a Cannabis Wholesaler; and two percent (2%) of the receipts from each sale by a Cannabis Retailer, which shall be in addition to any other tax or fee imposed pursuant to any other statute or local ordinance or resolution by any governmental entity having regulatory authority over the Cannabis Establishment.

§ 202.14. Permitted Uses.

Cannabis Cultivators, Manufacturers, Wholesalers, Distributors, Retailers, and Delivery Services are permitted uses in the Borough in accordance with the standards set forth in Chapter 150 titled Land Use.

§202.15. License.

- A. Local License Required.** Pursuant to the authority granted by N.J.S.A. 24:6I-45(c) (2), no person or entity shall operate a Cannabis Business in the Borough without obtaining a license pursuant to this Chapter.
- B. Local Licensing Authority.** The Borough Council shall constitute the issuing authority for the issuance of a local license, and for the suspension or revocation of any license issued hereunder.
- C. Application.** In order to obtain a license to operate a Cannabis Business in the Borough, an applicant shall file an application, signed by the applicant, with the Borough Clerk upon a form provided by the Clerk which sets forth all information necessary for a proper consideration of the application. Such application shall be filed contemporaneous to filing an application for a license pursuant to the Act.
- D. Fee.** At the time the application is made, the applicant shall pay to the Borough a nonrefundable application fee in the amount of \$300.
- E. Issuance.** Upon approval of an application, the Borough Council shall, by resolution, issue a license to operate a Cannabis Business in the Borough.
- F. Suspension or Revocation.** Any license required by this chapter may be suspended or revoked for violation of any of the following:
- (1) Subsequent knowledge of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.
 - (2) Any fraud, misrepresentation, or false statements made in conducting the Cannabis Business.
 - (3) Any violation of the Act, or the rules and regulations of the Cannabis Regulatory Commission.
 - (4) Subsequent conviction of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the Cannabis Business in a professional, honest and legal manner. Such violations shall include, but are not limited to, violations of Chapter 35 of Title 2C of the New

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Jersey Statutes, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(5) Violation of any other provision of this chapter.

G. **Notice of Hearing.** Notice of a hearing to consider the suspension or revocation of a license under the preceding subsection shall be given in writing by the Borough Clerk, setting forth the grounds of the proposed action and the time and place of the hearing. Such notice shall be personally delivered, or mailed, by certified and regular mail, to the Licensee at the address indicated on the license application, at least ten days prior to the date of the hearing.

H. **Appeal.** Any person whose permit is suspended or revoked under this section shall have the right to appeal that decision to a court of competent jurisdiction.

§ 202-16. Prohibitions.

A. Consumption of Cannabis Products in public is prohibited.

B. The sale of Cannabis Products to visibly intoxicated individuals is prohibited.

§ 202-17. Cannabis Tax.

A. **Tax Established.** There is hereby established a local cannabis transfer tax on the sale of Cannabis or Cannabis Products by a Cannabis Establishment located in the Borough. The tax is hereby imposed on the receipts from the sale of Cannabis by a Cannabis Cultivator to another Cannabis Cultivator; receipts from the sale of Cannabis or Cannabis Products from one Cannabis Establishment to another Cannabis Establishment; receipts from the retail sales of Cannabis or Cannabis Products by a Cannabis Retailer to retail consumers who are 21 years of age or older; or any combination thereof. Sales by a Cannabis Establishment located in the Borough are subject to the tax established herein even if the Cannabis or Cannabis Products are delivered to another municipality.

B. **Rate.** The amount of the tax shall be two percent (2%) of the receipts from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1%) of the receipts from each sale by a cannabis wholesaler; and two percent (2%) of the receipts from each sale by a cannabis retailer.

C. **User Tax.** In addition to the tax established in paragraph A of this section, a user tax, at the equivalent transfer tax rates, is hereby established on any concurrent license holder, as permitted by section 33 of P.L.2021, c.16 (N.J.S.A.24:6I-46) and N.J.S.A. 40:48I-1 operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of Cannabis or Cannabis Products not otherwise subject to the transfer tax imposed pursuant to paragraph A of this subsection, from the licensee's establishment that is located in the Borough to any of the other licensee's establishments, whether located in the Borough or another municipality.

D. The Cannabis Tax set forth in this section shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance on a Cannabis Establishment.

§ 202.18. Collection of Cannabis Tax.

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A. The Cannabis Tax imposed by this Chapter shall be collected or paid and remitted to the Borough by the Cannabis Establishment from the Cannabis Establishment purchasing or receiving the Cannabis or Cannabis Product, or from the consumer at the point of sale, on behalf of the Borough by the Cannabis Retailer selling the cannabis item to that consumer. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.

B. Every Cannabis Establishment required to collect a Cannabis Tax imposed by this chapter shall be personally liable for the Cannabis Tax imposed, collected, or required to be collected under this chapter. Any Cannabis Establishment shall have the same right with respect to collecting the Cannabis Tax from another Cannabis Establishment or the consumer as if the Cannabis Tax was a part of the sale and payable at the same time, or with respect to non-payment

of the Cannabis Tax by the Cannabis Establishment or consumer, as if the Cannabis Tax was a part of the purchase price of the Cannabis or Cannabis Product, or equivalent value of the transfer of the Cannabis or Cannabis Product, and payable at the same time.

C. No Cannabis Establishment required to collect a Cannabis Tax imposed by this chapter shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the Cannabis Tax will not be separately charged and stated to another Cannabis Establishment or the consumer, or that the Cannabis Tax will be refunded to the Cannabis Establishment or the consumer.

D. All Cannabis Tax imposed by this chapter shall be remitted to the Chief Financial Officer of the Borough on a quarterly basis payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all Cannabis Taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all Cannabis Taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all Cannabis Taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all Cannabis Taxes collected for the immediate prior months of July, August and September.

E. Simultaneous with payment of the Cannabis Tax, the Licensee shall submit an affidavit signed by an individual who is responsible for the Licensee that certifies the total receipts from each sale so that an accurate calculation of the Cannabis Tax due may be determined.

F. The Borough shall enforce the payment of delinquent Cannabis Taxes imposed pursuant to this chapter in the same manner as provided for municipal real property taxes. In the event that the Cannabis Tax imposed by this chapter is not paid as and when due by a Cannabis Establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the Cannabis Establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year. The Borough shall file in the office of the tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent Cannabis Establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

G. Upon written request of the Borough, a Cannabis Establishment shall submit an auditor's report for the preceding fiscal or calendar year, certified by a Certified Public Accountant, to the Borough. The auditor's report shall include, but not be limited to, all receipts generating Cannabis Taxes, and such details as may relate to the

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financial affairs of the Cannabis Establishment and to its operations and performance, and shall be prepared in a manner consistent with the current standards of the Financial Accounting Standards Board. Said auditor's report shall be submitted to the representatives of the Borough within thirty (30) days of receipt by the Cannabis Establishment of the Borough's request for said auditor's report.

Section 2. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. In the event that any section, paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4. Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

DISCUSSION: Councilwoman P. Andaloro, G. Andaloro, Councilmen Walker and Alvarez all commented.

PUBLIC HEARING CLOSED.

Council Member	By	2nd	YES	NO	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ	X		X				
WALKER		X	X				
D'ALESSANDRO			X				
ANDALORO, P			X				

ORDINANCE NO. 705 ADOPTED:

Council Member	By	2nd	YES	NO	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ			X				
WALKER		X	X				
D'ALESSANDRO	X		X				
ANDALORO, P				X			

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PUBLIC HEARING OPENED ON:

**ORDINANCE NO. 706 CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

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Council Member	By	2nd	YES	NO	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ		X	X				
WALKER	X		X				
D'ALESSANDRO			X				
ANDALORO, P				X			

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 2022 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 \$26,087.49 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 2022 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 \$91,306.22, and that the CY 2022 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.

DISCUSSION: NONE

PUBLIC HEARING CLOSED:

Council Member	By	2nd	YES	NO	Abstain	Absent	Recuse
ANDALORO, G			X				

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ALVAREZ		X	X				
WALKER	X		X				
D'ALESSANDRO			X				
ANDALORO, P			X				

ORDINANCE NO. 706 ADOPTED:

Council Member	By	2nd	YES	NO	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ		X	X				
WALKER	X		X				
D'ALESSANDRO			X				
ANDALORO, P				X			

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INTRODUCED AND PASSED ON FIRST READING:

ORDINANCE NO. 707 AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY APPROVING A SHARED SERVICES AGREEMENT FOR POLICE SERVICES WITH THE TOWNSHIP OF FRANKLIN

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G	X		X				
ALVAREZ			X				
WALKER			X				
D'ALESSANDRO			X				
ANDALORO, P		X	X				

WHEREAS, it is in the best interests of the residents of the Township of Franklin and the Borough of Buena to enter into a shared services agreement pursuant to N.J.S.A. 40A:65-1 (the Shared Services Act) to enable the Township to provide protection and coverage through the Township's police department to the Borough: and

WHEREAS, the Borough Council of the Borough of Buena entered into a prior agreement for police services with the Township of Franklin on October 31, 2017;and

WHEREAS, the Borough of Buena now desires to enter into a new agreement for police services with the Township of Franklin; and

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WHEREAS, the Borough of Buena deems it in the best interest of the residents of the Borough to enter into a new agreement with the Township of Franklin for reasons of economy, safety and prudence.

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

Section 1. Approval of Agreement. The Borough of Buena hereby approves the terms and conditions of a Shared Services Agreement for police services between the Municipalities of the Township of Franklin and the Borough of Buena and such Agreement attached hereto and incorporated herein by reference as Exhibit A dated April ,2022. The Mayor and Acting Clerk of the Borough of Buena are hereby expressly authorized to execute the aforesaid Agreement on behalf of the Borough.

Section 2. Jurisdiction. The jurisdiction of the police services shall be coextensive with the municipal territory of the Participating Municipalities.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

Section 4. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

Section 5. Effect. This Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

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**RESOLUTION NO. 50-22 RESOLUTION RESCINDING RESOLUTION NO. 83-21
SUSPENDING THE APPLICATION AND ENFORCEMENT OF THE
VACANT AND ABANDONED PROPERTY ORDINANCE IN THE
BOROUGH OF BUENA**

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ			X				
WALKER	X		X				
D'ALESSANDRO		X	X				
ANDALORO, P			X				

WHEREAS, the Borough of Buena enacted Ordinance # 639-2016 titled Abandoned Real Property on June 27, 2016; and

WHEREAS, such ordinance was enacted as part of a countywide registry program

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implemented by the Atlantic County Improvement Authority who entered into a Shared Services Agreement with Pro Champs to track and register the properties for each participating municipality; and

WHEREAS, said Ordinance was enacted to regulate Vacant and Abandoned property and establishing a fee structure for registration of such properties; and

WHEREAS, on New Jersey Legislature passed Assembly Bill #2877 regulating abandoned and vacant properties which bill became effective on January 18, 2022; and

WHEREAS, on or about March 30, 2022, the Atlantic County Improvement Authority recommended that all municipalities resume participation in the program.

AND NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the application and enforcement of Ordinance # 639-2016, found in Chapter 58 of Code of the Borough of Buena be immediately resumed and the Resolution No. 83-21 be rescinded.

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RESOLUTION NO. 51-22 RESOLUTION FOR A PERSON-TO-PERSON LIQUOR LICENSE TRANSFER

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ			X				
WALKER			X				
D’ALESSANDRO		X	X				
ANDALORO, P	X		X				

WHEREAS, there exists in the Borough of Buena, a certain Plenary Retail Consumption License, being license No.: **0104-33-004-011** known as **JERSEY PUB 4 INC. D.B.A. MUNCIE RESTAURANT, TODD MOORE/PRESIDENT**

WHEREAS, said owner having filed with the issuing authority a letter of consent to transfer said license; and

WHEREAS, the applicant has complied with the provisions of N.J.A.C. 13:2-7.10, as follows:

1. The submitted application is complete in all respects; and
2. The applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder as well as pertinent local ordinances and conditions consistent with Title 33; and
3. The applicant has disclosed and the authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

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WHEREAS, said owners have complied with all State and Local requirements for said transfer, including legal advertisements under such statutes made and provided.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Borough of Buena that the Plenary Retail Consumption License No.: **0104-33-004-011** is hereby transferred to **MARESA LLC T/A BLACKWATER KITCHEN AND TAP HOUSE, SCOTT FENTON, 528 N. HARDING HIGHWAY, BUENA, NJ 08310.**

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Resolution NO 52 BOROUGH OF BUENA 2022 EMERGENCY TEMPORARY BUDGET

Council Member	By	2 nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G		X	X				
ALVAREZ	X		X				
WALKER			X				
D'ALESSANDRO			X				
ANDALORO, P			X				

WHEREAS, an emergent condition has arisen with respect to providing appropriation for expenditures and no adequate provision has been made in the 2022 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 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.40A:4-20) including this resolution total \$1,517,758.90.

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 2022 municipal budget as adopted.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

General Government:

Financial Administration

Other Expenses 3,000.00

Assessment of Taxes

Other Expenses 1,200.00

Maintenance of Tax Maps 1,000.00

Collection of Taxes

Other Expenses 1,000.00

Public Safety:

EMS:

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	Other Expenses	10,000.00
Street's & Roads:		
	Other Expenses	10,000.00
Landfill		
	Other Expenses	9,926.00
Public Buildings and Grounds		
	Other Expenses	5,000.00
Unclassified:		
	Electric	10,000.00
	Gasoline	10,000.00
	Street Lighting	15,000.00

**RESOLUTION NO 53-22 RESOLUTION OF THE BOROUGH COUNCIL OF THE
 BOROUGH OF BUENA AUTHORIZING EXECUTION OF A
 SHARED SERVICES AGREEMENT BY AND BETWEEN THE
 BOROUGH OF BUENA AND THE TOWNSHIP OF FRANKLIN FOR
 POLICE SERVICES**

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ			X				
WALKER		X	X				
D'ALESSANDRO	X		X				
ANDALORO, P			X				

WHEREAS, the Borough of Buena and the Township of Franklin wish to enter into a Shared Services Agreement ("Agreement") for police services; and

WHEREAS, the parties have determined that it is in best interests of the residents of the Township and the Borough to enter into this agreement pursuant to N.J.S.A. 40A-65-1(the Shared Services Act) et seq. to enable the Township to provide protection and coverage through the Township's Police Department to the Borough: and

WHEREAS, the Shared Services Act allows for contracting between local units such as the Township and the Borough for police coverage and protection by entry into a shared services agreement: and

WHEREAS, the Borough wishes to ensure the safety, welfare of its residents by having police protection and continuous coverage on a 24 hour per day, 7 days a week basis which is economical, safe and prudent; and

WHEREAS, the Township has a police department in place that is qualified and able to provide the Borough' police coverage and protection.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena, County of Atlantic, State of New Jersey, that the Mayor and Acting Borough Clerk are hereby authorized to execute the attached Agreement by and between the Borough of Buena and the Township of Franklin for police services.

ADOPTED at a meeting of the Borough Council of Buena Borough, County of Atlantic, State of New Jersey held on April 11, 2022.

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RESOLUTION NO 54-22 A RESOLUTION APPOINTING PATRICK HEGARTY AS TAX COLLECTOR FOR THE BOROUGH OF BUENA

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ		X	X				
WALKER			X				
D'ALESSANDRO			X				
ANDALORO, P	X		X				

WHEREAS, a vacancy exists in the Borough of Buena Tax Collector’s Office; and

WHEREAS, N.J.S.A. 40A:9-141 authorizes municipalities to appoint a Tax Collector; and

WHEREAS, the Mayor and Council of the Borough of Buena have determined that it is in the best interests of the residents of the Borough of Buena to appoint, Patrick Hegarty as Tax Collector at a salary of \$23,000.00 for 2022 for a 4-year term: and

WHEREAS, the CFO of the Borough of Buena has certified that funding is available to cover the costs of this position; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Borough of Buena, County of Atlantic State of New Jersey that Patrick Hegarty is hereby appointed to the position of Tax Collector effective April 11, 2022

Certified to be a true copy of a Resolution adopted by the Mayor and Council of the Borough of Buena, County of Atlantic and State of New Jersey, on the 11th day of April, 2022.

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RESOLUTION NO 55-22 RESOLUTION APPOINTING _____ TO THE POSITION OF PART-TIME CLERK 1 EFFECTIVE APRIL 11, 2022.

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Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G							
ALVAREZ							
WALKER		TABLED					
D’ALESSANDRO							
ANDALORO, P							

WHEREAS, Borough Council created the position of Clerk 1, to assist the Borough Departments due to the absence of certain Borough employees due to personal reasons; and

WHEREAS, a vacancy exists in the Tax Collector’s Office;

WHEREAS, _____ is qualified to serve in the capacity of Part-Time Clerk 1.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that _____ shall serve in the capacity of Part-Time Clerk 1, for a minimum of twenty-five hours per week at the rate of \$_____ per hour.

ADOPTED at a meeting of the Borough Council of Buena Borough, County of Atlantic, State of New Jersey held on April 11, 2022.

ENGINEER’ S REPORT :

FY2018 NJDOT Municipal Aid Project – Reconstruction of Forest Grove Road

The final reimbursement package has been submitted to the NJDOT.

FY2021 NJDOT Municipal Aid Project – Reconstruction of South Boulevard

Design of the project is essentially complete. South Jersey Gas is working on their gas main replacement project. Once their work is complete, we can finalize the design and proceed with public bidding.

FY2022 NJDOT Municipal Aid Project – E. Summer Road and E. Flower Street

The Borough received \$285,000 for E. Summer Road and E. Flower Street. Our office submitted a proposal for survey and engineering work. We are awaiting authorization.

Expansion of the Commerce Center Redevelopment Area

The public hearing has not been scheduled yet.

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SOLICITOR'S REPORT: NO REPORT

Minutes of the regular meeting of March 28, 2022 If no corrections or additions, entertain a motion to approve:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G	X		X				
ALVAREZ			X				
WALKER			X				
D'ALESSANDRO		X	X				
ANDALORO, P			X				

UNFINISHED BUSINESS: Councilwoman Patricia Andaloro spoke her concern on American Legion property maintenance.

NEW BUSINESS: A Historical Society representative was interested in leasing the VFW hall.

BILLS PAID AS LISTED:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ANDALORO, G			X				
ALVAREZ		X	X				
WALKER	X		X				
D'ALESSANDRO			X				
ANDALORO, P			X				

NEXT MEETING: APRIL 25, 2022

MEETING ADJOURNED: M/D'ALESSANDRO S/ ALVEREZ RCVU

 CAROL MASON
 CLERK 1