

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
MINUTES  
APRIL 24, 2023  
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**MEETING CALLED TO ORDER: 7:00 P.M.  
MEETING ADJOURNED: 7:47 P.M.**

**CALL MEETING TO ORDER: FLAG SALUTE**

**ROLL CALL OF ATTENDANCE:**

<b>Council Member</b>	<b>Present</b>	<b>Absent</b>
MERIGHI	X	
ALVAREZ	X	
ADAMS	X	
BARSUGLIA	X	
ANDALORO	X	
FABRIZIO	X	

**Also in attendance: SOLICITOR TONETTA, ROAD SUPERVISOR NIMOHA**

The regular meeting of Mayor and Council of the Borough of Buena was held Monday, April 24 commencing at 7:00 p.m. at the Borough Hall with Mayor Zappariello presiding. Mayor Zappariello led the flag salute and 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, the Daily Journal and the Atlantic County Record on November 18, 2023 as well as having been posted on the bulletin board at Borough Hall.

**MAYOR'S REPORT:** FIRST ORDER OF BUSINESS.

**PUBLIC PORTION OF THE MEETING:**

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 OPENED:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ	X		X				
ADAMS		X	X				
BARSUGLIA			X				
ANDALORO			X				
FABRIZIO			X				

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**Gary Caldron Landisville**, had a concern for various equipment parked at rental properties in the neighboring area. He also stated Buena Vista Ave and Delaware Aves, have become a speedway and inquired if police could patrol the area for this activity. Mayor Zappariello asked Mr. Caldron to stay after the meeting to gain more information on these concerns

**Susan Romeo, Landisville** inquired if the recreation commission would consider converting the tennis courts in Melini Park into pickle ball courts.

**Fred Jackson, Millville**, representing Taste of Earth, inquired how he could get better communication with the governing body. Mayor Zappariello asked Mr. Jackson to remain after the meeting to address his concern.

**PUBLIC PORTION CLOSED:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ			X				
ADAMS	X		X				
BARSUGLIA			X				
ANDALORO		X	X				
FABRIZIO			X				

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**RESOLUTION 85-23     A RESOLUTION OF BUENA BOROUGH AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY FOR THE PARTICIPATION IN A COUNTY-WIDE LEAD-BASED PAINT INSPECTION FOR RENTED DWELLING UNITS PROGRAM**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ			X				
ADAMS			X				
BARSUGLIA	X		X				
ANDALORO		X	X				
FABRIZIO			X				

**WHEREAS**, the Borough Council of Buena Borough desires to engage the services of the Atlantic County Improvement Authority to perform various services for the municipality; and

**WHEREAS**, the Atlantic County Improvement Authority is qualified by training and experience to administer the required services in the manner and on the terms and conditions set forth in the attached contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of Buena Borough that the Atlantic County Improvement Authority is hereby appointed to be the administrators for the participation in a county-wide lead-based paint inspection for rented dwelling units' program, and

**BE IT FURTHER RESOLVED** that the Mayor and Acting Borough Clerk are hereby authorized to enter into and execute the Shared Services Agreement authorizing the Atlantic County **Improvement** Authority the Administrator of county-wide lead-based paint inspection for rented dwelling units' program, and the Agreement shall be filed and open to the public at the office of the Acting Borough Clerk immediately after the adoption of this Resolution.

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**RESOLUTION 86-23     A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, SUPPORTING OUR FIRST RESPONDERS ACT**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ			X				
ADAMS	X		X				
BARSUGLIA		X	X				
ANDALORO			X				
FABRIZIO			X				

**WHEREAS, our country’s Emergency** Medical Services (EMS) system is facing a crisis that jeopardizes the health and safety of every man, woman, and child. The additional burdens placed on EMS systems and personnel during the pandemic exposed years of underfunding that is now creating a breaking point - at a time when 9-1-1 calls have increased in most jurisdictions; and

**WHEREAS,** across the country, EMS response can vary depending on where you live. It consists of a diverse group of 400,000 healthcare practitioners, including hospital-based paramedics, Emergency Medical Technicians (EMTs), and dual role firefighter/EMTs across 21,000 locations. According to the Bureau of Labor Statistics, fatality rates among paramedics and EMTs were highest across all healthcare workers at approximately 14 deaths per 100,000 workers during the height of the COVID pandemic Together, the pressures of the pandemic and ongoing opioid and mental health epidemics, combined with low pay and/or poor benefits, have contributed to an overall 30% turnover rate of full and part-time EMTs and paramedics across the country; and

**WHEREAS,** these staffing shortages, combined with skyrocketing costs to pure equipment and fuel, are forcing EMS agencies to make difficult decisions including whether to reduce or even cease operations. As more agencies shut down, remaining agencies are required to cover larger areas, leaving families without immediate assistance in their greatest moment of need when timing can mean life or death; and

**WHEREAS,** today, only 13 states classify EMS as an essential service. Because of this designation, local governments are not required to provide emergency medical services. Unlike firefighting and police, EMS agencies do not have wide access to federal and state funding.

**THE SUPPORTING OUR FIRST RESPONDERS ACT**

To address this crisis, the bipartisan Supporting Our First Responders Act would authorize \$50 million per year for five years to establish a grant program under the Department of Health and Human Services allowing public, private, and non-profit EMS agencies, along with State and local governments to apply for grants to:

- Hire, recruit, and retain trained medical personnel
- Support the well-being of EMS personnel
- Provide reimbursement for required trainings
- Constructing and modifying facilities to improve coverage and response time
- Upgrade and purchase new equipment, medication, and vehicles

**WHEREAS,** this legislation would also provide \$5 million per year in technical assistance to assist EMS agencies with the grant application process. In addition, this legislation requires the Secretary of Health and Human Services to provide Congress with

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detailed reports on existing challenges and recommendations to problems facing the EMS community including:

- Detailing the disparities and inadequacies in providing federal and private reimbursement for EMS
- Detailing the challenges specific to rural EMS departments and nonaffiliated EMS departments
- Detailing the feasibility of establishing a lead Federal office to implement recommendations to improve advocacy and collect data for EMS personnel

**NOW THEREFORE BE IT RESOLVED**, the Governing Body of the Borough of Buena asserts this legislation would permanently extend the Emergency Triage, Treatment, and travel (ET3) Model, first developed by the Center for Medicare and Medicaid Services (CMS) as a way to reimburse EMS agencies for their services that don't involve hospital transport. Permanently extending this practice, which was first waived at the beginning of the COVID-19 pandemic, would allow EMS agencies to be reimbursed for Treatment-In-Place (TIP) or alternative transport. CMS has reported that these extensions would save taxpayers more than \$560 million per year

*The Supporting our First Responders Act* will invest the necessary resources in these heroes so they're able to continue serving our communities; and the Acting Borough Clerk shall share Mayor and Borough Council's expression by forwarding a copy of this Resolution to all members of the United States House of Representatives and United States Senate representing the Borough of Buena.

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**RESOLUTION 87-23     A RESOLUTION TO ENDORSE THE SUBMISSION BY THE BOROUGH OF BUENA OF THE 2022 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**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ			X				
ADAMS			X				
BARSUGLIA	X		X				
ANDALORO		X	X				
FABRIZIO			X				

**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

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**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 2022 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office and Recycling and 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.

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**RESOLUTION 88-23    A RESOLUTION AUTHORIZING THE OPENING OF A NEW BANK  
ACCOUNT FOR THE BOROUGH FOR BUENA FOR DONATIONS**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ		X	X				
ADAMS			X				
BARSUGLIA			X				
ANDALORO	X		X				
FABRIZIO			X				

**WHEREAS**, the Borough of Buena wishes to establish a Donation account for donations made to the EMS Donations and Recreation Accounts through Venmo and PayPal and;

**WHEREAS**, the Borough Council of the Borough of Buena desires to open anew bank account with Newfield National Bank and;

**NOW THEREFORE**, BE IT RESOLVED by the Council of the Borough of Buena, the following; That the Chief Financial Officer be, and hereby is, authorized to open a new account with Newfield National Bank, for the purposes stated above.

That Resolution 15-2023 has a list of employees authorized as signers on account authorized herein.

That the Chief Financial Officer be, and hereby is, authorized to execute such documents as are necessary to complete the opening of the new account authorized herein and make minimum required deposit not to exceed \$1.000.00

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**RESOLUTION 89-23    DEDICATION BY RIDER LEAD HAZARD CONTROL ASSISTANCE FUND**

Requesting approval of the director of local government services to establish a dedicated trust by rider for lead hazard control assistance fund to N.J.S.A. 40A: 4-39

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<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ			X				
ADAMS	X		X				
BARSUGLIA		X	X				
ANDALORO			X				
FABRIZIO			X				

**WHEREAS**, permission is required of the Director of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

**WHEREAS**, NJSA40A: 4-39 allows Municipalities to receive amounts for costs incurred for Lead Hazard Control Assistance; and

**WHEREAS**, N.J.S.A 40A:4-39 provides that the Director of Local Government Services may approve expenditures of monies by dedication by rider.

**NOW, THEREFORE, BE IT RESOLVED**, by Mayor and Council of Borough of Buena, County of Atlantic, State of New Jersey as follows:

1. The Mayor and Council hereby request permission of the Director of Local Government Services to pay expenditures for Lead Hazard Control Assistance pursuant to N.J.S.A. 40-A:4-39
2. The Municipal Clerk of Borough of Buena is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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**RESOLUTION 90-23     A RESOLUTION DETERMINING AND DIRECTING THE FORECLOSURE OF TAX SALE CERTIFICATE NO. 19-00013, 19-00043 and 18-00079 PURSUANT TO N.J.S.A. 54:5-104.29 ET. SEQ.**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ			X				
ADAMS			X				
BARSUGLIA		X	X				
ANDALORO	X		X				
FABRIZIO			X				

**BE IT RESOLVED**, by the Borough Council of the Borough of Buena, New Jersey, the governing body of the Borough of Buena, that Tax Sale Certificate No. 19-00013, 19-00043, and 18-00079, as shown on the attached Foreclosure List, which are held by the Borough of Buena be foreclosed by summary proceedings, IN REM, and as described by N.J.S.A. 54:5-104-29 et seq. as amended, and pursuant to the Rules of Civil Procedure of the Superior Court of New Jersey.

**BE IT FURTHER RESOLVED**, that all reasonable and necessary costs incurred in connection with the foreclosure of Tax Sale Certificate No. 19-00013, No. 19-00043, and 18-00079

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are hereby approved.

BUENA BOROUGH TAX FORECLOSURE LIST  
2023 – Supplemental

Sched. No.	Certificate Number	Description of Land on Last Tax Duplicate and Certificate of Sale	Date of Sale	Amt. of Sale	Amount of Tax Leins Accruing Subsequent to Sale and Interest, Penalties, Costs, and Subsequent Taxes Interest and Utilities	Amt. to Redeem as of 04/10/23	Date of Rec. Cert.	Inst. No.
1	19-00043	Kiana Construction LLC 1005B S. Central Ave. Block 193, Lot 3	01/23/20	\$4,781.97	\$25,617.70	\$30,399.67	06/05/20	2020029716
2	19-00013	Brunini Terrace Swim Club 110 Park Avenue Block 132, Lot 15	01/23/20	\$4,001.09	\$27,623.76	\$31,624.85	06/05/20	2020029722
3	18-00079	Harry Thomas 313 Martinelli Ave. Block 200, Lot 20	01/30/19	\$8,154.28	\$44,394.13	\$52,548.47	03/11/19	2019012854

Redemption Calculated to April 10, 2023.

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**RESOLUTION 91-23     A RESOLUTION ACCEPTING THE RESIGNATION OF MATHEW PERRI AS EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS.**

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
MERIGHI			X				
ALVAREZ			X				
ADAMS			X				
BARSUGLIA		X	X				
ANDALORO	X		X				
FABRIZIO			X				

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that the following resignation be regretfully accepted effective immediately:

Matthew Perri

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**RESOLUTION 92-23     RESOLUTION AUTHORIZING HIRING OF AN EMERGENCY MEDICAL TECHNICIAN**

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
MERIGHI		X	X				
ALVAREZ			X				
ADAMS			X				
BARSUGLIA			X				
ANDALORO	X		X				
FABRIZIO			X				

**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

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**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:

Kelli Holland

**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.

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**COMMITTEE REPORTS:**

***PUBLIC SAFETY/STREET LIGHTS/ANIMAL CONTROL: (COUNCILMAN, DOUGLAS ADAMS)***

*Council President Adams* read the following April reports:

- FRANKLINVILLE (BUENA DIVISION) POLICE DEPARTMENT,
- NEW JERSEY ANIMAL CONTROL, LLC,
- EMS
- MINOTOLA FIRE COMPANY.

***PERMITS/INSPECTIONS/TAX OFFICES: (COUNCILMAN, DOUGLAS ADAMS)***

*Council President Adams* reported the construction office inspectors will be submitting regularly monthly reports.

***FINANCE: (COUNCILMAN, JORGE ALVAREZ)***

*Councilman Alvarez* stated the Borough is still on a temporary budget and had asked departments to continue to monitor spending.

***PUBLIC BLDGS/GROUNDS/IMPROVEMENTS.....COUNCILWOMAN PATRICIA ANDALORO,***

*Councilwoman Andaloro* reported that no bids were received on March 30<sup>th</sup> for the hay crop, Solicitor Tonetta stated that negotiations with interested parties may result in a successful outcome.

Also Lights for the baseball fields need replacing and the committee is looking into possible grants for next year.

Continuing on working to obtain AED's with EMS Chief Rhonda, for Borough Buildings.

Looking to replace the bathroom trailer, water and sewage connections are available.

Cameras are needed in the park, golf carts and 4 wheelers are being driven on the bike paths,

Solicitor Tonetta stated, he would prepare ordinances concerning these matters for the next meeting.

***RECREATION/SPECIAL EVENTS.....COUNCILWOMAN, MARINA BARSUGLIA***

*Report as follows:*

- The Easter Egg Hunt had to be held in the Louise Basile building due to the weather.
- The Easter Bunny breakfast was held at Martin's Catering with an additional Easter egg hunt.
- May 13<sup>th</sup> and 14<sup>th</sup> will be our Community Yard Sale, no application fees and will be linked in with Buena Vista Township that is holding their Community Yard Sale that weekend. Rain or Shine

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- Sustainable Jersey submission has been sent for recertification for the Borough.
- Opening Day for the Community Garden was held on Saturday, trees had been planted and vegetables are being donated.
- Recreation Grant was applied and \$85,000 awarded for the Recreation Commission
- Ambulance Grant is at 2<sup>nd</sup> level for funding.
- Concert in the Park had received approval \$2000.00 from Atlantic County for 3 or 4 concerts in June on Tuesday nights.
- A walking group will begin at 6:30 in May 2<sup>nd</sup> at the Louise Basile Building.
- American Legion is planning Memorial Services and is accepting applications for Legionnaires and auxiliary members.

**ROADS/RECYCLING.....COUNCILMAN JOSEPH FABRIZIO,**

- In conversation with Road Supervisor Nimohay and MUA Supervisor Zorzi on the grant for the MUA.
- Councilman Fabrizio thanked everyone in helping to make opening day ceremonies at the park and the Dedication of the softball field a success.
- Met with the Engineer Joe and Bob Smith in regards to replacing ramp.

**ECONOMIC DEVELOPMENT: (CHAIRMAN ERNEST MERIGHI)** Councilman Merighi reported he has been making contact to possibly fill the previous Pavilion Pizza property with a grocery store that may be a closer location to shop for senior citizens.

**CLERK’S REPORT:**

**MINUTES OF THE WORKSHOP MEETING OF APRIL 10, 2023. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ		X	X				
ADAMS			X				
BARSUGLIA			X				
ANDALORO	X		X				
FABRIZIO			X				

**MINUTES OF THE REGULAR MEETING OF APRIL 10, 2023. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ			X				
ADAMS			X				
BARSUGLIA		X	X				
ANDALORO	X		X				
FABRIZIO			X				

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**MINUTES OF THE SPECIAL MEETING OF APRIL 17, 2023. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ			X				
ADAMS	X		X				
BARSUGLIA		X	X				
ANDALORO			X				
FABRIZIO			X				

**CORRESPONDENCE:**

1. Our Lady of Blessed Sacrament request for Application to amend Bingo License# A01-2023 dated April 7, 2023

**NEED MOTION TO FILE CORRESPONDENCE:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI			X				
ALVAREZ			X				
ADAMS			X				
BARSUGLIA		X	X				
ANDALORO	X		X				
FABRIZIO			X				

**UNFINISHED BUSINESS:** Councilman Alvarez asked Solicitor Tonetta if he had an update on the Hold of the temporary budget, Tonetta stated had no response as of this date.

Council President Adams gave an update on Ambulance funding, the Chief Finance Officer , Auditor and Bond Council are waiting for the best rates from the banks in order to proceed.

Continue to report street light outages

The Buena Historical Society's Craft Fair on May 6th with 50 Vendors at 201 Kennedy Dr., Landisville.

Councilmen Fabrizio inquired on a current animal control situation concerning a dog. Councilman Adams replied that a report had been filed.

**NEW BUSINESS:** Solicitor Tonetta added a resolution for Mayor and Council's consideration, a resolution of support for a CRC recommendation for Taste of Earth, LLC.:

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**RESOLUTION 93-23**

**A RESOLUTION IN COMPLIANCE WITH THE NEW JERSEY  
CANNABIS REGULATORY COMMISSION MEMORANDUM OF  
DECEMBER 10, 2021 FOR TASTE OF EARTH, LLC**

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
MERIGHI			X				
ALVAREZ			X				
ADAMS	X		X				
BARSUGLIA			X				
ANDALORO		X	X				
FABRIZIO			X				

**WHEREAS**, the New Jersey Administrative Code, Title 17, Chapter 30 was adopted to set forth the rules regarding the licensing of personal use cannabis businesses within the State of New Jersey, among other regulations; and

**WHEREAS**, the New Jersey Cannabis Regulatory Commission (CRC) submitted a Memorandum dated December 10, 2021, a copy which is attached hereto that provides “Guidance for Local Support” which sets forth a requirement that the governing body of a municipality must adopt a resolution “as evidence of local support” containing a statement that includes:

- a. the license applicant’s legal name under which they are registered to do business in the State of New Jersey
- b. A determination that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction; and
- c. A confirmation that if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the license applicant by the Commission would not exceed that limit; and

**WHEREAS**, Borough Council finds that the requirements that the Governing Body provide “local support” at the application stage as outlined herein above and in the Memorandum of the CRC is not a function of the legislative branch of the municipal government and to provide “local support” before obtaining site control and site plan approval from the appropriate Land Use Board is inappropriate; and

**WHEREAS**, Borough Council recognizes the benefits of licensing cannabis businesses within the Borough of Buena including creation of economic development, tax ratables and job creation and therefore finds it to be in the best interest of the Borough to comply with the CRC Memorandum dated December 10 2021 to the extent it has the authority to do so; and

**WHEREAS**, Taste of Earth, LLC, Millville, New Jersey, has applied to the CRC for approval of a conditional license for a Class 5 Cannabis Retailer license to operate an adult personal-use cannabis business in the State of New Jersey and the CRC has found their application complete, has scored sufficiently high to be issued a conditional license, is qualified to hold said conditional license pursuant to N.J.A.C. 17:30-7.4 and has paid the appropriate fee to the CRC as outlined in the letter dated January 17, 2023 attached hereto and made a part hereof upon which Council shall rely; and

**WHEREAS**, Taste of Earth, LLC now seeks “local support” in the form specified in the aforementioned Memorandum and Borough Council finds it to be in the best interest of the Borough to provide a resolution as specified herein.

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**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena as follows:

a. in reliance upon the CRC investigation of Taste of Earth, LLC and the Notice of Application Acceptance, the license applicants legal name is as set forth in the application and approval of the CRC dated January 17, 2023.

b. Borough of Buena did not adopt an Ordinance on or before August 21, 2021 to prohibit any cannabis establishments within the Borough and therefore all classes of cannabis businesses are permitted within the Borough but restricted to certain zones in accordance with Section 31b of P.L. 2021.c.16. On January 23, 2023 Borough Council adopted Ordinance 719 amending the number of Class 5 licenses to one (1).

c. At the time of the adoption of this Resolution the issuance of a license to Taste of Earth, LLC for a Class 5 Cannabis Retailer license would not exceed a limit imposed by Borough Council and the issuance of a cannabis license is subject to review and recommendation to Borough Council after review of the submission of a proposal.

**BE IT FURTHER RESOLVED** that nothing contained herein shall be relied upon as granting any form of license or land use approvals by the Governing Body or the Administration for the operation of any cannabis business within the Borough of Buena and that the intent of this Resolution is solely to comply with the Memorandum of the New Jersey Cannabis Regulatory Commission dated December 10, 2021 so as to allow continued consideration for an annual license by the CRC.

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Solicitor Tonetta’s final statement to the governing body and employees was to remind all to submit their Finance Disclosure Statements before April 30<sup>th</sup>.

**BILLS PAID AS LISTED:**

<b>Council Member</b>	<b>By</b>	<b>2nd</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
MERIGHI	x		x				
ALVAREZ		x	x				
ADAMS			x				
BARSUGLIA			x				
ANDALORO			x				
FABRIZIO			x				

**NEXT MEETING:** WORKSHOP AND REGULAR MAY 8, 2023

**MEETING ADJOURNED:** m/ ALVAREZ s/ BARSUGLIA RCVU

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Pamela Johnston  
Acting Borough Clerk