

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
APRIL 25, 2022
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DUE TO A BUILDING EMERGENCY, THE MUNICIPAL BUILDING, IS TEMPORARILY CLOSED, MEETINGS OF THE MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WILL BE HELD AT DR. JP CLEARY SCHOOL, 1501 CENTRAL AVE., MINOTOLA, NJ 08341, IN THE CAFETERIA.

MEETING CALLED TO ORDER: P.M.

MEETING ADJOURNED: P.M.

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
ANDALORO, G		
D’ALESSANDRO		
WALKER		
ALVAREZ		
ANDALORO, P		

SUNSHINE LAW:

This meeting is being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided, via email, to The Press of Atlantic City and The Daily Journal on December 6, 2021 as well as having been posted on the municipal bulletin board and website at www.buenaboro.org

MAYOR’S REPORT:

FIRST ORDER OF BUSINESS.

PUBLIC PORTION OF THE MEETING:

MOTION TO OPEN THE PUBLIC PORTION OF THE MEETING:

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

Anyone wishing to address Mayor and Council please step forward and state your name for the record.

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MOTION TO CLOSE PUBLIC PORTION:

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

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NEED MOTION TO OPEN THE PUBLIC HEARING ON:

**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							
ALVAREZ							
WALKER							
D’ALESSANDRO							
ANDALORO, P							

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

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

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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.

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING

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

ORDINANCE NO. 707 ADOPTED:

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

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NEED MOTION TO INTRODUCE AND PASS ON FIRST READING:

ORDINANCE NO. 708 ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING CERTAIN UNEXPENDED PROCEEDS OF THE SALE OF PREVIOUSLY ISSUED BONDS AND NOTES TO FINANCE THE COST OF ADDITIONAL CAPITAL IMPROVEMENTS AND TAKING RELATED ACTIONS

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

WHEREAS, the Borough of Buena, County of Atlantic, New Jersey (the “**Borough**”) has, pursuant to the Local Bond Law, Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (“**Local Bond Law**”), and Ordinance Nos. 482, 521, 610, 621, 645 and 646 (the aforesaid Ordinances are hereinafter referred to collectively as the “**Ordinances**”), all having been duly published as required by law, authorized, issued and sold general obligation bonds and bond anticipation notes (collectively, the “**Obligations**”) to finance the costs of various municipal projects and improvements as are more fully described in the Ordinances (collectively, the “**Prior Projects**”); and

WHEREAS, payment of all of the costs of the Prior Projects under the Ordinances has been made or provided for and **\$128,086.09** of the proceeds of the Obligations for the Prior Projects are not necessary for such purposes and remain unexpended (“**Unexpended Proceeds**”); and

WHEREAS, Section 40A:2-39 of the Local Bond Law provides that, if, in the opinion of the Borough Council of the Borough (“**Council**”), it is in the best interest of the Borough, the Unexpended Proceeds may be appropriated to and used to finance the cost of any other purpose or purposes for which bonds may be issued; and

WHEREAS, Council has determined that it is in the best interest of the Borough to appropriate the Unexpended Proceeds towards the costs of the additional capital improvement and project for the Borough as hereinafter specified.

NOW, THEREFORE, THE BOROUGH COUNCIL OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), does hereby ordain as follows:

Section 1. Capital Character of Additional Project; Authorization. It is hereby determined that the Unexpended Proceeds shall be used to finance the cost of Municipal Building improvements (the “**Additional Project**”). The Additional Project constitutes a purpose for which bonds may be issued pursuant to the Local Bond Law, having a period of usefulness in excess of five (5) years, as required by Section 40A:2-21 of the Local Bond Law. The implementation of the Additional Project is hereby authorized to be made as a general improvement in and for the Borough.

Section 2. Appropriation of Unexpended Proceeds. It is hereby determined that, in the opinion of Council, it is in the best interest of the Borough to appropriate the Unexpended Proceeds in the amount of **\$128,086.09** under this Ordinance to finance the costs associated with the Additional Project, and accordingly, said sum is hereby appropriated.

Section 3. Capital Budget Amendment. The capital budget is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital improvement program as approved by the Director,

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Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 4. No Additional Indebtedness Authorized. This Ordinance does not authorize any additional indebtedness, but merely appropriates proceeds of the Obligations in excess of the amount required to complete the improvements for the financing of which such Obligations were originally issued.

Section 5. Repeal of Inconsistent Legislation. All ordinances and resolutions or parts thereof to the extent inconsistent herewith are hereby repealed or rescinded.

Section 6. Effective Date. This Ordinance shall take effect immediately upon final adoption and publication as required by law.

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**RESOLUTION NO 56-22 RESOLUTION BETWEEN THE BOROUGH OF BUENA AND
THE BOROUGH OF BUENA MUNICIPAL UTILITITES AUTHORITY
\$1,500,000 PROJECT FINANCING**

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

WHEREAS, the Borough of Buena, a municipal corporation of the State of New Jersey (the “Borough”) and the Borough of Buena Municipal Utilities Authority (the “Authority”) heretofore entered into a Service Agreement dated as of March 8, 1989 (the “1989 Service Agreement”) providing, among other things, for the payment of Annual Charges (as defined therein) relating to the Authority’s System (as defined therein);

WHEREAS, the definition of “Bond” in the 1989 Service Agreement includes any bond, note or other evidence of indebtedness issued by the Authority to finance any enlargement, alteration, improvement, renewal or replacement of the Authority’s System with respect to which the Borough consents by resolution to be a Bond entitled to the benefits of the 1989 Service Agreement;

WHEREAS, the Authority has determined to undertake improvements to the Authority’s System as set forth in Appendix A hereto, the aggregate estimated cost of which is \$1,500,000 (the “Project”) pursuant to Resolution R-56-2022 of the Authority adopted on April 13, 2022, a copy of which is set forth in Appendix B hereto; and

WHEREAS, the Authority has determined to finance the Project through the issuance of bonds and/or project notes to the New Jersey Infrastructure Bank (the “I-Bank”) and the State of New Jersey (the “State”) in order to finance the Project at the lowest possible cost to the Authority.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BUENA AS FOLLOWS:

Section 1.Resolution R 55-19 adopted by the Borough on March 25, 2019 is hereby amended and restated to read as follows:

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“Section 1. The Borough consents to the inclusion of not exceeding \$1,500,000 bonds or notes of the Authority to finance the Project as Bonds under the 1989 Service Agreement to be issued to the I-Bank and the State.

Section 2. This resolution shall take effect immediately.”

Section 2. This resolution shall take effect immediately.

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**RESOLUTION NO. 57-22 A RESOLUTION TO ENDORSE THE SUBMISSION BY THE
BOROUGH OF BUENA OF THE 2021 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.**

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that

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the Borough of Buena hereby endorses the submission of a 2021 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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COMMITTEE REPORTS:

ECONOMIC DEVELOPMENT.....*CHAIRWOMAN, GINA ANDALORO
MATTHEW WALKER, JORGE ALVAREZ*

ROADS/RECYCLING.....*CHAIRMAN, MATTHEW WALKER,
JORGE ALVAREZ, GINA ADALORO*

RECREATION*CHAIRMAN, DAVID ZAPPARIELLO,
JOSEPH D’ALESSANDRO, PAT ANDALORO*

FINANCE.....*CHAIRMAN, JORGE ALVAREZ,
JOSEPH D’ALESSANDRO, PAT ANDALORO*

PUBLIC SAFETY/ STREET LIGHTS.....*CHAIRMAN, JOSEPH D’ALESSANDRO,
GINA ANDALORO, MATTHEW WALKER*

BLDGS/ GROUNDS/ IMPROVEMENTS.....*CHAIRWOMAN PAT ANDALORO,
MATTHEW WALKER, JOSEPH D’ALESSANDRO*

MINUTES OF THE REGULAR MEETING OF APRIL 11, 2022. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:

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

UNFINISHED BUSINESS:

NEW BUSINESS:

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BILLS PAID AS LISTED:

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

NEXT MEETING: MAY 9, 2022

MEETING ADJOURNED: M/ _____ S/ _____ **ALL IN FAVOR? ANY
OPPOSED?**