

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 1**

**MEETING CALLED TO ORDER:** \_\_\_\_\_ **P.M.**  
**MEETING ADJOURNED:** \_\_\_\_\_ **P.M.**

**CALL MEETING TO ORDER: Flag Salute**

**ROLL CALL OF ATTENDANCE:**

<b>Council Member</b>	<b>Present</b>	<b>Absent</b>
GIOVINAZZI		
ALVAREZ		
ADAMS		
BARSUGLIA		
ANDALORO		
DESTEFANO		

**SUNSHINE LAW:** This meeting of August 12, 2024 is being held in compliance with the Open Public Meetings Act and notices of this meeting have been provided, via email, to The Press of Atlantic City and The Daily Journal on November 27, 2023 as well as having been posted on the municipal bulletin board and website at [www.buenaboro.org](http://www.buenaboro.org)

**MAYOR’S REPORT:** **First order of business.**

**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:**

**MOTION TO OPEN THE PUBLIC PORTION OF THE MEETING**

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

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

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 2**

**MOTION TO CLOSE PUBLIC PORTION:**

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

**NEED MOTION TO OPEN THE PUBLIC HEARING ON:**

**ORDINANCE NO. 757      A CAPITAL ORDINANCE PROVIDING FOR PURCHASE OF FIRE DEPARTMENT EQUIPMENT AND IMPROVEMENTS TO FIRE DEPARTMENT BUILDING OF THE BOROUGH OF BUENA, IN THE COUNTY OF ATLANTIC, NEW JERSEY AND APPROPRIATING FIFTY-TWO THOUSAND DOLLARS (\$52,000) THEREFORE**

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

**DISCUSSION:**

**NEED MOTION TO CLOSE THE PUBLIC HEARING:**

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

**NEED MOTION TO ADOPT ORDINANCE NO. 757:**

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

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 3**

**THE BOROUGH COUNCIL OF THE BOROUGH OF BUENA, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.**

The improvements described in Section 2 of this ordinance are hereby authorized to be undertaken by the Borough of Buena, County of Atlantic, State of New Jersey (the “**Borough**”), as general capital improvements. For the improvements or purposes described in Section 2, there is hereby appropriated the sum of \$52,000 as required by the Local Bond Law. The total sum is now available by virtue of funds available within the Reserve for Fire Department Expenditures Fund.

**SECTION 2.**

The Borough hereby authorizes the appropriation of \$52,000 from the Reserve for Fire Department Expenditures Fund for the purchase of equipment for the Fire Department and for the construction of improvements to the Fire Department Building (including all related costs and expenditures incidental thereto).

**SECTION 3.**

The improvements described in Section 2 of this ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements having a period of usefulness of at least five (5) years, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

**SECTION 4.**

Any grant moneys received for the purposes described in Section 2 hereof shall be applied to the direct payment of the cost of the improvements.

**SECTION 5.**

The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget will be filed with the Division of Local Government Services.

**SECTION 6.**

This ordinance shall take effect immediately upon final adoption and publication as required by law.

**NEED MOTION TO OPEN THE PUBLIC HEARING ON:**

**ORDINANCE NO. 758      AN ORDINANCE AMENDING ORDINANCE 709, AS AMENDED,  
CHAPTER 223 OF THE CODE OF THE BOROUGH OF BUENA,  
ENTITLED VEHICLE TOWING AND STORAGE**

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

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 4**

**DISCUSSION:**

**NEED MOTION TO CLOSE THE PUBLIC HEARING:**

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

**NEED MOTION TO ADOPT ORDINANCE NO. 758:**

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

**WHEREAS**, the Council of the Borough of Buena has determined that in order to assure and to provide for the health, safety and welfare of the residents of the Borough of Buena it is necessary to establish a licensing procedure for businesses operating tow vehicles that may be towed by law enforcement for the quick removal and storage of abandoned, illegal and/or inoperable vehicles on public and private property in the Borough of Buena; and

**WHEREAS**, on June 13, 2022, the Council of the Borough of Buena adopted Ordinance 709, Chapter 223 of the Code of the Borough of Buena, setting forth the process for owners and operators of such facilities to be so licensed, however, as a result of the police services now being provided by the Township of Franklin, Gloucester County (Franklin), it is necessary to amend Chapter 223, Section 223-14 to reflect the operation of police services by Franklin and to adopt a uniform fee schedule to coincide with that of Franklin Township.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Buena that Chapter 223, Section 223-14 entitled **Rates and fees for service** of the Code of the Borough of Buena be amended as follows:

Section 223- 14 entitled **Rates and fees for service** shall be deleted in its entirety and replaced as follows:

**Section 223-14 Rates and fees for service**

- A. When performing services under the Police Tow List to tow and/or store a motor vehicle, the towing charge and storage charge shall not exceed those charges as set forth in this chapter. These are maximum fees that may be charged.
- B. The fee schedule effective at the time of adoption of this chapter is as follows:
  - (1) Towing.
    - (a) Days:
      - [1] First mile or less: regular duty, \$150; heavy duty, \$450 (per hour) (payable in fifteen-minute increments).

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 5**

- [2] Each additional mile: \$5.
- (b) Nights, weekends and New Jersey state holidays:
  - [1] First mile or less: regular duty, \$175; heavy duty, \$450 (per hour).
  - [2] Each additional mile: \$5.
- (2) Storage - will be billed per calendar day.
  - (a) Inside building.
    - [1] Per vehicle/per day: regular; \$60/heavy duty; \$125/oversized; \$200.
  - (b) Outside secured.
    - [1] Per vehicle/per day: regular; \$45/heavy duty; \$100/oversized; \$150.
- (3) Additional fees.
  - (a) Cleanup: \$50 (per hour).
  - (b) Oil dry: \$25 (per bag).
  - (c) Administrative fee: \$50.
  - (d) Winching fee: basic, day: \$100; night: \$150;
  - (e) Vehicle rollover: day: \$150; night: \$200.
  - (f) Heavy-duty laborer: \$90 (per man per hour).
  - (g) Heavy-duty support vehicle: \$160 (per hour).
- C. The fees set forth on the schedules for towing rates are the maximum charges that shall apply to a motor vehicle for basic towing services. Fees related to other than basic towing services will be calculated on an incident by incident basis and at a standard estimated prevailing rate.
- D. The towing rates shall be calculated based on the total distance traveled from the tow vehicle's base of service to the job site and return by way of the shortest available route. Fractions shall be rounded up to the nearest whole mile.
- E. Tow vehicles transporting multiple motor vehicles at one time may charge the applicable fee for each such vehicle transported.
- F. When towing services are otherwise required, the day rate shall apply when the vehicle is transported (pickup and delivery) entirely between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, except New Jersey state holidays. The night, weekend and holiday rate shall otherwise apply.
- G. The Chief of Police shall post fees, available to the public, during normal business hours along with a copy of this chapter and the fee schedules of licensed towing operators.
- H. Payment from the public shall include credit cards.

**BE IT FURTHER ORDAINED** that the balance of Ordinance 709 not amended hereby shall remain in full force and effect.

**BE IT FURTHER ORDAINED** that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED** that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and affect.

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 6**

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**NEED MOTION TO INTRODUCE AND PASS AT FIRST READING:**

**ORDINANCE NO. 759**                                **AN ORDINANCE AMENDING ORDINANCE 395, AS  
AMENDED, CHAPTER 150, ARTICLE XVI, SECTION  
150-136 ENTITLED FARMING RIGHTS; RESTRICTIONS  
AND PERMITTED NUISANCES**

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

**WHEREAS**, Borough Council passed a motion to refer a question to the Buena Borough Land Use Board (BBLUB) to consider an amendment to the Buena Borough Municipal Land Use Laws (MLUL) to consider an amendment to so as to set forth restrictions upon the right to keep and maintain chickens, turkeys ducks and other fowl and poultry in certain residential zones and to provide findings of fact and recommendations thereto; and

**WHEREAS**; on July 23, 2024 the BBLUB considered the motion and passed a Resolution recommending certain changes to Chapter 15, Article XVI, Section 150-36 recommending an amendment to the Buena Borough MLUL and the Governing Body adopts the findings of fact and recommendations set forth in said BBMUB Resolution as if set forth herein at length.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Buena that Ordinance 395, as amended, Chapter 150 Article XVI, Section 150-136 entitled Farming rights; restrictions and permitted nuisances shall be amended as follows:

Section 150-136 A, B, C, and D shall be deleted in their entirety and replaced as follows:

§ 150-136 Farming rights; restrictions and permitted nuisances.

- A. The right to farm shall be protected in the A-1, R-4 and R-5 Zones, as well as the P-A and P-R4 Zones of the Pinelands Area, subject to the regulations governing farm and livestock operations, to the prohibited uses specified below, to the standards set forth in the schedules herein[1] and to the health and sanitary codes.
- B. The right to farm protection includes the right to use irrigation, fertilizer, insecticides and herbicides, as well as the right to house and graze farm animals.
- C. The right to farm protection shall not extend into the R-1, R-2 and R-3 Zones and the P-R3 Zone of the Pinelands Area, nor shall it extend into the B-1, B-2 and B-3 Zones and the P-B2 Zone of the Pinelands Area, nor shall it extend into the I-1 Zone and the P-I Zone of the Pinelands Area.
- D. In all zones except the A-1 as well as the P-A and P-R4 Zones of the Pinelands Area, the keeping of farm animals such as horses, cows, bulls, mules, donkeys, poultry, rabbits, sheep or goats shall be prohibited unless the property on which they exist comprises at least three acres and said farm animals are not bred for commercial purposes.
  - (1) No more than five farm animals or 25 rabbits, chickens or other poultry may be kept on such three-acre properties, except for in the R-4 and R-5 Zones, where no more than five farm animals or 10 rabbits, chickens or other poultry may be kept on such three-acre properties.

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 7**

- (2) All structures required to shelter animals on such three-acre properties shall be limited to no more than 50% of the square footage of the dwelling existing thereon.
- (3) All farm animals kept on such three-acre properties shall be properly fenced and contained to prevent them from wandering onto neighboring lands or public streets.
- (4) The housing and grazing of said animals on such three-acre properties is prohibited unless the owner or keeper resides in a dwelling house on the same lot or on a contiguous lot to that on which the animals are housed and grazed

**BE IT FURTHER ORDAINED** that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED** that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and affect.

**RESOLUTION NO. 148-24                      RESOLUTION OF THE COUNCIL OF THE BOROUGH OF BUENA AUTHORIZING AN INDEPENDENT INVESTIGATION OF THE BUENA BOROUGH MUNICIPAL UTILITIES AUTHORITY'S BUSINESS, BILLING, ADMINISTRATIVE AND CUSTOMER SERVICE PRACTICES**

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

**WHEREAS**, there has recently been inquiries from residents of the Borough of Buena regarding the Buena Borough Municipal Utilities Authority’s (hereinafter “BBMUA”) business, billing, administrative and customer service practices; and

**WHEREAS**, the Mayor, Borough Council and residents of the Borough of Buena have questions and concerns over the BBMUA’s practices and have many questions regarding same; and

**WHEREAS**, the BBMUA is an entity that was established by Ordinance and the members of the authority are appointed by the Council of the Borough of Buena; and

**WHEREAS**, the Borough Council of the Borough of Buena pursuant to N.J.S.A. 40A:60-6, et seq, has the authority to undertake special investigations regarding any agency that falls within their legislative purview; and

**WHEREAS**, there have been these recent issues that have brought into question the business, billing, administrative and customer service practices of the BBMUA that require a special independent investigation be conducted in order to assist the governing body in this legislative process.

**WHEREAS**, the Borough Council shall convene a subcommittee of council of the entire council to meet with the representatives of the BBMUA and discuss their issues and concerns prior to moving forward with any further investigation, if necessary.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Buena that a committee of council shall meet with the representatives of the BBMUA prior to commencing of any formal

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 8**

investigation or inquiry to address all concerns and if necessary, shall authorize an independent investigation of the BBMUA's business, billing, administrative and customer service practices.

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**RESOLUTION NO. 149-24                      EMERGENCY APPROPRIATION**

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

**WHEREAS**, an emergency has arisen with respect to the budget line for “Fire Protection” due to the fact that certain start up expenses related to the assumption of the responsibility for management of “Fire Protection Services” by the Borough of Buena, were greater than originally anticipated, and it is in the best interest of the Borough to protect and promote the public health, safety and welfare of the Borough; and

**WHEREAS**, no adequate provision was made in the 2024 budget for the aforesaid purposes, and the N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

**WHEREAS**, the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$40,000.00 and three percent of the total operations in the budget for the year 2024 is \$162,665.00,

**WHEREAS**, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2024,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Borough of Buena in the County of Atlantic (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:

Fire Protection Services - \$40,000.00

2. That said emergency appropriation shall be provided in full in the year 2025 budget. The Reserve for Fire Expenditures will be used to fund this emergency appropriation.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

**BE IT FURTHER RESOLVED** that two certified copies of this resolution be filed with the Director of government Services.



**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 9**

**RESOLUTION NO. 150-24**

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, ACTING BOROUGH CLERK AND STAFF, BUSINESS ADMINISTRATOR AND STAFF, BOROUGH SOLICITOR AND STAFF, AND CHIEF OF POLICE AND STAFF OF FRANKLIN TOWNSHIP POLICE DEPARTMENT CONCERNING MATTERS REGARDING PENDING OR ANTICIPATED LITIGATION IN WHICH THE PUBLIC BODY IS OR MAY BECOME A PARTY AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN**

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

**WHEREAS**, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting of a public body where the subject matter of that meeting involves pending or anticipated litigation in which the public body is or may become a party; and

**WHEREAS**, the Borough Council desires to meet with the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff, Acting Clerk and staff and Chief of Police and staff of Franklin Township Police Department concerning the appeal of Ellewoodsoto Hospitality LLC ABC violations.

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

1. The public shall be excluded from a meeting of the Council of the Borough of Buena, on August 12, 2024 in the Council Chambers immediately following the regular session of Borough Council.
2. The general nature of the subject matter of the closed meeting shall pertain to pending or anticipated litigation in which the public body is or may become a party regarding the appeal of Ellewoodsoto Hospitality LLC the Director of the Division of Alcoholic Beverage Control.
3. Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the Mayor, Borough Clerk and staff, Business Administrator and staff, Borough Solicitor and staff, Chief of Police and staff of Franklin Township Police Department shall be made following a final decision and determination of said matter excepting information which must remain private.
4. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 180 days, however, any personal confidential information may not be released.

**CORRESPONDENCE:**

**Our Lady of the Blessed Sacrament Parish request to waive bonding requirements for sidewalk improvements at 504 S. West Ave, Minotola**

	<b>Council Member</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recuse</b>
<b>MOTION:</b> _____	GIOVINAZZI					
	ALVAREZ					
<b>SECOND:</b> _____	ADAMS					
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**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 10**

---

**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 151-24** A RESOLUTION AUTHORIZING THE CFO TO REFUND AN OVERPAYMENT IN THE AMOUNT OF \$137.00 TO ALL SEASON SOLAR
- **RESOLUTION 152-24** A RESOLUTION EXTENDING THE GRACE PERIOD FOR THE PAYMENT OF REAL PROPERTY TAXES IN THE BOROUGH OF BUENA FOR THE THIRD QUARTER OF 2024
- **RESOLUTION 153-24** A RESOLUTION ACCEPTING THE RESIGNATION OF NOAH STAASHAUGHT EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS
- **RESOLUTION 154-24** A RESOLUTION ACCEPTING THE RESIGNATION OF DAVID DRAGON EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS
- **RESOLUTION 155-24** A RESOLUTION OF BOROUGH OF BUENA AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE
- **RESOLUTION 156-24** A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT TO DEBLASIO & ASSOCIATES FOR ENGINEERING SERVICES FOR THE TENNIS AND PICKLEBALL COURTS IMPROVEMENTS AT BRUNO MELINI PARK
- **RESOLUTION 157-24** A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR ADA ACCESSIBILITY IMPROVEMENTS TO CAPRI CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$94,200.00
- **RESOLUTION 158-24** A RESOLUTION ACCEPTING A 2024 LOCAL RECREATION IMPROVEMENT GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS IN THE AMOUNT OF \$66,000.00
- **RESOLUTION 159-24** A RESOLUTION ACCEPTING A 2024 AMERICAN RESCUE PLAN FIREFIGHTER GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS IN THE AMOUNT OF \$68,000.00
- **RESOLUTION 160-24** A RESOLUTION ESTABLISHING A NEW PETTY CASH FUND
- **RESOLUTION 161-24** A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT FOR FY2023 NJDOT LOCAL TRANSPORTATION PROJECTS FUND FOR THE RECONSTRUCTION OF PLYMOUTH STREET AND FRIENDSHIP ROAD
- **RESOLUTION 162-24** A RESOLUTION OF THE BOROUGH OF BUENA PLACING LIENS ON PROPERTY FOR FAILURE TO MAINTAIN PROPERTY IN ACCORDANCE WITH ORDINANCE 642
- **RESOLUTION 163-24** A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AMENDING RESOLUTION 166-23 MUNICIPAL TIER A STORMWATER GRANT PROGRAM APPLICATION & STORMWATER GIS MAPPING SERVICES FOR AN ADDITIONAL AMOUNT OF \$5,000.00

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 11**

- **BILLS PAID AS LISTED**
- **CLERK’S REPORT**  
MINUTES OF THE REGULAR MEETING OF JULY 15, 2024

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

**SOLICITOR’S REPORT:**

RICHARD TONETTA, BOROUGH SOLICITOR

**ENGINEER’S REPORT:**

JOSEPH MONACK, BOROUGH ENGINEER

**Grant Applications**

1. FY2024 NJDCA Local Recreation Improvement Grant (LRIG)
  - The Borough was awarded \$66,000.00 and is pursuing the repair of the Tennis Courts.
2. FY2024 NJDOT Local Transportation Projects Fund (LTPF) Grant
  - The grant application was submitted on April 24, 2024. The Borough is awaiting grant awards.
3. FY2025 NJDOT Municipal Aid Program Grant Application
  - The application was submitted on June 3, 2024. The Borough is awaiting grant awards.

**Capital Projects**

1. CDBG ADA Building Improvements – New Automatic Access Sliding Doors
  - Public bids were opened on Thursday, July 11<sup>th</sup>.
  - Our office has issued a recommendation of award letter.
2. Bruno Melini Park Bathroom Building
  - The project is expected to go out for public bid in August.
3. EMS Building Roof
  - Butch Czar, of Czar Engineering, is working with the Borough to obtain a quote for the roof utilizing a co-op purchasing program.
4. FY2023 NJDOT Local Transportation Projects Fund - Reconstruction of Plymouth St and Friendship Rd
  - The Borough was awarded \$400,000.00 in grant funding for Plymouth Street and Friendship Road.
  - Our office opened bids on Thursday August 8<sup>th</sup>.
5. FY2024 NJDOT Municipal Aid - Reconstruction of East Summer Road
  - The Borough was awarded \$269,995.00 in grant funding for East Summer Road.
  - The road project is being combined into the USDA Rural Improvement Grant.
6. USDA Rural Development Grant/Loan Application for the Replacement of Various Sanitary Sewers
  - Our office has prepared a Draft Preliminary Engineering Study and a Draft Environmental Report.
  - Our office has also prepared Construction Cost Estimates for the Replacement of Sanitary Sewer Infrastructure on East Summer Road, West Avenue and Atlantic Avenue.

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 12**

➤ Our office submitted these draft documents to Sub-Consultant, Triad for review.

7. NJDEP MS4 Stormwater Infrastructure Mapping

- The New Jersey Department of Environmental Protection (NJDEP) is requiring all stormwater infrastructure (inlets, manholes, outfalls, etc.) to be mapped in a GIS format by 2026.
- Our office obtained a \$25k grant from the NJDEP to aid the Borough in the cost to survey and map.
- Our office received comments back from the NJDEP. Our office is working to revise the maps to comply with the State’s comments.

8. Minotola Estates Drainage

- Our office has performed site investigations and has provided Michael Malinsky, Esq. supporting engineering information needed to take legal action on the developer of the site.

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**COMMITTEE REPORTS:**

*PLANNING/ZONING/INSPECTIONS.....CHAIRMAN, RICHARD GIOVINAZZI,  
DOUGLAS ADAMS, JORGE ALVAREZ*

*FINANCE/TAX COLLECTOR/ASSESSOR.....CHAIRMAN, JORGE ALVAREZ,  
MARINA BARSUGLIA, PATRICIA ANDALORO*

*PUBLIC SAFETY/STREET LIGHTS.....CHAIRMAN, DOUGLAS ADAMS,  
RICHARD GIOVINAZZI, FRANK DESTEFANO*

*RECREATION.....CHAIRWOMAN MARINA BARSUGLIA,  
PATRICIA ANDALORO, RICHARD GIOVINAZZI*

*BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRWOMAN, PATRICIA ANDALORO,  
DOUGLAS ADAMS, MARINA BARSUGLIA*

*ROADS/RECYCLING.....CHAIRMAN, FRANK DESTEFANO,  
JORGE ALVAREZ, RICHARD GIOVINAZZI*

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**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

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**NEXT MEETING:** WORKSHOP AND REGULAR, SEPTEMBER 16, 2024

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

Please refer to next page for Consent Agenda Resolutions

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 13**

**RESOLUTION NO. 151-24**

**A RESOLUTION AUTHORIZING THE CFO TO REFUND AN OVERPAYMENT IN THE AMOUNT OF \$137.00 TO ALL SEASON SOLAR**

**WHEREAS**, All Season Solar remitted a payment for an application in the amount of \$2043.00 to the Borough of Buena Construction Office. The actual fee for the application was \$1906.00 causing an overpayment of \$137.00 to be refunded.

**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 \$137.00 to All Season Solar.

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**RESOLUTION NO. 152-24**

**A RESOLUTION EXTENDING THE GRACE PERIOD FOR THE PAYMENT OF REAL PROPERTY TAXES IN THE BOROUGH OF BUENA FOR THE THIRD QUARTER OF 2024**

**WHEREAS**, the tax rate for the Borough of Buena has not been certified by the Atlantic County Board of Taxation; and

**WHEREAS**, the tax bills have not been received by the Tax Collector, and

**WHEREAS**, the Council of the Borough of Buena, in order to provide adequate notice to Property owners of the amount of taxes owed for the third quarter of 2024, believe that the GRACE PERIOD for the payment of taxes should be extended.

**NOW, THEREFORE BE IT RESOLVED** by the council of Borough of Buena that the GRACE PERIOD for the payment of property taxes in the Borough of Buena for the third quarter of 2024 be and the same is hereby extended to twenty-five days after the mailing of the tax bills.

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**RESOLUTION NO. 153-24**

**A RESOLUTION ACCEPTING THE RESIGNATION OF NOAH STAASHAUGHT EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that the following resignation be regrettfully accepted effective July 9, 2024:

Noah Staashaught  
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**RESOLUTION NO. 154-24**

**A RESOLUTION ACCEPTING THE RESIGNATION OF DAVID DRAGON EMERGENCY MEDICAL TECHNICIAN FROM BUENA EMS**

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that the following resignation be regrettfully accepted effective August 5, 2024:

David Dragon  
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**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 14**

**RESOLUTION NO. 155-24**

**A RESOLUTION OF BOROUGH OF BUENA AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, Borough of Buena has determined to move forward with the EMEX Reverse Auction in order procure electricity for the Local Unit; and

**WHEREAS**, the Local Government Electronic Procurement Act (P.L. 2018, c. 156) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

**WHEREAS**, Borough of Buena will utilize the online auction services of EMEX, LLC, a Division of Mantis Innovation an approved vendor pursuant to the Act; and

**WHEREAS**, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

**WHEREAS**, the auction will be conducted pursuant to the Act.

**WHEREAS**, if the street lighting auction achieves a price of \$0.087/kWh or less for any term length the Borough of Buena may award a contract to the winning supplier for the selected term.

**NOW THEREFORE BE IT RESOLVED**, that the Council of the Borough of Buena is hereby authorized to execute on behalf of the Borough of Buena any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the Street Lighting auction achieves a price of \$0.087/kWh or less for any term length the Borough of Buena may award a contract to the winning supplier for the selected term.

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**RESOLUTION NO. 156-24**

**A RESOLUTION OF THE BOROUGH OF BUENA AWARDDING A CONTRACT TO DEBLASIO & ASSOCIATES FOR ENGINEERING SERVICES FOR THE TENNIS AND PICKLEBALL COURTS IMPROVEMENTS AT BRUNO MELINI PARK**

**WHEREAS**, certain engineering services need be provided for the Tennis and Pickleball Courts Improvements at Bruno Melini Park; and

**WHEREAS**, the Borough Engineer's DeBlasio, have presented a proposal to complete said services in the amount of \$17,000.00.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Buena that the engineer is hereby retained for CDBG Engineering Services for Tennis and Pickleball Courts Improvements at Bruno Melini Park.

**BE IT FURTHER RESOLVED** that the award is contingent upon the receipt of a Certificate of Availability of Funds from the Chief Financial Officer.

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**RESOLUTION NO. 157-24**

**A RESOLUTION OF THE BOROUGH OF BUENA AWARDDING A CONTRACT FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR ADA ACCESSIBILITY IMPROVEMENTS TO CAPRI CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$94,200.00.**

**WHEREAS**, ADA Improvements to various municipal buildings are necessary; and

**WHEREAS**, the Engineer has sought bids for said services and has recommended the contract be awarded to Capri Construction Company, Inc.in the amount of \$94,200.00 for bid submitted.

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 15**

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena provided the CFO has certified the availability of funds, that the Mayor and Clerk are authorized to execute an Agreement with Capri Construction Company, Inc. in the amount of \$94,200.00.

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**RESOLUTION NO. 158-24**

**A RESOLUTION ACCEPTING A 2024 LOCAL RECREATION IMPROVEMENT GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS IN THE AMOUNT OF \$66,000.00**

**BE IT RESOLVED** by the Council of the Borough of Buena that the 2024 Local Recreation Improvement Grant in the amount of \$66,000.00 is hereby accepted.

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**RESOLUTION NO. 159-24**

**A RESOLUTION ACCEPTING A 2024 AMERICAN RESCUE PLAN FIREFIGHTER GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS IN THE AMOUNT OF \$68,000.00**

**BE IT RESOLVED** by the Council of the Borough of Buena that the 2024 American Rescue Plan Firefighter Grant in the amount of \$68,000.00 is hereby accepted.

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**RESOLUTION NO 160-24**

**A RESOLUTION ESTABLISHING A NEW PETTY CASH FUND**

**WHEREAS**, N.J.S.A. 40A:5-21 authorizes the establishment of a petty cash fund in any county of municipality by application and resolution, and,

**WHEREAS**, it is the desire of the Borough of Buena, County of Atlantic to establish such a fund for the use of small miscellaneous purchases in the amount of \$150.00; and

**WHEREAS**, the custodian for this fund is, Cynthia Holland, CFO, who is bonded for the amount of \$1,000,000; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

**NOW, THEREFORE BE IT RESOLVED** that the Council of the Borough of Buena hereby authorizes such action and that two copies of this resolution be filed with the division of local Government Services, New Jersey Department of Community Affairs for approval.

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**RESOLUTION NO. 161-24**

**A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A CONTRACT FOR FY2023 NJDOT LOCAL TRANSPORTATION PROJECTS FUND FOR THE RECONSTRUCTION OF PLYMOUTH STREET AND FRIENDSHIP ROAD**

**WHEREAS**, the Engineer has sought bids for said services and has recommended the contract be awarded to Arawak Paving Company, Inc. in the amount of \$423,700.00 for bid submitted.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena provided the CFO has certified the availability of funds, that the Mayor and Clerk are authorized to execute an Agreement with Arawak Paving Company, Inc. in the amount of \$423,700.00.

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**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
AUGUST 12, 2024  
PAGE 16**

**RESOLUTION NO. 162-24**

**A RESOLUTION OF THE BOROUGH OF BUENA PLACING LIENS ON PROPERTY FOR FAILURE TO MAINTAIN PROPERTY IN ACCORDANCE WITH ORDINANCE 642**

**WHEREAS**, the Borough of Buena established legal right to clear and lien unkempt properties in accordance with Ordinance 642; and

**WHEREAS**, Buena Borough has identified a property or properties that have not been maintained over a period of time; and

**WHEREAS**, Buena Borough has noticed property owners of record following all established procedures; and

**WHEREAS**, the property or properties listed have been cleared by the Borough of Buena and charges established for time and equipment per Ordinance 642;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the properties attached to this Resolution shall have a lien for lot clearance, similar to a tax lien, placed upon them upon passage of this resolution.

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**RESOLUTION NO. 163-24**

**A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC,  
AMENDING RESOLUTION 166-23 MUNICIPAL TIER A STORMWATER GRANT  
PROGRAM APPLICATION & STORMWATER GIS MAPPING SERVICES FOR AN  
ADDITIONAL AMOUNT OF \$5,000.00**

**WHEREAS**, the Borough of Buena entered into an agreement with DeBlasio & Associates on November 27, 2023 for Stormwater GIS Mapping Services initially awarding \$20,000.00; and

**WHEREAS**, DeBlasio & Associates, Engineers has submitted a discrepancy outlining the original Scope of Services and has requested an additional amount of \$5,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the Borough of Buena award the additional amount of \$5,000.00 necessary to complete the project and satisfy the grant.

**BE IT FURTHER RESOLVED**, that this award is contingent upon a Certificate of Availability of Funds from the Chief Financial Officer.