

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
FEBRUARY 13, 2023
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**MEETING CALLED TO ORDER: 7:00 P.M.
MEETING ADJOURNED: 7:51 P.M.**

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
ALVAREZ	X	
ADAMS	X	
BARSUGLIA	X	
ANDALORO	X	
FABRIZIO	X	

ALSO, IN ATTENDANCE: Solicitor Tonetta, Administrator Coraluzzo, Engineer Marc DeBlasio, Assistant Solicitor Alan Giebner

THE REGULAR MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WAS HELD FEBRUARY 13 ,2023 COMMENCING AT 7:00 P.M. AT THE BOROUGH HALL WITH MAYOR ZAPPARIELLO PRESIDING. MAYOR ZAPPARIELLO ANNOUNCED THAT THIS MEETING WAS BEING HELD IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT AND NOTICES OF THIS MEETING HAVE BEEN PROVIDED, VIA EMAIL, TO THE PRESS OF ATLANTIC CITY AND THE DAILY JOURNAL ON NOVEMBER 18, 2022 AS WELL AS BEING POSTED ON THE BULLETIN BOARD IN 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; HE/SHE CANNOT YIELD TIME TO ANOTHER INDIVIDUAL; HE/SHE 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:

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

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Richard Marolda Jr., Minotola asked about the RFP's. Solicitor Tonetta gave a summary of the process a professional proposal for Cannabis licenses.

Betty Testa, Landisville voiced her concern of how hard it is for the public in the back of the room to hear the speakers and asked if they could speak louder.

Desmond Sigh, Northern Jersey expressed his concern that Rich Marolda did not have a conditional license and asked if the process would take from the local business owners. Solicitor Tonetta gave overview of the course of action. A discussion ensued.

Xavier Jackson, Millville, introduced himself and stated he has a state conditional license the was interested in expanding his business to Buena Borough.

Steve LaPorta, Minotola read a monthly call report on behalf of Chief Joseph Casper of the Minotola Fire Company.

PUBLIC PORTION CLOSED:

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

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RESOLUTION 45-23 RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, DECLARING RESOLUTION NO. 37-23 APPOINTING RICHARD GIOVINAZZI AS COUNCILPERSON VOID AB INITIO TO JANUARY 23, 2023

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

WHEREAS, the Council of the Borough of Buena adopted resolution 37-23 appointing Richard Giovinazzi as Councilman from a list of names given to fill the vacancy created by the resignation of Councilwoman Gina Andaloro, the said Richard Giovinazzi being a registered Republican; and

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WHEREAS, while Gina Andaloro resigned her position as a Republican Councilwoman, at the time of her election to the Borough Council she was elected as a Democrat Councilwoman; and

WHEREAS, N.J.S.A. 40A:16-11 requires the governing body to fill the vacancy by the appointment of a successor from the same political party which had nominated the Incumbent whose office has become vacant; and

WHEREAS, as the inadvertent appointment of Richard Giovinazzi was contrary to N.J.S.A. 40A:16-11, the seat left vacant by Gina Andaloro remains vacant from the date of her resignation.

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Resolution 37-23 be and is hereby void ab initio to January 23, 2023

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**RESOLUTION 45A-23 RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE
RESIGNATION OF RICHARD GIOVINAZZI FROM THE POSITION OF
BOROUGH COUNCIL OF THE BOROUGH OF BUENA**

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

WHEREAS, Richard Giovinazzi has served the Borough of Buena as a council member; and

WHEREAS, Richard Giovinazzi has served the Borough of Buena in an exemplary manner; and

WHEREAS, Richard Giovinazzi has decided to resign effective February 6, 2023; and

WHEREAS, the Mayor and Council of the Borough of Buena would like to extend their gratitude to Richard Giovinazzi for her service and genuine desire to improve the community of Buena Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the resignation of Richard Giovinazzi be regrestfully accepted effective February 6 2023.

ADOPTED at a meeting of the Borough Council of Buena Borough, County of Atlantic, State of New Jersey held on February 13, 2023.

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RESOLUTION 45B-23 A RESOLUTION APPOINTING _____ TO
THE POSITION OF COUNCILPERSON OF BUENA BOROUGH TO FILL
THE UNEXPIRED TERM OF GINA ANDALORO, UNTIL THE
CERTIFICATION OF THE 2023 GENERAL ELECTION RESULTS.

TABLED

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

WHEREAS, On January 12, 2023, Councilwoman Gina Andaloro tendered her resignation from the position of Councilperson of the Borough of Buena effective January 13, 2023, which term commenced January 1, 2022 and was to expire on December 31, 2024; and

WHEREAS, Councilwoman Andaloro’s resignation was received on January 12, 2023 and

WHEREAS, because of the resignation, a vacancy exists on the Borough Council; and

WHEREAS, on February 8, 2023, Borough Council received a list of three names provided by the Buena Democratic Club County Committee from which Council shall nominate an individual to fill the unexpired term of Councilwoman Andaloro, at which time the seat will be filled until the Certification of the 2023 General Election Results; and

WHEREAS, Borough Council opened the nomination for consideration and having received one nomination, to wit, _____ and therefore receiving no further nominations, the nominations were duly closed.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that _____ shall, upon taking the oath of office, immediately fill the vacant seat of Council for the Borough of Buena commencing February 13, 2023 until the Certification of the 2023 General Election Results, at which time the seat shall be filled by an election in accordance with the laws of the State of New Jersey.

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MAYOR: **MAYOR ZAPPARIELLO AS A RECREATION MEMBER APPOINTED KERRI BELFI AS THE ALTERNATE I MEMBER TO FILL THE UNEXPIRED TERM OF BARBARA MUNDEN. SOLICITOR RICHARD TONETTA GAVE THE OATH.**

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INTRODUCED AND PASSED ON FIRST READING:

ORDINANCE NO. 720 CALENDAR YEAR 2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
ALVAREZ		X	X				
ADAMS	X		X				
BARSUGLIA			X				
ANDALORO			X				
FABRIZIO			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 2023 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 \$26,944.27 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 2023 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 \$94,304.95, and that the CY 2023 municipal budget

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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.

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MIKE GARCIA GAVE MAYOR AND COUNCIL HARD COPIES OF THE BUDGET AND PRESENTED A BRIEF OVERVIEW ON THE INTRODUCTION TO THE MUNICIPAL BUDGET AND THE PROCESS.

RESOLUTION 46-23 A RESOLUTION INTRODUCING AND APPROVING THE 2023 MUNICIPAL BUDGET.

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

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MOTION TO INTRODUCE AND PASS ON FIRST READING:

ORDINANCE NO. 721 AN ORDINANCE AMENDING ORDINANCE 718 THE SALARIES AND WAGES RANGES OF MUNICIPAL OFFICIALS AND EMPLOYEES OF THE BOROUGH OF BUENA FOR THE YEAR 2023

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

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BE IT ORDAINED by the Council of the Borough of Buena, in the County of Atlantic and State of New Jersey, that the following salary and wage ranges are hereby established for municipal officials and employees in the Borough of Buena.

Mayor	\$ 8,112.00 – \$ 9,000.00
Council	\$ 4,161.00 – \$ 5,000.00
Administrator	\$10,000.00 – \$40,000.00
Municipal Clerk Part Time	\$25,000.00 – \$35,000.00
Tax Collector Part Time	\$23,000.00 – \$35,000.00
Municipal Clerk Full Time	\$40,000.00 – \$60,000.00
Tax Collector Full Time	\$40,000.00 – \$60,000.00
Deputy Municipal Clerk	\$27,000.00 – \$39,000.00
Chief Financial Officer	\$40,000.00 – \$60,000.00
Qualified Purchasing Agent	\$ 2,000.00 – \$ 6,000.00
Tax Assessor	\$10,000.00 – \$25,000.00
Zoning Officer	\$ 4,500.00 – \$ 7,210.00
Enforcement Officer	\$ 6,500.00 – \$ 9,200.00
Construction Code	\$ 1,800.00 – \$ 3,500.00
Building Sub-Code Official	\$ 9,000.00 – \$11,000.00
Plumbing Sub-Code Official	\$ 6,500.00 – \$ 9,500.00
Electrical Sub-Code Official	\$ 6,500.00 – \$ 9,500.00
Fire Sub-Code Official	\$ 1,500.00 – \$ 5,000.00
Fire Official	\$ 4,000.00 – \$ 6,000.00
Occupancy Inspector	\$ 3,000.00 – \$ 4,300.00
Road Supervisor	\$75,000.00 – \$82,000.00
EMS Chief	\$40,000.00 – \$80,000.00

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EMS – Full Time	\$30,000.00 – \$60,000.00
Director Emergency Management	\$ 550.00 – \$ 5,000.00
Clerk 1- Full Time	\$20,000.00 – \$29,999.00
Clerk 2 - Full Time	\$30,000.00 – \$39,999.00
Clerk 3 - Full Time	\$40,000.00 – \$52,000.00
Clerk 1 - Part Time	\$ 13.00 – \$ 20.00
Clerk 1 (Per Meeting)	\$ 100.00 – \$ 125.00
Land Use Secretary (Per Meeting)	\$ 100.00 – \$ 125.00
Land Use Board Chairman	\$ 30.00 – \$ 33.00
Land Use Board Members	\$ 25.00 – \$ 28.00
EMS – Part Time	\$ 17.00 – \$ 25.00
UCC Substitute Inspector	\$ 25.00 – \$ 35.00
Streets & Roads Laborer 1	\$ 16.00 – \$ 19.00
Streets & Roads Laborer 2	\$ 19.01 – \$ 25.00
Streets & Roads Laborer 3	\$ 25.01 - \$ 35.00
Part-Time Road Laborers & Seasonal	\$ 12.00 – \$ 15.50

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**RESOLUTION 47-23 A RESOLUTION FIXING SALARIES FOR EMPLOYEES OF THE
BOROUGH OF BUENA FOR THE YEAR 2023**

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

WHEREAS, pursuant to a Salary Ordinance enacted prior to this Resolution, money was appropriated for the salaries and wages of municipal employees for the year 2023, retroactive to January 1, 2023; and

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

A. That the following Borough employees shall receive the salary hereinafter set forth or as otherwise stated:

- | | | |
|------|---|----------------------------------|
| 1. | David Zappariello , Mayor | \$ 8,870.19 |
| 2. | COUNCIL
Jorge Alvarez Joseph Fabrizzio
Patricia Andaloro
Douglas Adams Marina Barsuglia | \$ 4,548.81 |
| 3. | Maryann Coraluzzo , Administrator | \$ 30.60 per |
| hour | | |
| 4. | Pamela Johnston , Acting Clerk | \$42,840.00 |
| 5. | Cynthia Holland , Chief Financial Officer/QPA | \$59,654.84 |
| 6. | Patrick Hegarty , Tax Collector | \$23,460.00 |
| 7. | Joyce Thurlow , Clerk 1 | \$ 17.34 |
| 8. | Lisa Perella , Tax Assessor | \$10,930.44 |
| 9. | Valerie Jones , Clerk 3 | \$48,796.20 |
| 10. | Valerie Jones , Land Use Secretary | \$ 100.00 per
meeting |
| 11. | Edward Castellari Jr , Land Use Chair | \$ 30.00 per
meeting attended |
| 12. | <u>LAND USE MEMBERS</u>

David Zappariello William Nimohay
Doug Adams Edward Casellari
James Heisler John Petyan
Thomas Dralle Ronald Francis
Louis Barsuglia Larry Petrillo
Dennis Bassetti Jenna Talarico
Louis Nardone | \$ 25.00 per
meeting attended |
| 13. | John Keenan , Zoning Officer | \$ 6,432.03 |
| 14. | James Hoffman , Enforcement Officer | \$ 8,155.26 |
| 15. | James Hoffman , Occupancy Inspector | \$ 3,362.51 |
| 16. | James Hoffman , Construction Code Official | \$ 1,910.17 |
| 17. | James Hoffman , Building Code Official | \$ 9,550.87 |
| 18. | Dennis LaSassa , Plumbing Sub Code Official | \$ 8,659.45 |

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- 20. **Joseph Rizzuto**, Electrical Sub Code Official \$ 7,211.36
- 21. **William Nimohay**, Streets & Roads Supervisor \$80,370.90
- 22. **Eric DelFava**, Emergency Management Coordinator \$ 550.00

B. The following employees shall be paid at the hourly rate hereinafter set forth or as otherwise stated:

- 1. **Joseph Aupperle**, Streets & Roads, Laborer 2 \$ 20.36
Leonard Coco, Streets & Roads Laborer 2 \$ 23.96
Michael Corsiglia, Streets & Roads Laborer 2 \$ 21.86
Thomas Reeves, Streets & Roads, Laborer 2 \$ 19.57
- 2. **Diane Bassetti**, Part Time, Clerk 1 \$ 19.38
Carol Mason, Part Time Clerk 1 \$ 16.32
- 3. **Michael Rodriguez**, Sr Part Time EMS \$ 21.97
- 4. **Angel Calixto-Gomez**, Full Time EMS \$ 23.00
- 5. **PART TIME EMS** \$ 19.29
Adam Akers
- 6. **PART TIME EMS** \$ 18.22
Paul Caola Sabrina Inglesias
David Neiderhofer Matthew Perry
Joseph Wheeler
- 7. **PART TIME EMS** \$ 17.69
Kaitlyn Barrett Leobardo Calixto
Jon Michael Knapp Kristen Wolfe
John Torres
- 8. **PART TIME EMS** \$ 17.34
Kimberly Cruz William Holmstrom
- 9. **PART TIME EMS** \$ 17.00
Jennifer Archer Daniel Walters
Paul Fallon Chryl Leeds
Ryan Watson
- 10. **WEEKEND DIFFERENTIAL FOR EMS**
Sr. Part-Time EMS \$ 23.04
Part-Time/Per Diem EMS \$ 20.36



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RESOLUTION 48-23 A RESOLUTION APPOINTING DANIEL’S LAW REDACTORS

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

WHEREAS, in November 2020, Governor Murphy enacted “Daniel’s Law,” named after the son of Judge Esther Salas, an amendment to the Open Publics Records Act and other statutes protecting personal information for certain persons in public service; and

WHEREAS, specifically, Daniel’s Law is designed to expand protections from public exposure for personal information about active and retired judges, law enforcement officers, and prosecutors, and their immediate family members. Redactors appointed at state, county and municipal government levels are responsible for carrying out these protections; and

WHEREAS, there is a need to appoint Daniel’s Law Redactors for the Borough of Buena.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Buena that, effective January 12, 2023, the commencement of Daniel’s Law, Pamela Johnston be appointed as redactor for the Borough.

BE IT FURTHER RESOLVED, that Maryann Coraluzzo, Administrator, Patrick Hegarty, Tax Collector, and Lisa Perella, Tax Assessor are hereby appointed as sub-redactors for the Borough of Buena.

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RESOLUTION 49-23 A RESOLUTION DECLARING THE BOROUGH OF BUENA’S SUPPORT FOR THE CREATION, PROTECTION, AND LONG-TERM SUSTAINABILITY OF COMMUNITY GARDENS.

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

STATEMENT OF PURPOSE: The purpose of this resolution is to adopt a community gardens policy for the Borough of Buena. The resolution calls on the Recreation

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Commission to develop such Community Garden. The resolution reflects the Borough of Buena's support for community gardens as a valuable resource and the Borough of Buena's commitment to collaborate with the community, neighboring communities, non-profit organizations, and other stakeholders to encourage and preserve community gardens on public and private land.

WHEREAS, community gardens are any piece of private or public land where plants are grown and maintained by a group of individuals in the community. Community gardens often produce food for individual consumption, but may produce food for sale, be designed for beautification of the community, or be used for educational purposes; and

WHEREAS, community gardens make a significant contribution to the civic and cultural life of communities and create gathering places that bring people together across boundaries of age and ethnicity; and

WHEREAS, community gardens provide access to healthy, culturally specific food for people of all economic back- grounds, allowing residents to improve nutrition and lower food costs; and

WHEREAS, community gardens serve as a tool to fight obesity by positively contributing to the physical activity of participants, increasing access to nutritional foods, and serving as an important environmental and health educational tool; and

WHEREAS, community gardeners and their children eat healthier, more nutrient-rich diets than do non-gardening families; and

WHEREAS, community gardens provide positive attributes as urban green spaces: they beautify areas, build a sense of community among neighbors, abate criminal activity, and prevent trash accumulation, dumping, and littering; and

WHEREAS, community gardens contribute to the preservation, access to, and use of open space, vacant lots, and public parks; and

WHEREAS, community gardens empower residents to become more active in their communities, cultivating cross- cultural and intergenerational volunteers and leaders who come together to preserve open space and create gardens for the benefit of present and future generations.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Buena Recreation Commission establish a Community Garden Policy that provides as follows:

1. The Borough of Buena supports community gardens as a valuable resource and commits to encouraging and preserving community gardens on public and private land.

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- 2 The Borough of Buena will work with non-profit organizations, gardeners and neighborhood groups to identify public and private land suitable for community gardens.
- 3 The Borough of Buena will allow the use of public property, where appropriate, for new community garden sites, [such as undeveloped parcels, road rights of way, marginal park land, and adjacent greenway land] and will include community gardens as a desired use of public property.
- 4 The Borough of Buena will provide guidance for community gardens on private property, including information on [who to contact, best practices, available parcels, and what issues to consider when starting a community garden].
- 5 The Borough of Buena will maintain an inventory of community gardens and their condition on public property with permission from private property owners and community garden groups.
- 6 The Borough of Buena will promote cooperation and consistency in the implementation of the Community Garden Policy through communication and collaboration among departments and agencies, including the Recreation Commission, the Department, the Department of Public Works, the Land Use Board, and the School District, to maintain, create, and enhance opportunities for community gardening on public and private land;
- 7 The Borough of Buena recognizes the economic, environmental and social value of community gardens and will attempt to provide budgetary support for the coordination of a community garden program.
- 8 The Borough of Buena will review all future policies to assess their impact on community gardens and ensure that these policies promote community gardens and do not create unnecessary obstacles or burdens on community gardens.
- 9 The Borough of Buena supports the Recreation Commission's desire to create a Community Garden Advisory Committee ("CGAC.") who will:
 - a. Provide advice and direction to the Recreation Commission and Governing Body in the creation and implementation of the Community Garden Policy; and
 - b. Include community members from established public and private community gardens in the Borough of Buena and from neighborhoods/communities seeking to promote and develop new community gardens.

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RESOLUTION 50-23 A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY AND THE BOROUGH OF BUENA FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

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

WHEREAS, Atlantic County has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383; and

WHEREAS, ACIA has been charged with the implementation and administration of these grant funds; and

WHEREAS, ACIA wishes to provide funding to the Borough of Buena to undertake a project with such funds.

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

The Borough of Buena will be responsible for administering a CDBG contract for Fiscal Year(s) 2015- 2017 in a manner satisfactory to the ACIA and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the Community Development Block Grant Program.

The Borough of Buena will undertake a project or projects, hereinafter referred to as the "Project", within the County generally described as **Pool Demolition** an eligible activity under 24 CFR Part 570 Subpart C and as specified in the Project application/description.

The estimated budget for the Project is \$36,004.00. The ACIA will allocate a maximum of **\$36,004.00** from Atlantic County Urban County CDBG funds from Program Year(s) 2015- 2017 for the Project.

BE IT FURTHER RESOLVED, that the Mayor and Acting Clerk are hereby authorized to execute a Memorandum of Understanding for the Project generally described as Pool Demolition.

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**RESOLUTION 51-23 A RESOLUTION APPOINTING VARIOUS ROAD DEPARTMENT
EMPLOYEES TO THE POSITION OF LABORER 2**

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

WHEREAS, Leonard Coco, Joseph Aupperle, and Thomas Reeves hold the position of Laborer 1 in the Borough of Buena Road Department; and

WHEREAS, during their tenure, the aforementioned employees' duties, responsibilities, and experience have increased.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Buena that Leonard Coco, Joseph Aupperle, and Thomas Reeves are hereby appointed to the Position of Laborer 2.

BE IT FURTHER RESOLVED, that the aforementioned employees will be paid in accordance with the Resolution fixing salaries for employees of the Borough of Buena for the year 2023.

**RESOLUTION 52-23 A RESOLUTION OF THE BOROUGH OF BUENA AWARDING A
CONTRACT TO DEBLASIO & ASSOCIATES, ENGINEERS, FOR
ENGINEERING AND CONSTRUCTION SERVICES FOR FY2022 AND
FY2023 NJDOT MUNICIPAL AID PROJECT- RECONSTRUCTION OF
SOUTH BOULEVARD AND FLOWER STREET.**

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

WHEREAS, the Borough of Buena was awarded a grant of \$546,460.00 by the New Jersey Department of Transportation (NJDOT) for FY2022 and FY2023 Reconstruction of East Flower Street and South Boulevard; and

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WHEREAS, certain engineering services need be provided for the Engineering and Construction Phases; and

WHEREAS, the Borough Engineer’s, DeBlasio & Associates, have presented a proposal to complete said services in the amount of \$45,000.00 and \$23,000.00 respectively.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Buena that DeBlasio & Associates is hereby retained for Engineering and Construction Phase Services for the NJDOT Municipal Aid FY2022 and FY2023 Reconstruction of East Flower Street and South Boulevard in the amount of \$45,000.00 and \$23,000.00 respectively.

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 53-23 A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO A CONTRACT WITH LEE-WAY ELECTRICAL, LLC. FOR ELECTRICAL REPAIR AND MAINTENANCE COMMENCING FEBRUARY 13,2023 AND EXPIRING FEBRUARY 12, 2025

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA that a contract is hereby awarded to Lee-Way Electrical, LLC., for the furnishing of electrical repair and maintenance services in the Borough of Buena

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute an agreement with Lee-Way Electrical, LLC for the purpose of furnishing electrical repair and maintenance services.

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RESOLUTION 54-23 A RESOLUTION AUTHORIZING THE BOROUGH OF BUENA TO ENTER INTO A CONTRACT WITH FALASCA MECHANICAL, INC FOR MECHANICAL AND PLUMBING REPAIR AND MAINTENANCE COMMENCING FEBRUARY 13, 2023 AND EXPIRING FEBRUARY 12, 2025.

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BUENA that a contract is hereby awarded to Falasca Mechanical, Inc. for the furnishing of mechanical and plumbing repair and maintenance services in the Borough of Buena

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute an agreement with Falasca Mechanical, Inc. for the purpose of furnishing mechanical and plumbing repair and maintenance services.

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RESOLUTION 55-23 A RESOLUTION APPOINTING SUSTAINABLE JERSEY GREEN TEAM AND ADVISORY COMMITTEE INITIAL MEMBERS .

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

WHEREAS, the Borough Committee of the Borough of Buena strives to save tax dollars, assure clean air and water; improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which will thrive well in this and the next century; and

WHEREAS, the Borough Committee of the Borough of Buena wishes to build a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate, affordable to implement and improve

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quality of life; and

WHEREAS, in an attempt to focus attention on “Green” issues, the Borough Committee wishes to establish a Green Team Advisory Committee (GTA); and

WHEREAS, the Council of the Borough of Buena wants to begin the process of focusing on “Green” issues by starting with internal audits of municipal facilities and items to improve the standard of living in the Borough of Buena; and

WHEREAS, employee efficiency, maintenance and operation changes will all be considered as the Borough moves to do its share to lessen the environmental impact of its operations and improve the livability of the community.

NOW THEREFORE BE IT RESOLVED, by the Borough Committee of the Borough of Buena that we do hereby establish a Green Team Advisory Committee consisting of seven members who shall be residents, business persons or employees of the Borough of Buena, appointed annually, but whose initial term shall be through December 31, 2023.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Council of the Borough of Buena that the Mission, goals and Objectives for GTA through December 31, 2023 are established as follows:

Mission

The Borough of Buena Green Team Advisory committee will advise the Borough Committee on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound through research and evaluation.

Goals

Submit a report and recommendation to the Borough Committee by November 1, 2023 to include:

1. An internal audit of municipal facilities
2. A report of suggested best practices for “greener” municipal operations
3. An evaluation to create a healthier community on borough grounds

Objectives

1. Collaborate with township employees, service providers and other governmental agencies to share resource information and ideas consistent with the Mission the GTA.
2. Encourage participation of all employees to solicit ideas on green initiative.
3. Research and analyze green initiatives which make practical environmental and financial sense.
4. Develop strategies for sustainable green initiatives in municipal operations.

NOW THEREFORE BE IT FINALLY RESOLVED, by the Borough Committee of the Borough of Buena that the following persons are hereby appointed to the GTA for the remainder of 2023 and are eligible to serve until replaced through an updated resolution or ordinance adopted at our annual reorganization meeting:

FIRST NAME LAST NAME POSITION REPRESENTATIVE

Marina Barsuglia Regular Member BB Recreation Committee/Councilwoman Chair
Pamela Johnston Regular Member BB Acting Boro Clerk

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Bill Nimohay Regular Member BB Recreation Committee/Roads Supervisor
 Lauren Bertonazzi Regular Member Citizen Representative
 Carly Adams Regular Member Citizen Representative
 Todd Anderson Regular Member Citizen Representative
 Mary Donato Regular Member Citizen Representative

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RESOLUTION 56-23 TEMPORARY EMERGENCY APPROPRIATION

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

WHEREAS, an emergency has arisen with respect to the temporary budget line for “Down Payment on Improvements” and no adequate provision was made in the 2023 temporary budget for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of a temporary emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of temporary emergency appropriations created including the appropriation to be created by this resolution is \$31,250.00,

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:4-20 that:

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

Down Payment on Improvements - \$31,250.00,

2. That said temporary emergency appropriation shall be provided in full in the year 2023 budget under the title of “Down Payment on Improvements”

BE IT FURTHER RESOLVED, that one certified copy of this resolution be filed with the Director of Local Government Services.

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MOTION TO INTRODUCE AND PASS ON FIRST READING:

ORDINANCE NO. 722 BOND ORDINANCE APPROPRIATING SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$625,000) AND AUTHORIZING THE ISSUANCE OF UP TO FIVE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$593,750) IN BONDS AND NOTES OF THE BOROUGH OF BUENA FOR THE PURCHASE OF ONE (1) NEW AMBULANCE AND ONE (1) REFURBISHED AMBULANCE AND RELATED ADDITIONAL EQUIPMENT BY THE BOROUGH OF BUENA, IN THE COUNTY OF ATLANTIC, NEW JERSEY

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

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. Appropriation for Project-Down Payment.

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general improvements to be made or acquired by the Borough of Buena, in the County of Atlantic, New Jersey (the "**Borough**"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$625,000), including the aggregate sum of THIRTY-ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$31,250), which is hereby appropriated from the Capital Improvement Fund of the Borough as the down payment for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the Borough for capital improvements and down payments, or by an emergency appropriation, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. Authorization of Bonds.

For the financing of said improvements or purposes and to meet the to SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$625,000) appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the maximum principal amount of FIVE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$593,750) pursuant to the Local Bond Law of New Jersey (the "**Local Bond Law**") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s)

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of the Borough in the maximum principal amount of FIVE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$593,750) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Projects.

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

IMPROVEMENT OR <u>PURPOSE</u>	APPROPRIAT ION AND ESTIMATED <u>COST</u>	AMOUNT OF BONDS OR NOTES
Purchase of a New Ambulance and additional related equipment, and all other necessary or desirable appurtenances, work or materials.	\$410,000	\$389,500
Purchase of a Refurbished Ambulance and additional related equipment, and all other necessary or desirable appurtenances, work or materials.	<u>\$215,000</u>	<u>\$204,250</u>
TOTAL	<u>\$625,000</u>	<u>\$593,750</u>

The excess of the appropriation made for such improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as stated above, not including the amount of any grant, is the amount of the said down payments for said purposes.

Section 4. Authorization of Notes.

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the Borough in a principal amount not exceeding FIVE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$593,750) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Council of the Borough at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond

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Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Capital Budget.

The current capital budget of the Borough of Buena conforms with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board, including the current capital budget, is on the file with the Clerk and is available there for public inspection.

Section 6. Additional Matters.

The following additional matters are hereby determined, declared and recited and stated:

(a) **Capital Expenditures.** The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully require or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) **Average Period of Usefulness.** The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **5 years**.

(c) **Supplemental Debt Statement.** The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by FIVE HUNDRED NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$593,750), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) **Soft Costs.** Amounts not exceeding THIRTY-ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$31,250) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Borough in connection with the acquisition of such improvements and properties as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 7. Ratification of Prior Actions.

Any action taken by any officials of the Borough in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 8. Application of Grants.

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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Section 9. Full Faith and Credit.

The full faith and credit of the Borough are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all of the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 10. Official Intent to Reimburse Expenditures.

The Borough reasonably expects to reimburse any expenditures towards the cost of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 11. Effective Date.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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CLERK'S REPORT:

MINUTES OF THE WORKSHOP SPECIAL MEETING OF JANUARY 12, 2023. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:

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

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MINUTES OF THE SPECIAL MEETING OF JANUARY 12, 2023. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:

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

MINUTES OF THE REGULAR MEETING OF JANUARY 23, 2023. IF NO CORRECTIONS OR ADDITIONS, ENTERTAIN A MOTION TO APPROVE:

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

ENGINEER’S REPORT:

Grant Applications

1. FY2023 NJDCA Local Recreation Improvement Grant (LRIG)
 - Our office completed and submitted the concept site plan and engineer’s estimate to the Aubrey Group on January 10th.
 - It is our understanding that the Aubrey Group has submitted the grant application to the NJDCA which is currently under review.

Capital Projects

1. FY2022 and FY2023 NJDOT Municipal Aid – Reconstruction of E. Flower Street and South Boulevard
 - The Borough has been notified by the NJDOT that \$285,000.00 in FY2022 Grant funds have been awarded for the reconstruction of E. Flower Street, E. Summer Road and South Boulevard.
 - The Borough has been notified by the NJDOT that \$261,640.00 in FY2023 Grant funds have been awarded for the reconstruction of E. Flower Street, E. Summer Road and South Boulevard.
 - Due to the fact that the project costs exceed the combined grant amounts and there appears to be a potential sanitary sewer pipe collapse on E. Summer Road, the Borough has decided to proceed with just South Boulevard and E. Flower Street.
 - Our office has provided a proposal on February 1st to proceed with the reconstruction of E. Flower and South Boulevard. Upon authorization, we are prepared to begin work immediately.

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SOLICITOR'S REPORT: Cannabis License application will be on hold for proposals for further discussion.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

BILLS PAID AS LISTED:

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

NEXT MEETING: FEBRUARY 27, 2023

MEETING ADJOURNED: M/ ALVAREZ S/ ANDALORO RCUV

Pamela Johnston

Pamela Johnston
Acting Borough Clerk