

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
MINUTES
JANUARY 13, 2025
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MEETING CALLED TO ORDER: 6:31 P.M.
MEETING ADJOURNED: 6:59 P.M.

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

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

ALSO PRESENT: Clerk I Koch, Administrator Coraluzzo, Road Supervisor Nimohay, Borough Engineer Mohnack

The regular meeting of Mayor and Council of the Borough of Buena was held January 13, 2025 commencing at 6:31 P.M. at the Borough Hall with Mayor Baruffi presiding. Mayor Baruffi 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 9, 2024 as well as being posted on the bulletin board in Borough Hall.

MAYOR’S REPORT: First order of business.

- On January 13, 2025, Mayor Baruffi met with the Borough CFO, Borough Administrator, and Auditor Nancy Sbrolla from Ford Scott & Associates, LLC to discuss the 2025 budget. Mayor Baruffi expressed gratitude to the department heads for submitting their budget items as requested. A follow-up meeting will take place in two weeks to review the budget ahead of its anticipated introduction in early March 2025. A Borough/Council budget workshop session is also scheduled for February 2025, where the Auditor and Borough CFO will present the proposed 2025 budget.
- Correspondence received on January 2, 2025, from the Attorney General’s office regarding The Buena Connection Brewing Co. LLC was read into the record. The correspondence confirmed the approval of an Application for a Limited Brewery License at 112 Wheat Road. The license restricts on-premises consumption to a certain limit per gallon per person. Mayor Baruffi mentioned speaking with the owner, who anticipates the brewery will begin operations in February.
- The grand opening and ribbon-cutting ceremony for Taste of Earth, LLC will take place on January 25, 2025, at 3 p.m. Mayor Baruffi acknowledged the presence of the owners at the event and noted that Maurizio’s Pizzeria will be providing food for the occasion. The Mayor also attended a soft opening in December and wished the owners success moving forward.
- A Special Meeting will be held on January 27, 2025, at 6 p.m. to honor former Buena Borough mayors who have not yet been recognized.
- Mayor Baruffi, Councilwoman Barsuglia, Councilwoman Andaloro, Jason Meyers, and the new president of the Buena Softball/Baseball League will meet on January 15, 2025.

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; 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

MOTIONED TO OPEN THE PUBLIC PORTION OF THE MEETING:

	<u>Council Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	<u>Recuse</u>
MOTION:	<u>ADAMS</u>	<u> X </u>				
					<u> X </u>	
SECOND:	<u>BARSUGLIA</u>	<u> X </u>				
		<u> X </u>				
		<u> X </u>				
	<u>RCV</u>	<u> X </u>				

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Brian Fatcher of Kimberly Lane requested an update on the Route 40, Central Avenue, and Kimberly Lane drainage issue. Mayor Baruffi advised Mr. Fatcher that he would obtain an updated status report prior to next Council meeting.

MOTIONED TO CLOSE THE PUBLIC PORTION:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION:	BARSUGLIA	X				
	ALVAREZ				X	
SECOND:	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	RCV	X				

INTRODUCED AND PASSED ON FIRST READING:

ORDINANCE NO. 763 BOND ORDINANCE APPROPRIATING THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) AND AUTHORIZING THE ISSUANCE OF UP TO THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) IN BONDS AND NOTES OF THE BOROUGH OF BUENA FOR THE CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS TO THE SANITARY SEWER SYSTEM AND FOR ROADWAY RESTORATION OF THE BOROUGH OF BUENA, IN THE COUNTY OF ATLANTIC, NEW JERSEY

Mayor Baruffi explained that this bond ordinance is related to the I-Bank \$3,000,000 forgiveness loan and noted that to qualify, certain criteria must be met by June 30, 2025. Mayor Baruffi stated that the Buena Borough Municipal Utilities Authority is working with the Borough to share the costs of the project.

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION:	BARSUGLIA	X				
	ALVAREZ				X	
SECOND:	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	RCV	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. Description of Projects

The Borough of Buena (the “**Borough**”) hereby authorizes the following projects to maintain and support compliance by the Borough with the clean water regulations of the State of New Jersey and thereby improve and protect the Borough’s sanitary sewer system (collectively, the “**Sanitary Sewer Improvement Projects**”):

IMPROVEMENT OR APPROPRIATION AND PURPOSE ESTIMATED COST

Construction of improvements to the municipal sanitary sewer collection system and roadway restoration involving the replacement of approximately 4,900 linear feet of sanitary sewer main and 80 sanitary sewer laterals and restoration of asphalt roadway and concrete driveways, including East Summer Road from Route 40 (Harding Highway) to Sumner Street, West Avenue from Route 619 (Wheat Road) to West Atlantic Avenue, and West Atlantic Avenue from Central Avenue to West Avenue, and including all costs of surveying, construction, planning, design, engineering, preparation of plans and specifications, permits, bid documents, construction inspection, administration, accounting, architectural, financial and legal.

\$3,500,000.000

Section 2. Permanent Funding of Appropriation

(a) To provide funds to permanently fund the costs of the Sanitary Sewer Improvement Projects (the “**Sewer Project Costs**”), the issuance by the Borough of bonds in the aggregate principal amount of up to **\$3,500,000** is hereby authorized, approved, ratified and confirmed. The Sewer Project Costs are intended to be permanently financed through a combination of: (i) grant funding

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from the New Jersey Department of Transportation (“NJDOT”); and (ii) loans and grants from the New Jersey Infrastructure Bank (the “I-Bank”) and the New Jersey Department of Environmental Protection (the “NJDEP”).

(b) In accordance with N.J.S.A. 40A:2-11(c), no down payment shall be required in connection with the issuance of the bonds for the Sanitary Sewer Improvements Projects as this bond ordinance authorizes projects that are funded by State grants.

Section 3. Temporary Construction Financing From I-Bank Prior to Issuance of Bonds

In anticipation of the issuance of bonds, the Borough hereby authorizes, if necessary or desirable, the issuance, sale and award of construction project notes (the “**Construction Project Notes**”) pursuant to the I-Bank’s construction financing program (the “**Construction Financing Program**”). The Construction Project Notes shall be substantially in the form provided by the I-Bank in the Construction Financing Program’s loan agreement. The execution and delivery of the Construction Project Notes and all additional documents and instruments related thereto by the Mayor, Chief Financial Officer and Municipal Clerk (collectively, the “**Authorized Officials**”) is hereby authorized. The Authorized Officials are each hereby authorized to determine, pursuant to the terms and conditions established by the I-Bank and the NJDEP under the Construction Financing Program’s loan agreement and the terms and conditions of this bond ordinance and any subsequent resolution of the Borough Council, the following items with respect to the Construction Project Notes: (a) the aggregate principal amount of the Construction Project Notes to be issued, which amount shall not exceed **\$3,500,000**; (b) the maturity of the Construction Project Notes, which shall be no later than the maturity date as allowed by the I-Bank under the Construction Financing Program; (c) the date of the Construction Project Notes; (d) the interest rate of the Construction Project Notes, which shall not exceed 2% per annum; (e) the purchase price for the Construction Project Notes; and (f) such other matters with respect to the Construction Project Notes as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof. The Authorized Officials are hereby further authorized to manually execute and deliver and the Municipal Clerk is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the Borough to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials in their respective sole discretion, after consultation with the Borough Solicitor, Bond Counsel and financial advisors, to be executed in connection with the execution and delivery of the Construction Project Notes and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate.

Section 4. Authorization of Bond Anticipation Notes In Lieu of I-Bank Construction Financing

If the Borough shall elect to forego the Construction Financing Program, then prior to the issuance of permanent bonds and to temporarily finance the Sanitary Sewer Improvement Projects stated in Section 1, above, negotiable notes of the Borough in a principal amount not exceeding **THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000)** 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 bond 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 bond 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 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. Additional Matters

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

(a) The said purposes described in Section 1 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully require or make and no part of the costs thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The average period of usefulness of said purposes authorized herein, taking into consideration the respective amounts of said obligations authorized for such purposes, computed in accordance with N.J.S.A. 40A:2-22 is **40 years**.

(c) 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 **THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000)**, and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

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(d) Amounts not exceeding **EIGHT HUNDRED THOUSAND DOLLARS (\$800,000)** in the aggregate for interest on said obligations, costs of issuing said obligations, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Borough in connection with the improvements as authorized herein, and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 6. Maturity of Bonds

The bonds shall mature at such time or times not exceeding **forty (40) years** from the date thereof as may be approved by the Local Finance Board of the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey ("**Local Finance Board**") pursuant to N.J.S.A. 58:11B-9(a) and 40A:2-26 of the Local Bond Law. All other terms of the bonds, including, without limitation, the dates thereof, the rate or rates of interest to be paid thereon, the provisions for redemption prior to maturity thereof, and the place or places for payment thereof, shall be as determined by subsequent resolution or resolutions of the Borough Council as permitted by N.J.S.A. 40A:2-16 of the Local Bond Law.

Section 7. Execution of Bonds

The bonds shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor, Borough Administrator, and Chief Financial Officer under the affixed, imprinted, engraved or reproduced seal of the Borough attested by the manual or facsimile signature of the Borough Clerk.

Section 8. Authorization to Contract

The Borough is hereby authorized and directed to enter into any and all contracts or agreements necessary, desirable or convenient to effectuate the financing program authorized by this bond ordinance.

Section 9. Execution of Documents

The Mayor, Chief Financial Officer, Borough Administrator and Clerk of the Borough are hereby jointly and severally authorized and directed to take all actions and execute all documents and instruments necessary or appropriate to carry out the purposes of this bond ordinance, including, without limitation, the furnishing of such documentation and information as may be required by the Director of the Local Finance Board. All prior actions taken by such officials in connection with the financing program authorized by this bond ordinance are hereby ratified and confirmed.

Section 10. Covenants

The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 11. Ratification of Prior Actions

Any action taken by any officials of the Borough in connection with the improvements described in Section 1 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 12. Application of Grants

Any grant moneys received for the purposes described in Section 1 hereof shall be applied either to direct payment of the cost of the improvements 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.

Section 13. 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 14. Official Intent to Reimburse Expenditures

The Borough reasonably expects to reimburse any expenditures towards the cost of the improvements or purposes described in Section 1 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 1 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.

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Section 15. 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, except to the extent that any financing for the Sanitary Sewer Improvement Projects shall require the approval of the Local Finance Board, in which case, such portion of this bond ordinance shall take effect when there is endorsed upon a certified copy hereof the consent of the Local Finance Board.

RESOLUTION NO. 24-25 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AUTHORIZING A LOAN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE NEW JERSEY INFRASTRUCTURE BANK TO FUND IMPROVEMENTS TO THE BOROUGH’S SANITARY SEWER SYSTEM AND ROADWAY RESTORATION PROJECTS

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION:	ADAMS	X				
	ALVAREZ				X	
SECOND:	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	DESTEFANO	X				
	RCV					

WHEREAS, the Borough of Buena, in the County of Atlantic, New Jersey (the “**Borough**”) intends to file loan applications with the New Jersey Department of Environmental Protection (“**NJDEP**”) and the New Jersey Infrastructure Bank (the “**I-Bank**”) for financing of certain clean water projects involving various improvements to the sanitary sewer system and roadway restoration projects within the Borough (collectively, the “**Project**”); and

WHEREAS, the Council of the Borough believes it is in the best interest of the Borough to file the applications with NJDEP and I-Bank for the financing of the Project; and

WHEREAS, I-Bank requires that the Borough appoint Authorized Representatives to act on behalf of the Borough in all matters related to the Project and the loan applications.

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

Section 1. That the Mayor, Chief Financial Officer and Clerk are each hereby authorized to act as “Authorized Representative” to represent the Borough in all matters relating to the Project and loan application(s). The Authorized Representatives may be contacted at the Borough of Buena, 616 Central Avenue, Minotola, New Jersey 08341; Phone No. 856-697-9393.

Section 2. The Borough hereby authorizes the Authorized Representatives to file all applications for the Project as may be required for loans and grants from NJDEP and the I-Bank, as applicable, and to deliver all applications, documents, bonds, notes, instruments, or closing certificates in connection with the Project as may be required for such loans and grants.

Section 3. This Resolution shall take effect immediately upon adoption.

CORRESPONDENCE: APPLICATION FROM TASTE OF EARTH, LLC REQUESTING A WAIVER OF LICENSING CONDITIONS FOR THEIR GRAND OPENING FOR A SMOKING AREA ON JANUARY 25, 2025

Council President Adams clarified that it is not legally permissible to pass a resolution to alter an ordinance, and the only method to implement such a change is through amending the ordinance itself. Solicitor Tonetta pointed out that the consumption, smoking, ingestion, or any form of cannabis use is prohibited on the premises of any cannabis-related business. He further explained that since the Borough’s ordinance was adopted after the prohibition was established, a resolution cannot modify the existing rule that bans cannabis consumption on-site. He recommended amending the ordinance to provide an exception for a one-day license.

COUNCIL PRESIDENT ADAMS MOTIONED, SECONDED BY COUNCILMAN GIOVINAZZI, ON THE APPLICATION FROM TASTE OF EARTH, LLC REQUESTING A WAIVER OF LICENSING CONDITIONS FOR THEIR GRAND OPENING FOR A SMOKING AREA ON JANUARY 25, 2025

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION:	ADAMS		X			
	ALVAREZ				X	
SECOND:	ADAMS		X			
	BARSUGLIA		X			
	ANDALORO		X			
	DESTEFANO		X			
	RCV					

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CORRESPONDENCE:

12/28/2024 Mayoral Letter for Limited Brewery License: The Buena Connection Brewing Co. LLC

CORRESPONDENCE FILED:

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION:	ANDALORO	X				
	ALVAREZ				X	
SECOND:	BARSUGLIA	X				
	BARSUGLIA	X				
	ANDALORO	X				
	RCV	DESTEFANO	X			

RESOLUTION NO. 20-25

A RESOLUTION APPOINTING MARYANN CORALUZZO AS THE MUNICIPAL CLERK FOR THE BOROUGH OF BUENA

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION:	ANDALORO	X				
	ALVAREZ				X	
SECOND:	BARSUGLIA	X				
	BARSUGLIA	X				
	ANDALORO	X				
	RCV	DESTEFANO			X	

WHEREAS, in accordance with N.J.S.A.40A:9-133 every municipality in the State of New Jersey is required to have a Municipal Clerk; and

WHEREAS, Maryann Coraluzzo, a Registered Municipal Clerk of the State of New Jersey; and

WHEREAS, the Governing Body is desirous of appointing Maryann Coraluzzo as Municipal Clerk of the Borough of Borough of Buena.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Maryann Coraluzzo is hereby appointed Municipal Clerk for the Borough of Borough of Buena effective January 14, 2025, at an annual stipend of \$5,000.00, and will to continue to serve until her successor is duly appointed.

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 upon a Consent Agenda item, it is removed from the Consent Agenda to the Regular Agenda

- **RESOLUTION 19-25** A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING A CONTINUING DISCLOSURE AGENT SERVICES AND INDEPENDENT REGISTERED MUNICIPAL ADVISOR OF RECORD WITH PHOENIX ADVISORS, LLC
- **RESOLUTION 21-25** A RESOLUTION APPOINTING PAMELA JOHNSTON AS DEPUTY MUNICIPAL CLERK FOR THE BOROUGH OF BUENA
- **RESOLUTION 22-25** A RESOLUTION AUTHORIZING A STIPEND FOR INSPECTORS INVOLVED IN LARGE NON-RESIDENTIAL AND NON-RETAIL CONSTRUCTION PROJECTS IN THE BOROUGH OF BUENA, TO BE APPROVED ON A CASE-BY-CASE BASIS
- **RESOLUTION 23-25** A RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES TRANSFER RESOLUTION
- **RESOLUTION 25-25** A RESOLUTION COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS
- **RESOLUTION 26-25** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH TIFFANY A. CUVIELLO, PP, LLC, GALLOWAY, NEW JERSEY FOR PREPARATION OF FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AND FILE ANY MONITORING REPORTS
- **RESOLUTION 27-25** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH TIFFANY A. CUVIELLO, PP, LLC, GALLOWAY, NEW JERSEY FOR PREPARATION OF FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AND FILE ANY MONITORING REPORTS

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- **BILLS PAID AS LISTED**
- **CLERK’S REPORT**
MINUTES OF THE WORKSHOP AND REGULAR MEETING OF DECEMBER 16, 2024
MINUTES OF THE REORGANIZATION MEETING OF JANUARY 2, 2025

	Council Member	Aye	Nay	Abstain	Absent	Recuse
MOTION:	ANDALORO	X				
	ALVAREZ				X	
SECOND:	ADAMS	X				
	BARSUGLIA	X				
	ANDALORO	X				
	RCV DESTEFANO	X				

SOLICITOR’S REPORT

Richard Tonetta, Borough Solicitor

Solicitor Tonetta explained the services Tiffany CuvIELLO provided the Borough regarding the fourth round housing element and fair share plan including the DCA’s requirements.

ENGINEER’S REPORT:

Joseph Mohnack, Borough Engineer

Grant Applications

1. FY2025 NJDOT Municipal Aid Program Grant Application
 - The Borough was awarded \$183,352.00 in grant money.

Capital Projects

1. CDBG ADA Building Improvements – New Automatic Access Sliding Doors
 - a. Capri Construction is scheduled to install the new doors starting January 9, 2025.
2. Resurfacing of the Tennis Courts
 - a. The project is in the final design phase.
3. FY2023 NJDOT Local Transportation Projects Fund - Reconstruction of Plymouth St and Friendship Rd
 - Stormwater pipe work has been completed. The roads are scheduled to be repaved in March.
4. FY2024 NJDOT Municipal Aid - Reconstruction of East Summer Road
 - The road project is being combined into New Jersey Infrastructure Bank Grant.
5. NJDCA F.Y.2023 Local Recreation Improvement Grant for the Restroom Building at Bruno Melini Park
 - a. The grant deadline has been extended into 2025. The project will need to be re-bid.
6. Landfill Closure
 - a. Our office is working with NJ Pinelands Commission and the NJ Department of Environmental Protection on the necessary steps for closure.
7. Minotola Estates
 - a. Our office is working with Council to push for final paving of Buena Drive.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

None.

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NEXT MEETING: SPECIAL MEETING HONORING FORMER BOROUGH MAYORS 6:00 P.M.
AND REGULAR MEETING JANUARY 27, 2025 6:00 P.M.

MEETING ADJOURNED: M/ADAMS S/BARSUGLIA RCVU

Nicole Koch

Nicole Koch
Clerk I

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RESOLUTION NO. 19-25

A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING A CONTINUING DISCLOSURE AGENT SERVICES AND INDEPENDENT REGISTERED MUNICIPAL ADVISOR OF RECORD WITH PHOENIX ADVISORS, LLC.

WHEREAS, the Securities and Exchange Commission (“SEC”) implemented its Municipalities Continuing Disclosure Cooperation Initiative (the “MCDC Initiative”) on March 10, 2014 to address alleged widespread violations of federal securities laws by municipal and local authority issuers (the “Issuers”), and underwriters of an Issuer’s securities, in connection with certain representations about timely continuing disclosures in bond offering documents;

WHEREAS, the MCDC Initiative aims to correct past failures to timely post information required by the Municipal Securities Rulemaking Board (“MSRB”), which Issuers agree to post through the execution of a secondary market disclosure undertaking, on the Electronic Municipal Market Access system (“EMMA”);

WHEREAS, under the MCDC Initiative, the SEC will recommend favorable settlement terms to Issuers if they self-report to the SEC possible violations involving materially inaccurate statements relating to prior compliance with the continuing disclosure obligations specified in Rule 15c2-12 under the Securities Exchange Act of 1934; and

WHEREAS, the Borough of Buena, a municipal corporation of the State of New Jersey (the “Borough”) desires to determine if its participation in the MCDC Initiative is necessary and advisable; now therefore,

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BUENA as follows:

Section 1. The Borough hereby authorizes the Chief Financial Officer to engage the services of Phoenix Advisors, LLC to conduct an audit of the Borough’s continuing disclosure obligations and filings as related to the MCDC Initiative (the “Disclosure Audit”).

Section 2. The Borough hereby authorizes and directs the Chief Financial Officer to participate in the MCDC Initiative if, after reviewing the findings of the Disclosure Audit and consulting with the Borough’s Bond Counsel, the Chief Financial Officer determines that it is advisable for the Borough to participate in the MCDC.

Section 3. The Borough hereby authorizes payment to Phoenix Advisors in the amount of \$1600.00 for up to three outstanding issues, plus \$100.00 for each additional outstanding issue, if any, for which filings are required and \$200.00 for a one-time initial setup fee due at the time of a new issue.

RESOLUTION NO. 21-25

RESOLUTION APPOINTING PAMELA JOHNSTON AS DEPUTY MUNICIPAL CLERK FOR THE BOROUGH OF BUENA

WHEREAS, N.J.S.A. 40A:9-135 permits a municipality to have a Deputy Municipal Clerk; and

WHEREAS, it is the desire of the Council of the Borough of Buena to appoint Pamela Johnston as Deputy Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Pamela Johnston is hereby appointed Deputy Municipal Clerk for the Borough of Buena effective January 14, 2025, at an annual as set forth in the 2025 salary resolution, subject to acceptance of the terms and conditions offered to the appointee.

RESOLUTION NO. 23-25

**RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES
TRANSFER RESOLUTION**

WHEREAS, N.J.S. 40A:4-58 permitting the transfer to appropriate balances where needed for purposes specified in the budget in an amount in excess of the sum appropriated therefore from an appropriation balance deemed to be in excess of the amount necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be made in the Borough of Buena Budget January 13, 2025:

TRANSFER FROM

Clerk SW	\$ 73.80
Tax Collector SW	\$ 140.00
Land Use Board OE	\$ 556.43
Disability Insurance	\$ 150.00
TOTAL TRANSFER	\$ 920.23

TRANSFER TO

Finance OE	\$ 797.43
EMS OE	\$ 36.71
Trash OE	\$ 86.09
TOTAL TRANSFER	\$ 920.23

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RESOLUTION NO. 25-25

**A RESOLUTION COMMITTING TO DCA'S FOURTH ROUND AFFORDABLE HOUSING PRESENT
NEED AND PROSPECTIVE NEED NUMBERS**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates Buena Borough's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 3 and a Prospective Need or New Construction Obligation of 9; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further provides that "all parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or biding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, the Borough of Buena accepts the DCA calculations of Buena Borough's fair share obligations and commits to its fair share of 3 units present need and 9 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, Buena Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Buena Borough also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, Buena Borough reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Council of the Borough of Buena finds that it is in the best interest of the Borough to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner"; and

WHEREAS, the Borough of Buena seeks a certification of compliance with the FHA and, therefore, directs the Borough Solicitor to file a declaratory relief action within 48 hours of the adoption of this resolution in Atlantic County.

NOW, THEREFORE, BE IT RESOLVED on this 27th day of January, 2025 by the Council of the Borough of Buena as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.
 2. The Borough of Buena hereby commits to the DCA Round 4 Present Need Obligation of 3 units and the Round 4 Prospective Need Obligation of 9 units described in this resolution, subject to all reservations of rights set forth above.
 3. The Borough of Buena hereby directs the Borough Solicitor to file a declaratory judgment complaint in Atlantic County within 48 hours after adoption this resolution, attaching this resolution.
 4. The Borough of Buena authorizes the Borough Solicitor to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the Program or any other such entity as may be determined to be appropriate.
 5. This resolution shall take effect immediately, according to law.
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RESOLUTION NO. 26-25

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH TIFFANY A. CUVIELLO, PP, LLC, GALLOWAY, NEW JERSEY FOR PREPARATION OF FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AND FILE ANY MONITORING REPORTS

WHEREAS, on June 24, 2024, Borough Council adopted Resolution 127-24 authorizing the execution of a Professional Services Agreement with Tiffany A. CuvIELlo, PP, LLC (CuvIELlo) to assist the Borough with its 4th Round Fair Share Housing Obligation research and documentation, including the preparation of monitoring reports for Housing Inspection Fees and Housing Activity and Monitoring; and

WHEREAS, the Borough finds it to be in the best interest of the Borough to retain CuvIELlo initially to prepare the reports the Borough is obligated to provide to the Department of Community Services and consider further needs subsequent to those requirements; and

WHEREAS, CuvIELlo, has agreed to provide services through the 2024 Fair Share Obligations in an amount not to exceed \$5,000.00, which amount has been certified to be available by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Mayor and Clerk are hereby authorized to execute an amended Agreement with Tiffany A. CuvIELlo, PP, LLC to prepare monitoring reports for Housing Impact Fees, prepare monitoring reports for housing Activity and Monitoring, meet with Borough representatives and Borough Council to discuss 4th Round obligations in an amount not to exceed \$5,000.

RESOLUTION NO. 27-25

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH TIFFANY A. CUVIELLO, PP, LLC, GALLOWAY, NEW JERSEY FOR PREPARATION OF FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN AND FILE ANY MONITORING REPORTS

WHEREAS, on June 24, 2024, Borough Council adopted Resolution 127-24 authorizing the execution of a Professional Services Agreement with Tiffany A. CuvIELlo, PP, LLC (CuvIELlo) to assist the Borough with its 4th Round Fair Share Housing Obligation research and documentation, including the preparation of monitoring reports for Housing Inspection Fees and Housing Activity and Monitoring; and

WHEREAS, the Borough finds it to be in the best interest of the Borough to retain CuvIELlo initially to prepare the reports the Borough is obligated to provide to the Department of Community Services and consider further needs subsequent to those requirements; and

WHEREAS, CuvIELlo, has agreed to provide services through the 2024 Fair Share Obligations in an amount not to exceed \$5,000.00, which amount has been certified to be available by the Chief Financial Officer; and

WHEREAS, CuvIELlo has provided a Scope of Work and proposal (Proposal) to complete all of the Borough's necessary and required planning services, which proposal is attached hereto and made a part hereof; and

WHEREAS, the Proposal includes all of the services to prepare monitoring reports for Housing Impact Fees and Housing Activity and Monitoring which are the subject of a previous Resolution and therefore, the total work to be completed is \$20,000.00 which includes the previous services performed for the 4th Round Obligation unless modified at a later date, for which the availability of funds have been certified by the CFO.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that the Mayor and Clerk are hereby authorized to execute an amended Agreement with Tiffany A. CuvIELlo, PP, LLC to perform such work as outlined in the Scope of Work dated June 18, 2024 and attached hereto and made a part hereof.in an amount not to exceed \$20,000.00.