

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JANUARY 27, 2025
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MEETING CALLED TO ORDER: _____ **P.M.**
MEETING ADJOURNED: _____ **P.M.**

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

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

SUNSHINE LAW: This meeting of January 27, 2025 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 9, 2024 as well as having been posted on the municipal bulletin board and website at 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:

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

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

MOTION TO CLOSE PUBLIC PORTION:

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

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NEED MOTION TO OPEN THE PUBLIC HEARING ON:

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

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

DISCUSSION:

NEED MOTION TO CLOSE THE PUBLIC HEARING:

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

NEED MOTION TO ADOPT ORDINANCE NO. 763:

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

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

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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 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

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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.

(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.

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 29-25** A RESOLUTION AUTHORIZING CANCELLATION OF CERTAIN PROPERTY TAXES WITH DELINQUENT BALANCES FOR TAX YEAR 2024 AND PRIOR UNDER \$10.00 OR LESS
- **RESOLUTION 30-25** A RESOLUTION ACCEPTING THE RESIGNATION OF ROBERT DELANO AS MUNICIPAL UTILITIES AUTHORITY BOARD MEMBER
- **RESOLUTION 31-25** A RESOLUTION APPOINTING DENNIS CAROLLA TO THE POSITION OF BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY MEMBER TO FILL THE UNEXPIRED TERM OF ROBERT DELANO
- **RESOLUTION 32-25** A RESOLUTION APPOINTING LARRY PETRILLO AS A PART-TIME STREETS AND ROADS LABORER 1 IN THE BOROUGH OF BUENA
- **RESOLUTION 33-25** A RESOLUTION FOR PARTICIPANT’S RESOLUTION FOR A LEAP IMPLEMENTATION GRANT
- **RESOLUTION 34-25** A RESOLUTION FOR AN NJDCA LOCAL RECREATION IMPROVEMENT APPLICATION
- **RESOLUTION 35-25** A RESOLUTION APPOINTING MEMBERS AND A VOLUNTEER TO THE BOROUGH OF BUENA GREEN TEAM ADVISORY COMMITTEE
- **RESOLUTION 36-25** A RESOLUTION TO AMEND TRANSFER APPROPRIATION BALANCES TRANSFER RESOLUTION
- **RESOLUTION 37-25** A RESOLUTION COMMITTING TO DCA’S FOURTH ROUND AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED NUMBERS

- **BILLS PAID AS LISTED**

- **CLERK’S REPORT**
MINUTES OF THE MEETING OF JANUARY 13, 2025

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

COMMITTEE REPORTS:

- PLANNING/ZONING/INSPECTIONS.....CHAIRMAN RICHARD GIOVINAZZI,
FRANK DESTEFANO, MAYOR BARUFFI**
- FINANCE/TAX COLLECTOR/ASSESSOR.....CHAIRMAN JORGE ALVAREZ,
DOUGLAS ADAMS, MAYOR BARUFFI**
- PUBLIC SAFETY/STREET LIGHTS.....CHAIRMAN DOUGLAS ADAMS
JORGE ALVAREZ, MAYOR BARUFFI**
- RECREATION.....CHAIRWOMAN MARINA BARSUGLIA,
PATRICIA ANDALORO, MAYOR BARUFFI**
- BLDGs/GROUNDS/IMPROVEMENTS.....CHAIRWOMAN PATRICIA ANDALORO
MARINA BARSUGLIA, MAYOR BARUFFI**
- ROADS/RECYCLING.....CHAIRMAN FRANK DESTEFANO
RICHARD GIOVINAZZI, MAYOR BARUFFI**

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UNFINISHED BUSINESS:

NEW BUSINESS:

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NEXT MEETING: WORKSHOP 6:00 P.M. AND REGULAR 6:30 P.M. FEBRUARY 10, 2025

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

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RESOLUTION NO. 29-25

A RESOLUTION AUTHORIZING CANCELLATION OF CERTAIN PROPERTY TAXES WITH DELINQUENT BALANCES FOR TAX YEAR 2024 AND PRIOR UNDER \$10.00 OR LESS

WHEREAS, the governing body of the Borough of Buena finds and declares that N.J.S.A. 40A:5-17.1 empowers authorized municipal employees to process the cancellation of tax refunds and/or delinquencies of less than Ten (\$10.00) Dollars; and

WHEREAS, the governing body further finds and declares that the Municipal Tax Collector is qualified to process the cancellation of tax refunds and/or delinquencies of less than Ten (\$10.00) Dollars; and

WHEREAS, the governing body further finds and declares that it is in the best interest of the citizens of the Borough of Buena for the Municipal Tax Collector to be authorized to process the cancellation of tax refunds and/or delinquencies of less than Ten (\$10.00) Dollars in accordance with N.J.S.A. 40A:5-17.1;

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Borough of Buena, County of Atlantic, and State of New Jersey, that the Tax Collector is hereby authorized to process the cancellation of tax refunds or delinquencies of less than Ten (\$10.00) Dollars during the calendar year of 2022 and prior in accordance with N.J.S.A. 40A:5-17.1.

RESOLUTION NO. 30-25

A RESOLUTION ACCEPTING THE RESIGNATION OF ROBERT DELANO AS MUNICIPAL UTILITIES AUTHORITY BOARD MEMBER

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that resignation of Robert Delano be regrettfully accepted effective immediately.

RESOLUTION NO. 31-25

A RESOLUTION APPOINTING DENNIS CAROLLA TO THE POSITION OF BOROUGH OF BUENA MUNICIPAL UTILITIES AUTHORITY MEMBER TO FILL THE UNEXPIRED TERM OF ROBERT DELANO

WHEREAS, there presently exists a vacancy in the position of Buena Borough Municipal Utilities Authority Member.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Dennis Carolla is hereby appointed to the position of Borough of Buena Municipal Utilities Member, to fill the unexpired term of Robert Delano through January 31, 2027.

RESOLUTION NO. 32-25

A RESOLUTION APPOINTING LARRY PETRILLO AS A PART-TIME STREETS AND ROADS LABORER 1 IN THE BOROUGH OF BUENA ROAD DEPARTMENT

WHEREAS, the Streets and Roads Department has a vacancy for a part-time Laborer 1; and

WHEREAS, the Roads Committee has recommended Larry Petrillo be appointed to fill said vacancy.

WHEREAS, the duties and schedule shall be at the discretion of the Road Department Supervisor not to exceed an average of 988 hours annually.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that Larry Petrillo is hereby appointed to the position of part-time Laborer 1 in the Borough of Buena Road Department with a start date of March 3, 2025.

BE IT FURTHER RESOLVED that the hourly rate shall be \$20.00 per hour.

RESOLUTION NO. 33-25

PARTICIPANT'S RESOLUTION LEAP IMPLEMENTATION GRANT

WHEREAS, the State of New Jersey has appropriated \$6 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

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WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the Atlantic County Government and City of Absecon, City of Atlantic City, City of Brigantine, Buena Borough, Buena Vista Township, City of Corbin City, Egg Harbor City, Egg Harbor Township, Estell Manor, Borough of Folsom, Galloway Township, City of Hammonton, Hamilton Township, City of Linwood, Borough of Longport, City of Margate, City of Northfield, City of Port Republic, City of Somers Point, City of Ventnor, and Atlantic Cape Community College propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is for the county to purchase three highway digital message boards and make them available to the participating units on an as needed basis at no cost, which will benefit the residents of all participating local units; and

WHEREAS, Atlantic County Government has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Buena, that the Borough of Buena does hereby join with Atlantic County Government in applying for a LEAP Implementation Grant in the amount of \$57,375.00 to support implementation of this shared service.

RESOLUTION NO. 34-25

NJDCA LOCAL RECREATION IMPROVEMENT APPLICATION

WHEREAS, the Borough of Buena desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000 to carry out a project to improve restroom building at Bruno Melini Park.

BE IT THEREFORE RESOLVED,

- 1) That the Borough of Buena does hereby authorize the application for such a grant; and,
- 2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Buena and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

RESOLUTION NO. 35-25

**A RESOLUTION APPOINTING MEMBERS AND A VOLUNTEER TO THE BOROUGH OF BUENA GREEN TEAM
ADVISORY COMMITTEE**

WHEREAS, the Borough of Buena Green Team Advisory Committee was created by Ordinance No. 650 to, in part, manage Buena Borough's Sustainable Jersey Program; and

WHEREAS, the following individuals have the skills, experience and qualifications to effectively serve on the Advisory Committee

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the following members and volunteer be appointed to the Borough of Buena Green Team Advisory Committee:

Member	Cynthia Holland
Member	Carly Adams
Citizen Volunteer	David Fiocchi

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RESOLUTION NO. 36- 25

A 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 27, 2025:

TRANSFER FROM

EMS SW	\$ 2900.00
Streets & Roads OE	\$ 830.87
TOTAL TRANSFER	\$3730.87

TRANSFER TO

Legal OE	\$ 3730.87
TOTAL TRANSFER	\$3730.87

RESOLUTION NO. 37-25

**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, pursuant to the Amended FHA, municipalities are required to determine the Present Need obligation (Rehabilitation) and Prospective Need obligation (New Construction) of their fair share of the regional need for affordable housing ("Fair Share Obligation") during the 10-year period beginning on July 1, 2025 (the "Fourth Round"); and

WHEREAS, pursuant to the Amended FHA, should a municipality determine its Fair Share Obligation by January 31, 2025, the municipality's determination shall be established by default and shall bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025; 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 the Borough of Buena's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of three (3) units and a Prospective Need or New Construction Obligation of nine (9) units/credits; 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 "[a]ll 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 three (3) units present need and nine (9) units/credits of 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, pursuant to the Amended FHA, any challenge to a municipality's determination must be initiated through the Affordable Housing Alternative Dispute Resolution Program (the "Program") by February 28, 2025, shall explain with particularity how the municipality's calculation fails to comply with N.J.S.A. 52:27D-304.2 and 52:27D-304.3, and include the challenger's own calculation of the fair share obligations in compliance with said sections; and

WHEREAS, pursuant to the Amended FHA, the Program shall resolve all challenges to a municipality's determination of its Fourth Round obligation by March 31, 2025, during which time the municipality shall retain its immunity from exclusionary zoning lawsuits; and

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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 Borough 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, Buena Borough seeks a certification of compliance with the FHA and, therefore, directs Richard P. Tonetta, Esq., 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 Borough 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. Buena Borough hereby commits to the DCA Round 4 Present Need Obligation of three (3) units and the Round 4 Prospective Need Obligation of nine (9) units/credits described in this resolution, subject to all reservations of rights set forth above.
3. Buena Borough hereby directs its Borough Solicitor, to file a declaratory judgment complaint in Atlantic County within 48 hours after adoption this resolution, attaching this resolution.
4. The Borough Council hereby directs the Municipal Clerk to publish this resolution on the municipal website within 48 hours after adoption of this resolution.
5. Buena Borough authorizes its 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.
6. This resolution shall take effect immediately, according to law.