

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 1**

**MEETING CALLED TO ORDER: 7:00 P.M.
MEETING ADJOURNED: 7:35 P.M.**

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
GIOVINAZZI	X	
ALVAREZ	X	
ANDALORO, P	X	
BARSUGLIA	X	
ADAMS	X	
FABRIZIO		X

ALSO, IN ATTENDANCE: Solicitor Tonetta, Administrator Coraluzzo, Road Supervisor Nimohay.

THE REGULAR MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WAS HELD MONDAY, JANUARY 12, 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 JANUARY 7, 2023 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
ANDALORO, G		X	X				
ALVAREZ	X		X				
ANDALORO, P			X				
BARSUGLIA			X				
ADAMS			X				
FABRIZIO						X	

Joanne Rosemount, Minotola asked if there is an expected completion date for the Manhole covers. Road Supervisor Nimohay stated he had not been given a date from either the County or the DEP. Another matter of concern,

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 2**

was if the school board had offered Donini School building and property to Buena Borough. Mayor Zappariello replied it had come to council and had instructed Supervisor Nimohay to inspect the building. Road Supervisor Nimohay stated that major renovations were needed and would be an expense. Councilwoman Barsuglia stated she was informed that asbestos has been remediated. A discussion ensued.

Toni Mattioli, Landisville questioned if anyone had appeared for the hearing for the Brunini Pool. Solicitor Tonetta responded that no one had appear and demolition according to the Property Maintenance Code would begin and demolition costs would be added as a lien for the costs. Ms. Mattioli added there are many memories for her of the Donini school and upset that there was a demolished of the school.

Jenna Baruffi-Talarico, Minotola asked when was the offer to the Borough for the Donini School. Mayor Zappariello did not recall dates specific and with Nimohay inspections, it was determined that the building's renovations were many to consider renovations.

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

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NEED MOTION TO OPEN THE PUBLIC HEARING ON:

ORDINANCE NO. 718: AN ORDINANCE AMENDING ORDINANCE NO. 713A 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
ANDALORO, G			X				
ALVAREZ		X	X				
ANDALORO, P	X		X				
BARSUGLIA			X				
ADAMS			X				
FABRIZIO						X	

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

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 3**

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
EMT – 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

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 4**

Land Use Board Members	\$	25.00 – \$	28.00
EMT – Part Time	\$	17.00 – \$	25.00
Substitute Fire Official	\$	25.00 – \$	35.00
Streets & Roads Laborer	\$	16.00 – \$	25.00
Part-Time Road Laborers & Seasonal	\$	12.00 – \$	15.50

DISCUSSION: None

NEED MOTION TO CLOSE THE PUBLIC HEARING:

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

ORDINANCE NO. 718 ADOPTED:

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

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INTRODUCED AND PASSED ON FIRST READING:

ORDINANCE NO. 719 AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AMENDING ORDINANCE 705, AS AMENDED, CHAPER 202 OF THE CODE OF THE BOROUGH OF BUENA ENTITLED CANNABIS

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

WHEREAS, in November 2020, a State Referendum was voted upon by the residents of

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 5**

the State of New Jersey to ascertain public opinion on adult use cannabis which reflected that 67% of the voting population is in favor of the legalization of adult use cannabis in the State and as a result, the State Legislation adopted the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Act (CREAMM) N.J.S.A. 24:6I-31, et seq; which establishes the authority by which municipalities may regulate the sale and use of adult use cannabis; and

WHEREAS, N.J.S.A. 24:6I-45 authorizes municipalities to adopt legislation governing the number and types of cannabis businesses as established under CREAMM and further required municipalities not wishing to accept cannabis businesses to adopt such legislation on or before August 2021 or such municipalities shall be required to allow all types of licenses; and

WHEREAS, Buena Borough did not adopt such legislation within the time set forth in N.J.S.A. 24:6I-45 and therefore all classes of cannabis businesses are permitted within the Borough, however the Borough Council wishes to establish the number of each type of license, the manner of operation, location thereof, among other permitted restrictions.

WHEREAS, on March 28, 2022 Borough Council adopted Ordinance No. 705, Chapter 202 of the Code of the Borough of Buena setting forth certain enabling legislation regarding the issuance of cannabis licenses for the Borough and thereafter Borough Council adopted ordinance No. amending Ordinance 705 setting forth the number of specific class of cannabis licenses permitted in the Borough and criterion to obtain a cannabis license; and

WHEREAS, Borough Council has determined that it is in the best interest of the Borough to amend the number of Class I Cannabis Cultivator licenses and to create a committee to review applications in accordance with a request for proposals for all available licenses.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Buena that Ordinance 705, Chapter 202 of the Code of the Borough of Buena be and is hereby amended as follows:

Section 202.12 Definitions shall be amended with the following definition:

Cannabis Advisory Committee (CAC) shall mean a committee created for the purpose of reviewing and grading all applicants and proposals for the receipt of any cannabis business within the Borough and consisting of the following;

- a. Mayor or Designee
- b. Two members of the governing body appointed by the governing body.
- c. Borough Engineer
- d. Business Administrator
- e. Director of Public Safety

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 6**

Section 202.15 A. shall be deleted in its entirety and replaced as follows:

- A. **Maximum number of licenses.** The Borough may issue not more than two Class I Cannabis Cultivator Licenses; not more than one Class II Cannabis manufacture Licenses; not more than one Class III Cannabis Wholesaler Licenses; not more than one Class IV Cannabis Distributor Licenses, not more than one Class V Cannabis Retailer Licenses and not more than one Class VI Cannabis Delivery Service License Licensure in all classes may be, but are not required to be, held by the same entity or individual. Any license conditionally issued by the Borough is contingent upon the locally licensed entity's or individual's subsequent receipt of a State license or permit of the same class or type of regulated cannabis activity. Under no circumstance shall a local permit or conditional license for a cannabis establishment issued through the Borough be effective until the State has issued the requisite licenses to operate such a facility.

Section 202.15 C Application shall be amended as follows:

C. Application. In order to obtain a cannabis license, application must be made to the Borough of Buena, Office of the Clerk and Cannabis Advisory Committee The Borough Cannabis Advisory Committee (CAC) shall act as the body for local review for the Borough for all cannabis establishments permitted herein, however the authority to award, suspend or revoke such license remains with the Borough Council. The application shall be on standardized forms established by the CAC and available in the Office of the Business Administrator once the Borough has issued a Request for Proposal (RFP) of the unissued and available licenses. The CAC shall establish a reasonable application period and deadline for all applications and shall include sufficient notice of the application period opening. The CAC may request proposals for one or more licenses in their sole discretion. An application shall be deemed incomplete and shall not be processed by the CAC until all documents and application fees are submitted and approved by the Solicitor or Special Counsel. The CAC shall advise the Governing Body and Mayor as to the issuance of Cannabis Business licenses within the Borough and such review shall be based upon the information contained in a Request for Proposals issued by the Governing Body and must contain the following to be considered complete:

- (1) A non-refundable application fee of \$1,000.00
- (2) A photo copy of a valid, unexpired drivers license or state issued identification card for all owners, directors and officers of the proposed establishment
- (3) A signed application (available in the Clerk's office) which must include all of the following information and documents:
 - (a) If the applicant is an individual, the applicant's name, date of birth, Social Security number, physical address, including residential and any business address or addresses copy of government-issued photo identification, email address, one or one valid phone numbers including emergency contact information or
 - (b) If the applicant is not an individual, the names, dates of birth, physical address, including residential and any business address, copy of government issued photo identifications, email address, and one or more phone numbers of each stakeholder

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 7**

of the applicant entity, including designation of the highest ranking officer or representative as an emergency contact person, contact information of the emergency contact person, copy of articles of incorporation or organization, assumed name registration , copy of Internal Revenue Service EIN confirmation letter, copy of the operating agreement of the applicant, if a limited liability company, copy of the partnership agreement if a partnership, names and addresses of the beneficiaries, if a trust or a copy of the bylaws or shareholder agreement if a corporation and New Jersey Business Registration Certification.

- (4) The names addresses, phone numbers, emails addresses of three professional references with whom the applicant (or highest ranking representative if an entity) has or had professional business dealings and a brief description of the professional relationship to the references(s).
- (5) Consent to perform a background check/investigation by the Borough of Buena.
- (6) A description of the proposed establishment type with applicable license class
- (7) A copy of the odor mitigation plan
- (8) Background of the applicant including past ownership interest in a business operating in the State of New Jersey and experience in the cannabis industry in this state or other states.
- (9) Area impact, including the proximity of the cannabis establishment to properties zoned or used residentially and plans for litter control, loitering, neighborhood outreach, noise mitigation, resident safety.
- (10) Financial investment including future expansion and proposed capital investment, the applicant's ownership interest in the physical location of the cannabis business and whether it is a minority based enterprise (MBE), women based enterprise (WBE)
- (11) Business plan, financial plan and marketing and promotion plan
- (12) For equitably owned and applicant owned properties and/or structures
 - (a) If a parcel and/or existing structure/building is equitably owned (e.g. where the applicant has a lease, option, land contract, or other future interest in the property and the owner is a person or entity other than the applicant, the property owner's signature(s) will be required in addition to that of the applicant.
 - (c) For an existing structure or building, written consent for the Borough to inspect the establishment and any time during normal business hours to ensure compliance with applicable laws and regulations.
 - (d) A location area map of the establishment and surrounding area that identifies the relative locations and the distances (closets property line to the subject cannabis establishment's building) to the closest real property comprising a public or private pre-elementary, elementary, vocational or secondary school, any

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 8**

house of worship, public playground or park or governmental building.

- (e) A copy of all documents submitted by the applicant to the state in connection with the application for a state operating license under the CREAMM.
- (f) A copy of all documents issued by the state indicating that the applicant has been prequalified or qualified for a state operating license, including any correspondence granting a conditional license.
- (g) Projection for anticipated capital investments to be made in the property/ structure (if any) and the number of jobs to be created
- (h) Submission of a security plan for the site and its operations to be reviewed by the Chief of Police servicing the Borough.
- (i) Submission of an odor mitigation plan and strategy
- (j) Existence and names of currently licensed cannabis facilities in New Jersey and other States and a history of compliance with applicable regulations

(j) Employee outreach for jobs within Buena Borough and factors in recruitment for most qualified candidates.

(k) Traffic and crowd management strategies including police coverage for activities during peak hours.

(l) Assistance in community support, public outreach and municipal sponsored educational programs

(m) Community impact fees and an outline of the benefits the applicant will provide to the Borough should a license be issued.

8. Evaluation of Award. All applicants shall submit their proposal and shall make a presentation in person to the CAC. The CAC reserves the right to schedule a public meeting with the applicant to consider the application and proposal. The CAC shall consider the application, proposal submitted as well as the proposed terms of a Host Community Agreement including at least the specified terms and conditions contained herein in Section 7 a as well as any other matter the applicant wishes the CAC to consider

- a. Each member of the CAC shall grade the submissions utilizing a 100 point total. Each member shall grade the submissions based upon the number of points they feel are appropriate in each category or item in their sole discretion and the applicant with the most overall points shall be recommended to the Governing Body which may accept or reject the recommendations. Should they reject the recommendations, the reasons for such rejection shall be placed upon the record by way of a Resolution outlining the reasons for the same.
- b. Notwithstanding the RFP process herein above specified, a notification of a conditional municipal license award shall

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 9**

entitle the recipient applicant to pursue a State annual license in the requisite license classification. Such conditional municipal license approval shall remain valid for not more than 12 months, which may be extended for an additional 3 months for good cause in the governing body's sole discretion. No cannabis business may operate unless they have received a State annual license, executed a Host Community Agreement, satisfied all other prerequisites of the municipal license and obtained a CO or TCO for the improvements.

9. Host Community Agreement. Upon a recommendation for the issuance of a license, an applicant must execute a Host Community Agreement which contains all of the proposals submitted by the applicant in the Request for Proposals as well as the factors contained in Section 7 and such other proposals submitted by the Applicant.

10. Final Authorization. For applicants that have an equitable interest in the property, the Borough may grant final license approval, subject to compliance with all site plan requirements and construction rules and regulations including the issuance of a CO or TCO, if the applicant:

- (a) Submits an application for authorization from the Buena Borough Land Use Board within 30 days of receiving conditional authorization and posts necessary escrow funds to appear before the Land Use Board.
- (b) For existing structures, obtains a CO or TCO within 180 days of receiving conditional authorization.
- (c) For unimproved land or land upon which a structure exists and will be demolished, obtains Land Use Board approval within 180 days of receiving conditional authorization.
- (d) Obtains a recommendation from the Chief of Police or his/her designee that an establishment's proposed security plan for the site and operations meets best practices standards.
- (e) Receives required operating licenses and approvals from the state within 180 days after conditional authorization is granted.
- (f) Should the applicant fail to satisfy any of the deadlines established above for final municipal authorization, the Borough reserves the right to withdraw municipal authorization but may extend any deadlines upon a showing of good cause in the sole opinion of the Borough.

10. Section 202.15 D shall be deleted in its entirety and replaced as follows:

D. License Fee. Upon the approval of a municipal license, the applicant shall submit a non-refundable annual fee of \$10,000.00 to cover the municipal costs associated with the cannabis business.

11. Section 202-16 Prohibitions shall be amended with the addition of the following:

C. Cannabis businesses operating as a retail location shall not open before 3 pm and shall close on or before 8 pm. All other cannabis businesses shall not open before 6 am and shall close on or before 10 pm.

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 10**

D. Cannabis shall not be used smoked, ingested or otherwise consumed on the premises of any cannabis business or elsewhere in the Borough of Buena except within private residences.

E. No outdoor storage of cannabis or cannabis products is permitted at any time.

F. No consumption lounges or consumption area shall be permitted within the Borough of Buena.

G. No outdoor grow area or agricultural greenhouse for cannabis cultivation shall be permitted within the Borough of Buena.

H. The sale of non-cannabis food, non-cannabis beverages, alcohol or tobacco or consumption of food beverages, alcohol or tobacco on the premises retailer.

I. The residential use of any cannabis business.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof inconsistent herewith shall be repealed and void to the extent of such inconsistency.

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

1. Effective Date. This Ordinance shall take effect upon passage and publication as required by law and upon approval by the Local Finance Board.

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RESOLUTION 22A-23 A RESOLUTION APPROVING THE APPLICATION OF THE MINOTOLA FIRE DEPARTMENT FOR CONDUCTING COIN DROPS AT THE INTERSECTION OF ROUTE 40 AND NORTH EAST BOULEVARD

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

WHEREAS, the Minotola Volunteer Fire Department has applied to the Borough of Buena for approval to conduct coin drops at the intersection of Route 40 and North East Boulevard in accordance with the Borough of Buena coin drop guidelines; and

NOW THEREFORE, BE IT RESOLVED, that the Council of the Borough of Buena, Atlantic County, does hereby grant approval to the Minotola Volunteer Fire Department to conduct coin drops in the Borough Buena at the intersection of Route 40 and North East Boulevard on the following dates:

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 11**

Date:	Time:
May 25, 2023	8:00 AM – 8:00 PM
May 26, 2023	8:00 AM – 8:00 PM
May 27, 2023	8:00 AM – 8:00 PM
June 29, 2023	8:00 AM – 8:00 PM
June 30, 2023	8:00 AM – 8:00 PM
July 1, 2023	8:00 AM – 8:00 PM
August 31, 2023	8:00 AM – 8:00 PM
September 1, 2023	8:00 AM – 8:00 PM
September 2, 2023	8:00 AM – 8:00 PM
September 3, 2023	8:00 AM – 8:00 PM

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**RESOLUTION 23-23 A RESOLUTION ACCEPTING THE RESIGNATION OF VARIOUS
EMERGENCY MEDICAL TECHNICIANS EFFECTIVE IMMEDIATELY.**

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the following resignation be regretfully accepted effective immediately:

COLIN KISBY
JESSICA FARMSIDE
FRANKIE ANGELLO
SAMANTHA KOPEC

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**RESOLUTION 24-23 A RESOLUTION AUTHORIZING HIRING OF AN EMERGENCY
MEDICAL TECHNICIAN**

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

WHEREAS, the Borough of Buena Emergency Medical Services Department operates 24 hours a day, 365 days a year; and

WHEREAS, appropriate staffing is required for the department to operate effectively and efficiently; and

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 12**

WHEREAS, the Emergency Medical Services Chief of the Borough of Buena requests the authorization from Council to approve the hiring of the following candidate to replace the Emergency Service Technician(s) who have left the department:

Jennifer Archer

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Buena, County of Atlantic, State of New Jersey, hereby approve the hiring of aforementioned candidate as Per-diem Emergency Service Technician based on their qualifications with a start date effective January 12, 2023 and conditioned upon the successful completion of the hiring phases set forth in the Policy and Procedures of the Borough of Buena.

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RESOLUTION 25-23 A RESOLUTION APPOINTING ANGEL CALIXTO-GOMEZ AS FULL-TIME EMERGENCY MEDICAL TECHNICIAN EFFECTIVE JANUARY 22, 2023.

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

WHEREAS, a need exists to hire certain employees in the Borough of Buena; and

WHEREAS, a need exists for a full-time Emergency Medical Technician in Buena Emergency Medical Services Department; and

WHEREAS, Chief Ciruolo and Lieutenant Rodriquez conducted interviews and have recommended Angel Calixto-Gomez as the candidate to fill said position, effective January 22, 2023.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Buena, County of Atlantic, State of New Jersey, hereby approve the hiring of aforementioned candidate as Full-Time Emergency Service Technician based on his qualifications with a start date effective January 22, 2023 and conditioned upon the successful completion of the hiring phases set forth in the Policy and Procedures of the Borough of Buena.

BE IT FURTHER RESOLVED, that Calixto-Gomez shall be hired at the rate of \$23.00 per hour. Upon successful completion of a thirty-day probation period, Calixto-Gomez shall be paid at the rate of \$25.00 per hour.

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**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 13**

RESOLUTION 26-23 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING A CONTINUING DISCLOSURE AGENT SERVICES AND INDEPENDENT REGISTERED MUNICIPAL ADVISOR OF RECORD WITH PHOENIX ADVISORS, LLC.

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

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.

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**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 14**

RESOLUTION 27-23 A RESOLUTION AUTHORIZING THE ONE-MONTH EXTENSION OF A CONTRACT BETWEEN THE BOROUGH OF BUENA AND SHORE ANIMAL CONTROL SERVICES, LLC.

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

WHEREAS, the Borough of Buena contracted with Shore Animal Control Services, LLC, for the year ending December 31, 2022: and

WHEREAS, the Council desires to extend said contract for one month.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena as follows:

1. The Contract between the Borough of Buena and Shore Animal Control Services, LLC shall be extended for one month, terminating January 31, 2023, at the rate of \$1,650.00 per month.
2. This extension is contingent upon a Certificate of Availability of Funds as certified by the Chief Financial Officer.

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RESOLUTION 28-23 A RESOLUTION PERMANENTLY APPOINTING JAMES W. HOFFMAN AS BUILDING INSPECTOR FOR THE BOROUGH OF BUENA EFFECTIVE JANUARY 12, 2023.

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

WHEREAS, James W. Hoffman is duly licensed and qualified to serve as Building Inspector: and

WHEREAS, the said James W. Hoffman has agreed to serve as Building Inspector in the Borough of Buena effective January 12, 2023.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena as follows:

1. James W. Hoffman be and he is hereby permanently appointed as Building Inspector in the Borough of Buena, effective January 12, 2023.

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 15**

2. James W. Hoffman shall be paid bi-weekly at the rate set forth in the current Buena Borough salary resolution.
3. A certified copy of this resolution shall be submitted to the Department of Community Affairs by the Acting Clerk of the Borough of Buena to advise them of the appointment set forth herein.

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RESOLUTION 29-23 A RESOLUTION ACCEPTING THE RESIGNATION OF GLENN FRANZOI AS FIRE SUBCODE OFFICIAL

Council Member	x	2ND	AYE	NAY	ABSTAIN	ABSENT	Recuse
ANDALORO, G			X				
ALVAREZ			X				
ANDALORO, P	X		X				
BARSUGLIA		X	X				
ADAMS			X				
FABRIZIO						X	

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena that resignation of Glenn Franzoi be regretfully accepted effective January 25, 2023.

BE IT FURTHER RESOLVED that the Acting Clerk is hereby authorized and directed to advertise to fill the vacancy created by said resignation

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RESOLUTION 30-23 A RESOLUTION APPROVING LOUIS R. GONZALEZ, JR., AND SPEEDY'S ALIGNMENT AS A TOW OPERATOR AND STORAGE FACILITY FOR THE BOROUGH OF BUENA

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

WHEREAS, the Council of the Borough of Buena wishes to provide regulations governing the removal of motor vehicles from private or public property, fees charged for storage following removal, fees charged for such removal, notice requirements and the mercantile licensing of such operators pursuant to N.J.S.A. 40:48-2.49; and

WHEREAS, the Council wishes to set forth non-discriminatory and non-exclusionary regulations governing operators engaged in the business of removing and storing motor vehicles.

WHEREAS, on July 13, 2022, the Council of the Borough of Buena adopted Ordinance No. 709 setting forth the terms and conditions for approval; and

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 16**

WHEREAS, Louis R. Gonzalez, Jr., owner of Speedy’s Alignment has complied with all provisions set forth in Ordinance No. 709; and

WHEREAS, Deputy Chief Decesari has inspected the facility and approved Louis R. Gonzalez, Jr. as a tow operator and Speedy’s Alignment as a storage facility. NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Buena that Louis R. Gonzalez, Jr., and Speedy’s Alignment are approved as a tow operator and as a storage facility for removing and storing motor vehicles.

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RESOLUTION 31-23 A RESOLUTION REAPPOINTING PAMELA JOHNSTON AS FULL-TIME ACTING MUNICIPAL CLERK

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

WHEREAS, when a vacancy occurs in the office of the Municipal Clerk, NJAC 5:32-5.3 permits the governing body to appoint an Acting Municipal Clerk from the date of the vacancy to serve as acting municipal clerk for a period not to exceed one year and for an additional two years with the approval of the Director of New Jersey Local Government Services; and

WHEREAS, the Council of the Borough of Buena appointed Pamela Johnston to the position off Acting Municipal Clerk on January 18, 2022 for term of one year; and

WHEREAS, the Council of the Borough of has decided to reappoint Pamela Johnston to the position of Acting Clerk for a second term.

- NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena as follows:
1. Pamela Johnston is hereby appointed as Acting Municipal Clerk for a term commencing January 18, 2023 contingent upon the approval of the Director **of** the Division of Local Government Services.
 2. Said appointment is contingent upon the successful passage of the required State examination, achieving the status as a Registered Municipal Clerk in April, 2023, with other terms of employment set forth in the Offer of Employment Letter Dated January 6, 2023.

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**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 17**

RESOLUTION 32-23 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, RATIFYING AND CONFIRMING THE REAPPOINTMENT OF MARYANN CORALUZZO TO THE POSITION OF BUSINESS ADMINISTRATOR IN ACCORDANCE WITH N.J.S.A. 40A:9-137 AND ORDINANCE 592

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

WHEREAS, the Mayor and Council finds it to be in the best interest of the Borough of Buena to retain the professional services of a Business Administrator on a part-time basis to assist the Acting Clerk and provide administration of the day-to-day functions of the Borough; and

WHEREAS, the Mayor is familiar with the qualifications of Maryann Coraluzzo, as she has served the Borough in the position of Certified Municipal Clerk, Certified Municipal Tax Collector and Certified Municipal Registrar for well over 25 years and has the experience and qualifications to serve in the capacity of Administrator in a part time basis; and

WHEREAS, the Mayor has recommended the appointment of Maryann Coraluzzo to the position of Business Administrator part-time for Council’s consideration; and

WHEREAS, in accordance with N.J.S.A 40A:9-137, and Borough Ordinance 592, Borough Council is well familiar with the qualifications of Maryann Coraluzzo and finds her qualified for the position of Business Administrator.

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

1. The appointment of Maryann Coraluzzo by the Mayor is hereby ratified and confirmed.
2. The Business Administrator shall perform general administration duties twenty hours per week, or such further time as agreed upon between the Mayor and Maryann Coraluzzo which will best benefit the Borough.
3. The Business Administrator need not be a resident of the Borough of Buena.
4. The Business Administrator shall receive a salary in accordance with the Borough salary ordinance and shall be considered an employee of the Borough of Buena.
5. The Business Administrator shall execute a contract to serve for a term retroactive to January 1, 2023 and ending on December 31, 2023 or until replaced or reappointed.

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**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 18**

RESOLUTION 33-23 A RESOLUTION AUTHORIZING THE CFO TO REFUND AN OVERPAYMENT IN THE AMOUNT OF \$27.00 TO SPRINGMAN ENTERPRISES

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

WHEREAS, Springman Enterprises remitted a payment for an application in the amount of \$396.00 to the Borough of Buena Construction Office. The actual fee for the application was \$369.00 causing an overpayment of \$27.00 to be refunded.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of Buena Borough that the Chief Financial Officer is hereby authorized to refund the amount of \$27.00 to Springman Enterprises from the Construction Account.

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RESOLUTION 34-23 A RESOLUTION OF THE BOROUGH OF BUENA AUTHORIZING THE ENGINEER TO PREPARE AN ENGINEER'S ESTIMATE OF CONSTRUCTION COST AND CONCEPT PLAN AS REQUIRED BY THE FY2023 NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (D.C.A.) LOCAL GOVERNMENT RECREATION GRANT.

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Buena that the Engineer is authorized to prepare an Engineer's Estimate of Construction Cost and Concept Plan for the construction of a new bathroom facility at Bruno Melini Park as required by the FY2023 New Jersey D.C.A. Local Government Recreation Grant in an amount not to exceed \$750.00.

BE IT FURTHER RESOLVED that the award is contingent upon a Certification of availability of Funds from the Chief Financial Officer.

SOLICITOR'S REPORT:

Solicitor Tonetta recommended that motion may be decided prior to a meeting as to who make a motion and second to move the motion and that would not consider voting. A consent agenda would be read by title and motions would approve all the items under the consent agenda for normal business.

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 19**

UNFINISHED BUSINESS:

NEW BUSINESS:

Road Supervisor Nimohay reported that the State has been surveying at Route 40 and Flower for a drain to that will be placed under that section of the roads.

Councilwoman Gina Andalaro reported that she spoke with Valerie Jones in our Construction Office and permits have been received for a micro-brewery on Wheat Road. Councilwoman Gina Andalaro continued that she will resign due to the fact that her full-time job has become more demanding making it difficult to fulfil her obligations as councilwoman.

Council accepted with regrets, flowers were presented and well wishes and regrets were given by all.

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**RESOLUTION 35-23 A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE
RESIGNATION OF GINA ANDALORO FROM THE POSITION OF
BOROUGH COUNCIL OF THE BOROUGH OF BUENA**

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

A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE RESIGNATION OF GINA ANDALORO FROM THE POSITION OF BOROUGH COUNCIL OF THE BOROUGH OF BUENA

WHEREAS, Gina Andalaro has served the Borough of Buena as a council member; and

WHEREAS, Gina Andalaro has served the Borough of Buena in an exemplary manner; and

WHEREAS, Gina Andalaro has decided to resign effective January 13, 2023; and

WHEREAS, the Mayor and Council of the Borough of Buena would like to extend their gratitude to Gina Andalaro 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 Gina Andalaro be regrettfully accepted effective January 13, 2023.

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Councilman Adam’s proposed a change of a standing committee from Economic Development to Inspections / Permits/Tax Offices to create and expand this committee to cover more departments. In addition, Councilman Adam’s recommended updating the current By-Laws. Council President Adams commended Deputy Chief Decesari on his report that was detailed and graphics that was included

**BOROUGH OF BUENA
SPECIAL COUNCIL MEETING
MINUTES
JANUARY 12, 2023
PAGE 20**

Councilwoman Patricia Andalaro stated that the Louise Basile Building had been leased by the County for the nutrition site and would like to have empty office as a Senior Center Resource office.

ENGINEER'S REPORT: No Report

SOLICITOR'S REPORT: No Report

NEXT MEETING: JANUARY 23, 2023

MEETING ADJOURNED: M/ADAMS S/ANDALORO, P. RCVU

Pamela Johnston

Pamela Johnston
Acting Borough Clerk