

**BOROUGH OF BUENA  
REGULAR COUNCIL MEETING  
AGENDA  
JULY 11, 2022  
PAGE 1**

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

**ROLL CALL OF ATTENDANCE:**

| Council Member | Present | Absent |
|----------------|---------|--------|
| ANDALORO, G    |         |        |
| D’ALESSANDRO   |         |        |
| ADAMS          |         |        |
| ALVAREZ        |         |        |
| ANDALORO, P    |         |        |
|                |         |        |

**SUNSHINE LAW:** This meeting 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 December 6, 2021 as well as having been posted on the municipal bulletin board and website at [www.buenaboro.org](http://www.buenaboro.org)

**MAYOR’S REPORT:** FIRST ORDER OF BUSINESS.

**PUBLIC PORTION OF THE MEETING:**

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

| Council Member | By | 2nd | Yes | No | Abstain | Absent | Recuse |
|----------------|----|-----|-----|----|---------|--------|--------|
| ANDALORO, G    |    |     |     |    |         |        |        |
| D’ALESSANDRO   |    |     |     |    |         |        |        |
| ADAMS          |    |     |     |    |         |        |        |
| ALVAREZ        |    |     |     |    |         |        |        |
| ANDALORO, P    |    |     |     |    |         |        |        |
|                |    |     |     |    |         |        |        |

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

**MOTION TO CLOSE PUBLIC PORTION:**

| Council Member | By | 2nd | Yes | No | Abstain | Absent | Recuse |
|----------------|----|-----|-----|----|---------|--------|--------|
| ANDALORO, G    |    |     |     |    |         |        |        |
| D’ALESSANDRO   |    |     |     |    |         |        |        |
| ADAMS          |    |     |     |    |         |        |        |
| ALVAREZ        |    |     |     |    |         |        |        |
| ANDALORO, P    |    |     |     |    |         |        |        |
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**RESOLUTION NO. 84-22 RESOLUTION URGING THE SWIFT PASSAGE OF S-30/A3804,  
WHICH SHALL RESTORE THE ENERGY TAX RECEIPTS TO  
MUNICIPALITIES**

| <b>Council Member</b> | <b>By</b> | <b>2nd</b> | <b>Yes</b> | <b>No</b> | <b>Abstain</b> | <b>Absent</b> | <b>Recuse</b> |
|-----------------------|-----------|------------|------------|-----------|----------------|---------------|---------------|
| ANDALORO, G           |           |            |            |           |                |               |               |
| D'ALESSANDRO          |           |            |            |           |                |               |               |
| ADAMS                 |           |            |            |           |                |               |               |
| ALVAREZ               |           |            |            |           |                |               |               |
| ANDALORO, P           |           |            |            |           |                |               |               |
|                       |           |            |            |           |                |               |               |

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

**WHEREAS**, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

**WHEREAS**, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

**WHEREAS**, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

**WHEREAS**, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Buena hereby urges the Legislature to swiftly pass this legislation and Governor Murphy to sign the legislation prior to passage of the FY2023 State budget; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution is forwarded to Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, Senator Vincent Polistina; Senator Michael Testa, Jr.; Senator Jean Stanfield; Senator Christopher Connors; Assemblyman Donald Guardian; Assemblywoman Claire Swift; Assemblyman Antwan McClellan; Assemblyman Erik Simonsen; Assemblyman Michael Torrissi, Jr.; Assemblyman Brandon Umba; Assemblywoman DiAnne Gove; Assemblyman Brian Rumpf; the New Jersey League of Municipalities; New Jersey Conference of Mayors; Atlantic County Executive, Dennis Levinson; and the Atlantic County Board of Chosen Freeholders.

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**RESOLUTION NO. 85.22 A RESOLUTION OF THE BOROUGH OF BUENA ACCEPTING THE RESIGNATION OF ERIC STALTER AS EMERGENCY MEDICAL TECHNICIAN FOR THE BOROUGH OF BUENA, WITH REGRETS.**

| <b>Council Member</b> | <b>By</b> | <b>2nd</b> | <b>Yes</b> | <b>No</b> | <b>Abstain</b> | <b>Absent</b> | <b>Recuse</b> |
|-----------------------|-----------|------------|------------|-----------|----------------|---------------|---------------|
| ANDALORO, G           |           |            |            |           |                |               |               |
| D'ALESSANDRO          |           |            |            |           |                |               |               |
| ADAMS                 |           |            |            |           |                |               |               |
| ALVAREZ               |           |            |            |           |                |               |               |
| ANDALORO, P           |           |            |            |           |                |               |               |
|                       |           |            |            |           |                |               |               |

**WHEREAS**, Eric Stalter has served the Borough of Buena in the capacity of Emergency Medical Technician; and

**WHEREAS**, during his tenure, Eric Stalter has provided effective and compassionate representation to the Borough while serving as Emergency Medical Technician; and

**WHEREAS**, Eric Stalter has resigned his position, effective immediately.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena that the resignation of Eric Stalter be regrettably accepted effective immediately.

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**RESOLUTION NO. 86-22 RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN THE MAYOR, BOROUGH COUNCIL, BOROUGH CLERK AND BOROUGH SOLICITOR CONCERNING PENDING LITIGATION IN WHICH THE PUBLIC BODY IS A PARTY AND AUTHORIZING THE DISCLOSURE OF MINUTES OF SAID MEETING AS PROVIDED HEREIN**

| <b>Council Member</b> | <b>By</b> | <b>2nd</b> | <b>Yes</b> | <b>No</b> | <b>Abstain</b> | <b>Absent</b> | <b>Recuse</b> |
|-----------------------|-----------|------------|------------|-----------|----------------|---------------|---------------|
| ANDALORO, G           |           |            |            |           |                |               |               |
| D'ALESSANDRO          |           |            |            |           |                |               |               |
| ADAMS                 |           |            |            |           |                |               |               |
| ALVAREZ               |           |            |            |           |                |               |               |
| ANDALORO, P           |           |            |            |           |                |               |               |
|                       |           |            |            |           |                |               |               |

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

**WHEREAS**, the Borough Council desires to meet with the Mayor, Borough Clerk and Borough Solicitor concerning ongoing litigation.

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

1. The public shall be excluded from a meeting of the Council of the Borough of Buena, on July 11,2022 at 7:00 p.m.in the Council Chambers during a recess of the regular session of Borough Council.
2. The general nature of the subject matter of the closed meeting shall pertain to pending litigation in which the public body is a party as set forth hereinabove.
3. Disclosure of the minutes of the closed meeting authorized above between the Borough Council, the Mayor, Borough Clerk, and Borough Solicitor shall be made public following a final decision and determination of said matter except for information which must remain private.
4. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 180 days, however, any personal confidential information may not be released.

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**RESOLUTION NO. 87-22 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN BOROUGH COUNCIL AND THE ACTING BOROUGH CLERK TO DISCUSS A SPECIAL SERVICES AGREEMENT FOR REPRESENTATION IN THE PENDING LANDISVILLE FIRE CO. LITIGATION AND DISCUSS A PERSONNEL MATTER.**

| Council Member | By | 2nd | Yes | No | Abstain | Absent | Recuse |
|----------------|----|-----|-----|----|---------|--------|--------|
| ANDALORO, G    |    |     |     |    |         |        |        |
| D'ALESSANDRO   |    |     |     |    |         |        |        |
| ADAMS          |    |     |     |    |         |        |        |
| ALVAREZ        |    |     |     |    |         |        |        |
| ANDALORO, P    |    |     |     |    |         |        |        |
|                |    |     |     |    |         |        |        |

**WHEREAS**, N.J.S.A. 1024—12, Open Public Meetings Act, permits the exclusion of the public from a meeting of a public body where the subject matter of that meeting involves a personnel matter and pending litigation; and

**WHEREAS**, the Solicitor of the Borough has withdrawn as the Attorney for Plaintiffs, effective June 28, 2022, and therefore the Borough is in immediate need of Special Counsel and will discuss an agreement for representation with the Law Firm of Testa Heck Testa & White, P.A., of Vineland NJ, to be hire as Special Counsel; and

**WHEREAS**, the Borough Council will discuss the termination for cause of the Boro Solicitor

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

1. The public shall be excluded from a meeting of the Council of the Borough of Buena, on July 11, 2022 in the Council Chambers immediately following or during the regular session of Borough Council.
2. It is anticipated that the minutes of the deliberation conducted in closed session may be disclosed to the public within 30 days, however, any personal confidential information may not be released.

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**RESOLUTION NO. 88-22 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, TO APPROVE AND AUTHORIZE THE HIRING OF THE LAW FIRM OF TESTA, HECK, TESTA & WHITE P.A., IN AGREEMENT WITH A SPECIAL SERVICES AGREEMENT, AS SPECIAL COUNSEL**

| <b>Council Member</b> | <b>By</b> | <b>2nd</b> | <b>Yes</b> | <b>No</b> | <b>Abstain</b> | <b>Absent</b> | <b>Recuse</b> |
|-----------------------|-----------|------------|------------|-----------|----------------|---------------|---------------|
| ANDALORO, G           |           |            |            |           |                |               |               |
| D'ALESSANDRO          |           |            |            |           |                |               |               |
| ADAMS                 |           |            |            |           |                |               |               |
| ALVAREZ               |           |            |            |           |                |               |               |
| ANDALORO, P           |           |            |            |           |                |               |               |
|                       |           |            |            |           |                |               |               |

**WHEREAS**, mayor and council of the Borough of Buena have the immediate need to hire a special counsel, and;  
**WHEREAS**, to represent the Boro in the pending litigation with Landisville Fire Co., District 1, the Commissioners and Individuals; and

**NOW THEREFORE, BE IT RESOLVED** that the mayor and council of the borough of Buena hereby authorize the hiring of the LAW FIRM OF TESTA, HECK, TESTA & WHITE P.A to serve as special / labor counsel for the borough at the rate of \$175.00 per hour.

**ADOPTED** at a meeting of the Borough Council of Buena Borough, County of Atlantic, State of New Jersey held on July 11, 2022

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**RESOLUTION 89-22 A RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC, AUTHORIZING THE EXCLUSION OF THE PUBLIC FROM A MEETING BETWEEN BOROUGH COUNCIL, THE ACTING BOROUGH CLERK AND SPECIAL COUNSEL MR TESTA, ESQ, TO DISCUSS PENDING LITIGATION AND THE TERMINATION OF THE BOROUGH SOLICITOR.**

| <b>Council Member</b> | <b>By</b> | <b>2nd</b> | <b>Yes</b> | <b>No</b> | <b>Abstain</b> | <b>Absent</b> | <b>Recuse</b> |
|-----------------------|-----------|------------|------------|-----------|----------------|---------------|---------------|
| ANDALORO, G           |           |            |            |           |                |               |               |
| D'ALESSANDRO          |           |            |            |           |                |               |               |
| ADAMS                 |           |            |            |           |                |               |               |
| ALVAREZ               |           |            |            |           |                |               |               |
| ANDALORO, P           |           |            |            |           |                |               |               |
|                       |           |            |            |           |                |               |               |

**WHEREAS**, N.J.S.A. 10:4—12, Open Public Meetings Act, permits the exclusion of the public from a meeting of a public body where the subject matter of that meeting involves pending litigation and a personnel matter; and



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**WHEREAS**, Borough of Buena Council has terminated for cause the current year Solicitor; and

**WHERE AS**, Borough of Buena Council has an immediate need for a Solicitor; and

**WHERE AS**, Borough of Buena Council needs to fill the immediate need and appoint Richard P. Tonetta Law Office, Richard P. Tonetta, Esq., Borough Solicitor for the unexpired term to December 31, 2022, at the same rate and provisions of the previous Solicitor’s Contract

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Buena has appointed Richard P. Tonetta Law Office, Richard P. Tonetta, Esq., for the unexpired term of Borough Solicitor, to December 31, 2022, at the same rate and provisions of the previous Solicitor’s Contract

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**ENGINEER’S REPORT:**

**FY2021 NJDOT Municipal Aid Project – South Boulevard Drainage Improvements**

Our office is addressing comments from the NJDOT prior to their authorization to advertise for bids.

**FY2022 NJDOT Municipal Aid Project – E. Summer Road and E. Flower Street**

The Borough received \$285,000 for E. Summer Road and E. Flower Street. Our office submitted a proposal for survey and engineering work. We are awaiting authorization.

**Expansion of the Commerce Center Redevelopment Area**

The public hearing has not been scheduled yet.

**FY2023 NJDOT Municipal Aid Application**

The application was submitted for additional funds for E. Flower Street and E. Summer Road and to complete the reconstruction of South Boulevard.

**SOLICITOR’S REPORT:**

**COMMITTEE REPORTS:**

- ECONOMIC DEVELOPMENT.....CHAIRWOMAN, GINA ANDALORO,  
JORGE ALVAREZ
  
- ROADS/RECYCLING.....CHAIRMAN, ,  
JORGE ALVAREZ, GINA ADALORO
  
- RECREATION .....CHAIRMAN, DAVID ZAPPARIELLO,  
JOSEPH D’ALESSANDRO, PAT ANDALORO
  
- FINANCE.....CHAIRMAN, JORGE ALVAREZ,  
JOSEPH D’ALESSANDRO, PAT ANDALORO
  
- PUBLIC SAFETY/STREET LIGHTS.....CHAIRMAN, JOSEPH D’ALESSANDRO,  
GINA ANDALORO,

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BLDGS/GROUNDS/IMPROVEMENTS.....CHAIRWOMAN PAT ANDALORO,  
JOSEPH D'ALESSANDRO

**MINUTES OF THE REGULAR MEETING OF JUNE 27, 2022. IF NO CORRECTIONS OR ADDITIONS,  
ENTERTAIN A MOTION TO APPROVE:**

| Council Member | By | 2nd | Yes | No | Abstain | Absent | Recuse |
|----------------|----|-----|-----|----|---------|--------|--------|
| ANDALORO, G    |    |     |     |    |         |        |        |
| D'ALESSANDRO   |    |     |     |    |         |        |        |
| ADAMS          |    |     |     |    |         |        |        |
| ALVAREZ        |    |     |     |    |         |        |        |
| ANDALORO, P    |    |     |     |    |         |        |        |
|                |    |     |     |    |         |        |        |

**CORRESPONDENCE:**

1. E-mail letter from Costigan & Costigan concerning Public Auction.

**NEED MOTION TO FILE CORRESPONDENCE:**

| Council Member | By | 2nd | Aye | Nay | Abstain | Absent | Recuse |
|----------------|----|-----|-----|-----|---------|--------|--------|
| ANDALORO, G    |    |     |     |     |         |        |        |
| ALVAREZ        |    |     |     |     |         |        |        |
| ADAMS          |    |     |     |     |         |        |        |
| D'ALESSANDRO   |    |     |     |     |         |        |        |
| ANDALORO, P    |    |     |     |     |         |        |        |
|                |    |     |     |     |         |        |        |

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**BILLS PAID AS LISTED:**

| Council Member | By | 2nd | Yes | No | Abstain | Absent | Recuse |
|----------------|----|-----|-----|----|---------|--------|--------|
| ANDALORO, G    |    |     |     |    |         |        |        |
| D'ALESSANDRO   |    |     |     |    |         |        |        |
| ADAMS          |    |     |     |    |         |        |        |
| ALVAREZ        |    |     |     |    |         |        |        |
| ANDALORO, P    |    |     |     |    |         |        |        |
|                |    |     |     |    |         |        |        |

**NEXT MEETING:** AUGUST 8, 2022

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