

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 12, 2023
PAGE 1**

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

CALL MEETING TO ORDER: FLAG SALUTE

ROLL CALL OF ATTENDANCE:

Council Member	Present	Absent
MERIGHI		
ALVAREZ		
ADAMS		
BARSUGLIA		
ANDALORO		
FABRIZIO		

ALSO IN ATTENDANCE:

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 November 18, 2022 as well as having been posted on the municipal bulletin board and website at www.buenaboro.org

MAYOR'S REPORT: FIRST ORDER OF BUSINESS

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

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 12, 2023
PAGE 2**

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	Aye	Nay	Abstain	Absent	Recuse
MERIGHI							
ALVAREZ							
ADAMS							
BARSUGLIA							
ANDALORO							
FABRIZIO							

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Resolution 107-23 Approval to Submit a Grant Application LTPF-2023-Plymouth St, Friendship Rd, and So-00202 And Execute Grant Agreement with the New Jersey Department of Transportation

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

WHEREAS, the New Jersey Department of Transportation accepts applications for the Local Transportation Project Fund Program; and

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, subject to funding appropriation, the Local Transportation Projects Fund is established to address specific focused local transportation issues throughout the State; and

WHEREAS, these projects are approved at the discretion of the Commissioner; and

WHEREAS, this grant program does not require a local match; and

WHEREAS, the Borough of Buena carefully considers grant programs that assist the Borough in achieving projects and programs that are priorities for the community; and

WHEREAS, the Borough of Buena wishes to apply for to the Local Transportation Project Fund Program for a grant to resurface Friendship Road from Route 54 to Weymouth Road; to resurface Plymouth Street from South Boulevard to 950 feet Northwest of E. Summer Road; to construct curb and sidewalk on South Boulevard from Central Avenue to 1200 feet Northeast of Central Avenue; and

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 12, 2023
PAGE 3**

NOW, THEREFORE, BE IT RESOLVED that Borough Council of the Borough of Buena formally approves a Local Transportation Project Fund Program grant application.

BE IT FURTHER RESOLVED that the Mayor, Clerk and Borough Engineer are hereby authorized to submit an electronic grant application identified as **LTPF-2023-Plymouth St, Friendship Rd, and So-00202** to the New Jersey Department of Transportation on behalf of the Borough of Buena.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Buena and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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Resolution 108-23 Approval to Submit a Grant Application MA-2024-Reconstruction of East Summer Road-00182 And Execute Grant Agreement with the New Jersey Department of Transportation

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

WHEREAS, the New Jersey Department of Transportation accepts applications for the Municipal Aid Program; and

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, subject to funding appropriation, the Municipal Aid Fund is established to address specific focused local transportation issues throughout the State; and

WHEREAS, these projects are approved at the discretion of the Commissioner; and

WHEREAS, this grant program does not require a local match; and

WHEREAS, the Borough of Buena carefully considers grant programs that assist the Borough in achieving projects and programs that are priorities for the community; and

WHEREAS, the Borough of Buena wishes to apply for to the Municipal Aid Program for a grant to Reconstruction East Summer Road from US Route 40 to 200 ft west of East Summer Road; and

NOW, THEREFORE, BE IT RESOLVED that Borough Council of the Borough of Buena formally approves a Municipal Aid Program grant application.

BE IT FURTHER RESOLVED that the Mayor, Clerk and Borough Engineer are hereby authorized to submit an electronic grant application identified as MA-2024-Reconstruction of East Summer Road-00182 to the New Jersey Department of Transportation on behalf of the Borough of Buena.

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 12, 2023
PAGE 4**

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Buena and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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RESOLUTION 109-23 A RESOLUTION AUTHORIZING THE ACTING CLERK TO ADVERTISE FOR PROPOSALS (RFP) FOR A MASTER TENANT FOR THE BUENA COMMERCE CENTER AND QUALIFICATIONS (RFQ) FOR ENGINEERING SERVICES FOR THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS CDBG ADA IMPROVEMENTS GRANT

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

BE IT RESOLVED by the Council of the Borough of Buena that Acting Clerk is hereby authorized and directed to advertise proposals (RFP) for a master tenant for the Buena Commerce Center and Qualifications (RFQ) for engineering services for the New Jersey Department of Community Affairs CDBG ADA Improvements grant.

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RESOLUTION 110-23 AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE MINOTOLA FIRE COMPANY AND THE BOROUGH OF BUENA FOR FIRE SUPPRESSION/PREVENTION SERVICES

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

WHEREAS, the Borough of Buena hereto fore received a duly certified petition signed by the requisite number of resident voters requesting the Borough Council consider the dissolution of the existing Fire District No. 2; and

WHEREAS, as part of the considerations necessary before Council considers said petition is to provide evidence to the Local Finance Board in the Division of Local Government Services, Department of Community

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 12, 2023
PAGE 5**

Affairs, that should the authority be dissolved, the service provided to the community shall continue to protect the public health and welfare, in accordance with N.J.S.A. 40A:5A-20; and

WHEREAS, for almost 100 years the Minotola Fire Company has and continues to provide fire suppression/prevention services to the residents of the Borough under the provisions of the Board of Fire Commissioners of Fire District No. 2; and

WHEREAS, should Fire District No.2 be dissolved, the obligations previously undertaken by the Board of Fire Commissioners shall fall onto the Borough Council; and

WHEREAS, the governing body of the Minotola Fire Company has or shall adopt a resolution authorizing the execution of a Memorandum of Understanding with the Borough of Buena that should the Borough Council and Local Finance Board favorably consider the dissolution of Fire District No 2 and the Board of Fire Commissioners, it shall continue to provide fire suppression/prevention services for the residents of the Borough under the Borough Council in accordance with N.J.S.A. 40A:14-68; and

WHEREAS, Borough Council finds it to be in the best interest of the Borough and in furtherance of the consideration of the petition to dissolve Fire District No. 2 to execute a Memorandum of Understanding in the form and substance as attached hereto subject to non substantive changes as recommended by the Solicitor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Mayor or Council President is hereby authorized to execute a Memorandum of Understanding with the Minotola Fire Company memorializing the understanding of the parties that should Fire District be dissolved by Borough Council as approved by the Local Finance Board, it shall enter into an agreement to provide fire suppression/prevention services to the residents of the Borough of Buena

RESOLUTION 111-23 AUTHORIZING THE EXECUTION OF AN APPLICATION WITH THE LOCAL FINANCE BOARD WITHIN THE DIVISION OF LOCAL GOVERNMENT SERVICES, DEPARTMENT OF COMMUNITY AFFAIRS FOR THE CONSIDERATION OF THE DISSOLUTION OF ALL FIRE DISTRICTS IN THE BOROUGH IN ACCORDANCE WITH N.J.S.A. 40A:5A-20

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

WHEREAS, as a result of a petition received by the Borough requesting the dissolution of all fire districts in accordance with N.J.S.A. 40A: 14-91, Council must consider such a request; and

WHEREAS, in accordance with N.J.S.A. 40A:5A-20, notwithstanding any law to the contrary, prior to the dissolution of any authority or in this instance, a fire district, the Local Finance Board within the Division of Local Government Services must determine if the services being provided by the agency being dissolved will

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 12, 2023
PAGE 6**

continue for the protection of the health and safety of the residents as well as a showing that the dissolution will result in a financial benefit to the municipality; and

WHEREAS, the Local Finance Board requires an application be filed for the purpose of their consideration of the potential dissolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Buena that the Mayor or Council President is hereby authorized to execute and submit an application to the Local Finance Board within the Division of Local Government Services, Department of Community Affairs for their consideration regarding the potential dissolution of Fire District No. 2 and the Board of Fire Commissioners in accordance with N.J.S.A. 40A:5A-20.

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**RESOLUTION 112-23 IN COMPLIANCE WITH THE NEW JERSEY CANNABIS
REGULATORY COMMISSION MEMORANDUM OF DECEMBER 10,
2021 FOR A CLASS I LICENSE FOR ORGANIC GREEN BUDS LLC**

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

WHEREAS, the New Jersey Administrative Code, Title 17, Chapter 30 was adopted to set forth the rules regarding the licensing of personal use cannabis businesses within the State of New Jersey, among other regulations; and

WHEREAS, the New Jersey Cannabis Regulatory Commission (CRC) submitted a Memorandum dated December 10, 2021, a copy which is attached hereto that provides “Guidance for Local Support” which sets forth a requirement that the governing body of a municipality must adopt a resolution “as evidence of local support” containing a statement that includes:

- a. the license applicant’s legal name under which they are registered to do business in the State of New Jersey
- b. A determination that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction; and
- c. A confirmation that if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the license applicant by the Commission would not exceed that limit; and

WHEREAS, Borough Council finds that the requirements that the Governing Body provide “local support” at the application stage as outlined herein above and in the Memorandum of the CRC is not a function of the legislative branch of the municipal government and to provide “local support” before obtaining site control and site plan approval from the appropriate Land Use Board is inappropriate; and

WHEREAS, Borough Council recognizes the benefits of licensing cannabis businesses within the

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 12, 2023
PAGE 7**

Borough of Buena including creation of economic development, tax ratables and job creation and therefore finds it to be in the best interest of the City to comply with the CRC Memorandum dated December 10 2021 to the extent it has the authority to do so; and

WHEREAS, Organic Green Buds LLC, Wayne, New Jersey, has applied to the CRC for approval of a conditional license for a cultivator to operate an adult personal-use cannabis business in the State of New Jersey and the CRC has found their application complete, has scored sufficiently high to be issued a conditional license, is qualified to hold a conditional license pursuant to N.J.A.C. 17:30-7.4 and has paid the appropriate fee to the CRC as outlined in the letter dated March 28, 2022 attached hereto and made a part hereof upon which Council shall rely; and

WHEREAS, Organic Green Buds LLC now seeks “local support” in the form specified in the aforementioned Memorandum and Borough Council finds it to be in the best interest of the Borough to provide a resolution as specified herein.

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

- a. in reliance upon the CRC investigation of Organic Green Buds LLC and the Notice of Application Acceptance, the license applicants legal name is as set forth in the application and approval of the CRC dated October 28, 2022.
- b. Borough of Buena did not adopt an Ordinance on or before August 21, 2021 to either prohibit or limit the number of cannabis establishments within the Borough and therefore all classes of cannabis businesses are permitted within the Borough but restricted to certain zones in accordance with Section 31b of P.L. 2021.c.16.
- c. At the time of the adoption of this Resolution the issuance of a license to Organic Green Buds LLC for a cultivator’s license would not exceed a limit imposed by Borough Council.

BE IT FURTHER RESOLVED that nothing contained herein shall be relied upon as granting any form of license or land use approvals by the Governing Body or the Administration for the operation of any cannabis business within the Borough of Buena and that the intent of this Resolution is solely to comply with the Memorandum of the New Jersey Cannabis Regulatory Commission dated December 10, 2021 so as to allow continued consideration for an annual license by the CRC.

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RESOLUTION 113-23 BOROUGH OF BUENA 2023 EMERGENCY TEMPORARY BUDGET

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

WHEREAS, an emergent condition has arisen with respect to providing appropriation for expenditures and no adequate provision has been made in the 2023 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2023 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.40A:4-20) including this resolution total \$4,932,661.99

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 12, 2023
PAGE 8**

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for the attached list of line items.
2. That said emergency temporary appropriations will be provided for in 2023 municipal budget as adopted.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

NOW, THEREFORE, BE IT RESOLVED that the following appropriations shall constitute the Borough of Buena 2023 Temporary Budget:

General Government:

Municipal Clerk's Office

Salaries & Wages	19,100.00	
Expenses	2,300.00	Other

Mayor and Council

Salary & Wages	8,200.00
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Financial Administration

Salaries & Wages	30,000.00
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Assessment of Taxes

Salaries & Wages	3,800.00
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Other Expenses	1,200.00
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Collection of Taxes

Salaries & Wages	16,450.00
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Administrator

Salary & Wages	7,000.00
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Legal Services and Costs

Other Expenses	15,000.00
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Land Use Board

Salary & Wages	3,160.00
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Insurance

General Insurance	26,202.72
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Health Insurance	100,000.00
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Disability Insurance	2,000.00
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Public Safety:

Emergency Medical Services

Salaries & Wages	112,000.00
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Enforcement Officer

Salaries & Wages	2,325.00
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Uniform Construction Code:

Sub-Code Official

Occupancy Inspector	435.00
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Building Inspector	3,840.00
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Plumbing Inspector	3,920.00
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Electrical Inspector	2,220.00
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Fire Prevention Inspector	2,470.00
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Unclassified:

Gasoline	9,000.00
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**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 12, 2023
PAGE 9**

ENGINEER'S REPORT:

Marc DeBlasio, P.E., P.P., C.M.E.
Borough Engineer

Grant Applications

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

Capital Projects

FY2022 and FY2023 NJDOT Municipal Aid - Reconstruction of E. Flower Street and South Boulevard

- The Borough has been notified by the NJDOT that \$285,000.00 in FY2022 Grant funds have been awarded for the reconstruction of E. Flower Street, E. Summer Road and South Boulevard.
 - The Borough has been notified by the NJDOT that \$261,640.00 in FY2023 Grant funds have been awarded for the reconstruction of E. Flower Street, E. Summer Road and South Boulevard.
 - Due to the fact that the project costs exceed the combined grant amounts and there appears to be a potential sanitary sewer pipe collapse on E. Summer Road, the Borough has decided to proceed with just South Boulevard and E. Flower Street.
 - The design phase is complete and we have uploaded the contract documents to NJDOT online for project concurrence. We expect an answer in 1-2 weeks and will be ready to advertise for bidding in July.
1. Cannabis Zoning Map
 - Our office has been authorized to proceed with the preparation of a Cannabis Zoning Map. The map has been finalized and has been adopted by Council.
 2. ADA Accessibility of Borough Buildings
 - Our office solicited the services of McLees Architecture to provide a proposal for services relating to the replacement of ADA doors at three (3) Municipal Buildings; the Borough Hall, the Louise Basile Center and the Historical Society. ADA bathrooms and emergency hall lights were also explored at the Historical Society. Our office has provided the Borough with a proposal and we are awaiting direction.
 3. Zoning Map
 - Our office completed a new Zoning Map which has been adopted by Borough Council.

SOLICITOR'S REPORT:

**BOROUGH OF BUENA
REGULAR COUNCIL MEETING
AGENDA
JUNE 12, 2023
PAGE 10**

CLERK’S REPORT:

Minutes of the regular meeting of May 22, 2023. If no corrections or additions, entertain a motion to approve:

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

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS PAID AS LISTED:

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

NEXT MEETING: JUNE 26, 2023

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